Tribunals Ontario

Human Rights Tribunal of Ontario

15 Grosvenor St., Ground Floor
Toronto ON M7A 2G6
Tel: 416-326-1312 or 1-866-598-0322
Fax: 416-326-2199 or 1-866-355-6099
TTY : 416-326-2027 or 1-866-607-1240
E-mail: hrto.registrar@ontario.ca
Website: www.tribunalsontario.ca/hrto

Tribunaux décisionnels Ontario

Tribunal des droits de la personne de l'Ontario

15 rue Grosvenor, rez-de-chaussée
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Site Web: www.tribunalsontario.ca/hrto

HRTO FILE: **2022-51511-I**

April 6, 2023

Via email:

University of Toronto Faculty Association
c/o Nellie De Lorenzi
720 Spadina Avenue Unit 419
Toronto, Ontario M5S 2T9
faculty@utfa.org

Marcin Peski
221 Major Street
Toronto, Ontario M5S 2L4
marcin.peski@utoronto.ca,
mpeski@gmail.com

Re: Marcin Peski v. University of Toronto Faculty Association

Subject: 2022-51511-I Notice of Application

A legal proceeding has been commenced at the Human Rights Tribunal of Ontario (HRTO). The Application, filed by Marcin Peski on **22/12/2022,** has been assigned HRTO file number **2022-51511-I.** This file number must be included on all your correspondence and any documents filed with the HRTO.

The applicant names University of Toronto Faculty Association as respondent to the Application.

The respondent must file a Response to the Application using Form 2 by May 11, 2023.

CONTACT INFORMATION

The HRTO will send information to you using the contact information you have provided to us. If your contact information changes, you must **immediately** advise the HRTO and the other parties to the Application. We may send you directions throughout the Application process and before a hearing that require you to take action quickly, so be sure to check your e-mail and mail regularly. If an applicant fails to respond to the HRTO's directions, the Application could be dismissed. If a respondent fails to respond to such directions, they may lose the ability to present a defence in the proceedings and/or at the hearing.

FILING DOCUMENTS WITH THE HRTO

The HRTO has moved to a digital-first approach to service delivery. The HRTO's primary method of communication is email. Parties may file their correspondence and documents with the HRTO via email in care of HRTO.Registrar@ontario.ca. Please include the HRTO file number in the subject line of your email. Where an email address has been provided, parties are responsible for responding to and retaining any email correspondence and attachments sent to them by the Tribunal.

If a party is unable to send their documents to the HRTO via email, they may file them by mail, courier, fax, or hand-delivery in care of the contact information provided above.

All written communications with the HRTO must be addressed to the Registrar. The HRTO will deliver the Application (Form 1) and Response (Form 2) to the parties, however, the parties are responsible for delivering all other communications and documents filed with the HRTO to all of the other parties. The HRTO cannot accept any documents unless you confirm that they have been shared with the other parties to the Application. See Rules 1.12 and 1.20 of the HRTO's Rules of Procedure.

You must confirm delivery of your documents to the other parties either by copy the parties on your email to the HRTO, or by filing a Statement of Delivery (Form 23). See Rule 1.23.

Documents filed as email attachments cannot exceed 30 MB in any one email. Please ensure that all of your attachments are contained in as few emails as possible and refrain from sending the same documents to the HRTO in multiple emails or using multiple methods of delivery. If the HRTO is unable to open an email attachment, you may be advised that it cannot be accepted in the particular format.

Further to the HRTO's digital-first approach to service delivery, it is preferred that all documents are filed with the HRTO by email only. If any document exceeds 20 pages,

please include an index. If you are filing your documents in paper format, for scanning purposes, please ensure that your documents are not bound.

ACCOMMODATION

You, your representative and your witnesses are entitled to accommodation of any *Human Rights Code*-related needs. Tribunals Ontario's Accessibility and Accommodation Policy is available at https://tribunalsontario.ca/en/accessibility-and-diversity/. Please notify the Registrar as soon as possible if accommodation is required.

