

Canadian Human  
Rights Tribunal



Tribunal canadien  
des droits de la personne

**Between:**

**Micheline Montreuil**

**Complainant**

**- and -**

**Canadian Human Rights Commission**

**Commission**

**- and -**

**Canadian Forces**

**Respondent**

**Ruling**

**Member:** Pierre Deschamps

**Date:** October 25, 2007

**Citation:** 2007 CHRT 47

[1] The complainant, Micheline Montreuil, filed a motion with the Tribunal during the hearing on October 17, 2007, first, to have Guy Lamb, one of the respondent's counsel, declared guilty of breaching his professional and ethical duties, as well as deliberately deceiving and misleading the complainant. In her request, Ms. Montreuil asks, moreover, that Mr. Lamb be excluded from the Tribunal (*sic*) for the remainder of the hearings.

[2] Attached to this request is another request to order the respondent, the Canadian Forces, to pay the complainant the amount of \$336.10 in repayment of the costs incurred for a trip to Montréal in May 2006 for an interview with Dr. Assalian, Dr. Wilchesky and Dr. Dufour.

[3] At the hearing, the respondent made a verbal motion to dismiss the complainant's requests. The respondent raised two grounds regarding the finding of guilt and one ground regarding the payment of the amount of \$336.10.

[4] With regard to the request for the declaration of guilt, the respondent submits first that the Tribunal does not have jurisdiction to decide this matter and that there are other forums for dealing with the issues raised by the complainant. The respondent submits next that the complainant's request is an abusive proceeding that has no basis in law.

[5] With regard to the payment of the amount of \$336.10 for costs incurred by the complainant when she travelled to Montreal for an interview with Dr. Assalian, Dr. Wilchesky and Dr. Dufour, the respondent argues that this issue must be determined later, namely during the arguments on remedies.

[6] After hearing counsel, the Tribunal rendered judgment from the bench. The Tribunal granted the respondent's verbal motion to dismiss, with reasons to follow in regard to the complainant's first request. The Tribunal deferred its decision regarding the amount of \$336.10 until after hearing the parties on the issue of remedies.

[7] This decision sets out the reasons that lead the Tribunal to dismiss the complainant's first request regarding Mr. Lamb's conduct.

[8] In this case, the complainant is asking the Tribunal to find Mr. Lamb guilty of failing to respect his professional and ethical duties as well as deliberately deceiving and misleading the complainant. She is requesting that Mr. Lamb be excluded for the remainder of the hearings.

[9] The complainant, who is a lawyer, must know that breaches of professional ethics, for that is what we are dealing with in this case, are under the jurisdiction of the Barreau du Québec's syndic and not of a Tribunal like this Tribunal. If the complainant believes that Mr. Lamb acted inappropriately toward her and breached his professional duties, the complainant can file a complaint with the syndic of the Barreau du Québec. The Tribunal does not have any jurisdiction to declare counsel *guilty* of a breach of professional ethics. [Emphasis added.]

[10] Moreover, the Tribunal is of the opinion that this request involving a counsel of the Canadian Forces is an abuse of process. As stated earlier, the Tribunal has no authority to find counsel guilty of failing to respect his professional and ethical duties or deliberately deceiving and misleading the complainant. This would require some form of proof from the complainant as well as a response from Mr. Lamb. Whatever the case, the Tribunal does not have the jurisdiction to preside over such a hearing.

[11] That said, the request to exclude Mr. Lamb from the Tribunal for the remainder of the hearings has no legal foundation, no legal basis and makes no sense. It is an entirely unreasonable request by Ms. Montreuil and is indicative of a complete ignorance of the rules of procedure and the applicable law on her part.

[12] A party cannot present untimely procedures as she pleases and rashly demand orders. This is what Ms. Montreuil is doing in this case. The findings that she seeks in this case are a *non sequitur* to the allegations.

[13] Rather than file requests like the request contemplating Mr. Lamb, it would be to Ms. Montreuil's advantage to concentrate on the more fundamental aspects of her complaint. In so doing, she would not have to work day and night and she would then be able to make her presence at the hearings more constructive.

[14] Moreover, if Ms. Montreuil believes that there was an agreement between her and the respondent's counsel in regard to her travelling to Montréal to meet with Dr. Assalian, Dr. Wilchesky and Dr. Dufour and that there's a breach of the agreement, she will simply have to argue in due course that there was an agreement – even verbal – and that it was breached. The Tribunal will then be able to determine whether there was such an agreement and, if need be, order the respondent to pay back the costs claimed.

[15] Accordingly, the motion to dismiss by the respondent's counsel is granted and Ms. Montreuil's request to have Mr. Guy Lamb, one of the respondent's counsel, found guilty of failing to respect his professional and ethical duties and deliberately deceiving and misleading the complainant, as well as to exclude him from the hearings, is dismissed.

*Signed by*

Pierre Deschamps  
Tribunal Member

Ottawa, Ontario  
October 25, 2007

## **Canadian Human Rights Tribunal**

### **Parties of Record**

**Tribunal File:** T1047/2805

**Style of Cause:** Micheline Montreuil v. Canadian Forces

**Ruling of the Tribunal Dated:** October 25, 2007

#### **Appearances:**

Micheline Montreuil, for herself

Ikram Warsame, for the Canadian Human Rights Commission

Guy Lamb and Claude Morissette, for the Respondent