



HUMAN RIGHTS TRIBUNAL OF ONTARIO

BETWEEN:

Adele Mercier

Applicant

-and-

**Queen's University, Alistair Maclean, Christine Sypnowich, Dan Bradshaw,
David Bakhurst, Gordon Smith, Henry Laycock, Rahul Kumar, Deborah Knight
and Sergio Sismondo**

Respondents

INTERIM DECISION

Adjudicator: Sherry Liang
Date: June 9, 2011
File Number: 2010-07587-I
Citation: 2011 HRTO 1129
Indexed as: **Mercier v. Queen's University**

[1] This Interim Decision addresses the applicant's request to extend the time for filing a Reply, her representative, and her request for documentary disclosure.

[2] The time for filing the Reply is extended to June 30, 2011.

[3] Based on the applicant's request, the Tribunal will continue to treat Pierre Mercier as her representative. Thus, the Tribunal will send correspondence relating to this file to Mr. Mercier by regular mail, as requested. As requested by the applicant, the Tribunal will also send its correspondence to her by email.

[4] The respondents are directed to send correspondence, as they have been, to both the applicant by email and her representative by regular mail. Given the potential volume of disclosure and production material under Rules 16 and 17, however, the Tribunal does not direct that material disclosed and produced under these Rules be sent to both the applicant and her representative. This material will be sent by regular mail or courier to the applicant's representative and a copy will be sent to the applicant only if it is feasible to do so by email.

[5] The applicant's request for production of documents has not been made on the proper form for making such a request. In any event, however, I do not find it appropriate at this stage of the proceedings to make such a direction for production. In my Interim Decision of March 10, 2011, I directed the applicant to produce one document to the respondents, but any direction for documentary production at this stage of the Tribunal's proceedings is extraordinary.

[6] A production order would be even more extraordinary in the context of a Reply. A Reply is intended to establish, as set out in Rule 9.1, whether the applicant intends to prove a version of the facts different from those set out in the Response and if so, to set out that different version, unless it is already contained in the Application. Although an applicant may also reply to any other matter raised in the Response, a Reply must be restricted to new matters raised in the Response (Rule 9.2).

[7] On my review of the material before me, I do not find that production of the documents requested by the applicant is necessary to enable her to file a Reply. I therefore do not grant the request for production.

[8] I therefore direct as follows:

- The Tribunal will continue to treat Pierre Mercier as the applicant's representative and send its correspondence to Mr. Mercier but also, as requested by the applicant, copied to the applicant by email.
- The respondents will send correspondence to both the applicant by email and her representative by regular mail. However, the respondents' disclosure and production materials under Rules 16 and 17 are to be sent to the applicant's representative by regular mail or courier, and, if feasible, such material may also be delivered to the applicant by email.
- The applicant is directed to file her Reply by June 30, 2011;
- The Tribunal will proceed to schedule mediation of this Application.
- The applicant's request for production is denied.

[9] Previous Interim Decisions inadvertently omitted one of the individual respondents, Deborah Knight, from the style of cause; this error has been corrected in this Interim Decision.

[10] I am not seized of this matter.

Dated at Toronto this 9th day of June, 2011.

"Signed by"

Sherry Liang
Vice-chair