RESOURCES

The HRTO's Forms, Rules of Procedure, Guides, Practice Directions and Policies are available on our website, www.tribunalsontario.ca/hrto. These materials are all available in a variety of accessible formats. To request a copy of these documents or if you have any questions about the status of your Application, you can contact HRTO by email at hrto.registrar@ontario.ca, by phone at 416-326-1312 or toll free 1-866-598-0322, TTY 416-326-2027 or TTY toll free 1-866-607-1240.

Sincerely,

Office of the Registrar
Human Rights Tribunal of Ontario

IMPORTANT INFORMATION FOR APPLICANTS

The HRTO has delivered your Application to the respondent(s) named in the Application and to any organization or person named as an affected person in the Application.

Next Steps:

1. The respondent(s) will have 35 days to file a Response to the Application. After reviewing the Response for completeness the HRTO will deliver a copy of the Response to you and any other party listed in the Application.

2. If a respondent raises any new matters in their Response, you will have the opportunity to comment on these new matters by filing a Reply (Form 3). If you disagree with the way the facts are described in the Response, you must set out your version of the facts in your Reply, *if* your version is not already contained in the Application. See Rules 9.1 and 9.2.

   If it appears that no new matters were raised in the Response, you may choose to *not* file a Reply. Note however, that there may be instances where you are specifically told by the HRTO that "you MUST file a Reply". In such instances if you do not file a Reply as directed the HRTO may dismiss your file as abandoned.

   The Reply must be filed with the HRTO, with copies sent to all other parties listed in the Application, within 21 days of the date of the Delivery of Response. See Rule 9.3.

3. If you named your bargaining agent or union as affected party in your Application, Rule 11.14 provides them with the right to intervene in your Application if they file a Notice of Intervention by Bargaining Agent (Form 28)

   If you named another person or organization as an affected party in your Application, the affected party has 35 days to file a Request to Intervene (Form 5). You will have an opportunity to respond to that Request.

THE HUMAN RIGHTS LEGAL SUPPORT CENTRE

The Human Rights Legal Support Centre (HRLSC) is a separate organization that provides free legal assistance to people who believe they have experienced discrimination under the Ontario *Human Rights Code.*

If you are the applicant and do not already have a representative, you may want to contact the HRLSC to discuss your Application. Depending on the situation, they may provide advice or agree to represent you at the hearing.

You must contact the HRLSC quickly. The HRTO will not reschedule a hearing because a party has retained a new representative.

You can contact the HRLSC Monday, Tuesday, Wednesday and Friday from 9 am to 5 pm, Thursday from 2 pm to 6 pm at:

Tel:	416-597-4900
Toll Free:	1-866-625-5179
TTY:	416-314-6651
TTY Toll Free:	1-866-612-8627
Website:	www.hrlsc.on.ca

IMPORTANT INFORMATION FOR RESPONDENTS

The HRTO has received an Application that names you as a respondent. A copy of the Application is attached.

Next Steps:

1. To respond to the Application, you must file a completed Response (Form 2) with the HRTO **by May 11, 2023.** You must include the HRTO File number **2022-51511-I** on your Response and on all documents and materials you file with the HRTO.

   Before completing your Response, you may wish to review the HRTO's Rules of Procedure, Guides and Practice Directions, all available on the HRTO's website at https://tribunalsontario.ca/hrto/contact/. A Smartform version of the Response form is available on the HRTO's website that can be completed and submitted online.

2. Your Response will be reviewed to ensure it is complete before being delivered to the applicant. A complete Response must provide the information requested in each section of the Form 2, respond to each allegation set out in the Application, and must also include any additional facts and allegations which you may rely on to support your defence. The HRTO may not permit you to present evidence or make submissions at a later date with respect to a fact or issue that was not raised in your Response.

3. Once your Response is accepted by the HRTO and deemed to be complete, the HRTO will deliver it to the applicant, to any other respondent and to any organization or person identified as an affected party.

   If you fail to respond to the Application, the HRTO may deem you to have accepted all of the allegations in the Application, deem you to have waived all rights with respect to further notice or participation in the proceeding, proceed to deal with the Application without further notice to you and decide the matter based only on the material before the HRTO.