

**CANADIAN HUMAN RIGHTS TRIBUNAL TRIBUNAL CANADIEN DES
DROITS DE LA PERSONNE**

RICHARD WARMAN

Complainant

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

GLENN BAHR

- and -

WESTERN CANADA FOR US

Respondents

RULING

MEMBER: Karen A. Jensen 2006 CHRT 24
2006/05/15

[1] This is a ruling on a motion involving two complaints that are scheduled to be heard together on May 23, 2006. The Respondents, Mr. Glenn Bahr and Western Canada for Us ("WCFU"), have requested that the complaint against Western Canada for Us ("WCFU") be dismissed. The complaints involve allegations that WCFU and Glenn Bahr communicated hate messages by means of the Internet contrary to s. 13 of the *Canadian Human Rights Act*.

[2] Through his agent, Mr. Bahr argued that WCFU is neither a living human being nor a corporation. It is an Internet website. He further argued that, according to the *Canadian Human Rights Act* and the *Interpretation Act*, a respondent in proceedings involving section 13 of the *Act* must be either a living human being or a corporation. In support of his motion, Mr. Bahr's agent produced the Investigation Report of the Canadian Human Rights Commission which suggests that the Commission investigator thought that WCFU was the website found at the following Internet address: www.westerncanadaforum.com.

[3] The Complainant, Mr. Richard Warman, argued that the erroneous identification by the Commission investigator of the Respondent WCFU as a website is of no significance at this stage in the process. The proper recourse for disputes about the Commission's process is an application for judicial review before the Federal Court.

[4] The Complainant also argued that this Tribunal's Ruling in *Warman v. Guille and Canadian Heritage Alliance* 2006 CHRT 12 is applicable in the present case. In *Warman v. Guille and Canadian Heritage Alliance*, I held that the appropriate time to resolve the

question of whether the Canadian Heritage Alliance was "a group of persons acting in concert to communicate" was during the hearing on the merits of the complaint when the Tribunal would have the benefit of a full evidentiary record.

[5] The Commission argued that complaints involving s. 13 of the *Act* have been substantiated against unincorporated groups of persons as long as some or all of certain indicia are present identifying them as a group.

[6] The style of cause on the complaint form and the letter of referral from the Canadian Human Rights Commission indicate that the complaints are against Mr. Glenn Bahr and Western Canada for Us, not www.westerncanadaforum.com. Whether Western Canada for Us is "a group of persons acting in concert to communicate messages over the Internet" within the meaning of s. 13(1) of the *Act* has yet to be determined. For the reasons that I stated in my ruling in *Warman v. Guille, supra*, this is a determination that must be made on the basis of adequate evidence. The evidence on the record at this time is inadequate to make such a determination.

[7] Although the Commission investigator stated that Western Canada for Us was a website, in his Statement of Particulars, Mr. Bahr identifies Western Canada for Us as "an Alberta-based group dedicated to immigration reform and freedom of speech". According to Mr. Bahr's Statement of Particulars, Western Canada for Us organized meetings and protests. Thus, there would appear to be different views about the identity of Western Canada for Us and the nature of the activities in which it was involved. The appropriate time to resolve these differences is during the hearing when there will be an opportunity for sworn testimony and cross-examination.

[8] Therefore, Mr. Bahr's request that the complaint against Western Canada for Us be dismissed is denied without prejudice to his right to renew the request at the hearing on the merits of the complaint.

"signed by"

Karen A. Jensen

OTTAWA, Ontario
May 15, 2006

PARTIES OF RECORD

TRIBUNAL FILE:	T1087/6805 and T1088/6905
STYLE OF CAUSE:	Richard Warman v. Western Canada for Us and Glenn Bahr
RULING OF THE TRIBUNAL	May 15, 2006

DATED:	
APPEARANCES:	
Richard Warman	For himself
Giacomo Vigna / Ikram Warsame	For the Canadian Human Rights Commission
Paul Fromm	For the Respondent, Glenn Bahr
Western Canada for Us	No representations made