



Federation of Ontario
Law Associations
Fédération des associations
de barreau de l'Ontario

June 5, 2026

Human Rights Tribunal of Ontario
15 Grosvenor Street, Ground Floor
Toronto, ON M7A 2G6

Via Email (HRTTO.registrar@ontario.ca)

*"The Voice of the
Practising Lawyer
in Ontario"*

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To Whom It May Concern:

Re: Response to HRTTO Consultation

The Federation of Ontario Law Associations ["**FOLA**"] is pleased to provide this response to the May 13, 2026 Human Rights Tribunal of Ontario ["**HRTTO**"] consultation relating to the proposed reforms to its *Rules of Procedure* ["**Rules**"] and Practice Directions.

FOLA represents Ontario's 46 county and district law associations, and through them, their members. Our association is the only provincial legal organization representing lawyers at the frontlines of legal services in communities across the province. Accordingly, this submission carries the weight of a significant cross-section of the practicing bar.

We [provided feedback](#) in the early phases of Rules reform on November 22, 2024. We recognize and appreciate that much of our feedback regarding improved efficiencies in mandatory mediation, modernization, and streamlined procedures have been implemented in the proposals. Notwithstanding this, we continue to believe that the changes outlined below would be beneficial and worthy of adoption. Furthermore, we propose a "costs regime" that could reduce the large number of frivolous claims which still plague the system:

- **Modernization/Technology Reforms:** The changes to remove references to fax numbers and allow email are welcome (consistent with our prior feedback); however, email size limits are typically less than 35 MB, which is not often not enough for materials. It should also be noted that materials tend to grow in size as litigation proceeds. Cost-effective and easy-to-use solutions are abundant through file-sharing apps like Google Drive, SharePoint, and OneDrive. Apps such as these should be explicitly permitted.
- **Motions/Requests for Orders:** Streamlining procedural requests and summary processes are welcome (consistent with our prior feedback).
- **Mandatory Mediation:** Mandatory mediation is welcome (consistent with our prior feedback); however, mediation ought to be scheduled early on for example 6-8 months from the date of issuance of an application). Parties are likely to resolve matters earlier in the process before significant costs cause them to be entrenched into their positions. Similarly, we are also of the view that mediations are most successful before parties have committed significant time and expense to preparing materials and, as such, mediation sessions should rely primarily on the pleadings, and any attached documents, unless a party chooses to file some other documents that are material to the issue. We note that Small Claims Court requires parties to attend a settlement conference shortly after the close of pleadings. In our view this is a productive step for parties to assess their positions

and obtain the adjudicator's candid view of the strengths and weaknesses of their claim or defence; and to narrow the issues. The HRTO could benefit from mirroring this process.

- *Tying Deadlines to Mediation:* We are happy to see that dates and deadlines for productions and witness statements are not tied to the mediation date, and continue to be tied to the hearing date (consistent with our prior feedback).
- *Elimination of Summary Hearings:* We are happy to see that summary hearings continue to be permitted (consistent with our prior feedback). The new Practice Direction, which pushes for a mediation prior to a summary hearing, may help, allowing parties to settle early.
- *Case Management Conference Calls:* The additional flexibility in the new Practice Direction may be helpful. Also, we continue to advocate for case management discussions to occur at the end of a failed mediation session (consistent with our prior feedback). This would mirror the approach taken at the mandatory settlement conferences which takes place in the Small Claims Court. When the action does not settle, the presiding judge makes orders concerning the remaining steps in the process, the time required for a hearing, and the number of witnesses. Thereafter, case management meetings should only be offered on in exceptional circumstances.
- *Costs Regime:* Costs awards are available in human rights tribunals in exceptional cases in Alberta, British Columbia, and perhaps federally. The HRTO does not award costs. This contributes to a large number of frivolous claims. HRTO's own statistics show that many cases are dismissed very early in the litigation including a high number of summary dismissals, dismissals for lack of jurisdiction, and abandonment/administrative dismissals. These frivolous cases, especially in aggregate, needlessly cost the "winning" parties significantly. We believe that a costs awards regime would reduce the commencement of such claims from the outset.

Thank you for considering our feedback to modernize the system. We hope that our comments will assist with making positive reforms.

We remain available to provide clarification and further insights (email our Director of Policy & Advocacy, Ian Hu, at ian.hu@fola.ca) and would be pleased to meet with you to speak further about the commentary we have provided in this letter.

Sincerely,

Jennifer S. Rooke

Jennifer S. Rooke
Chair