


**Social Justice Tribunals Ontario**
*Providing fair and accessible dispute resolution*

Human Rights Tribunal of Ontario  
 655 Bay Street, 14<sup>th</sup> Floor  
 Toronto ON M7A 2A3  
 Tel: 416 326-1312 or 1-866-598-0322  
 Fax: 416-326-2199 or 1-866-355-6099  
 E-mail: [hrto.registrar@ontario.ca](mailto:hrto.registrar@ontario.ca)  
 Website: [sjto.ca/hrto](http://sjto.ca/hrto)

**Tribunaux de justice sociale Ontario**
*Pour une justice accessible et équitable*

Tribunal des droits de la personne de l'Ontario  
 655, rue Bay, 14<sup>e</sup> étage  
 Toronto ON M7A 2A3  
 Tél.: 416-326-1312 ou 1-866-598-0322  
 Téléc.: 416-326-2199 ou 1-866-355-6099  
 Courriel: [hrto.registrar@ontario.ca](mailto:hrto.registrar@ontario.ca)  
 Site Web: [tjso.ca/tdpo](http://tjso.ca/tdpo)

June 20, 2019

JUN 27 2019

Susan Creer

 [REDACTED]  
 Hamilton, ON [REDACTED]

Via mail

City of Hamilton  
 Mayor Fred Eisenberger  
 71 Main St. W.  
 Hamilton, ON L8P 4Y5  
 Via mail

**Re: Creer v. Hamilton (City)**
**HRTO File Number: 2019-36654-I**

Please find enclosed a Decision of the Tribunal in this matter, dated  
 June 20, 2019.

Child and Family Services Review Board  
 Custody Review Board  
 Human Rights Tribunal of Ontario  
 Landlord and Tenant Board Ontario  
 Special Education (*English*) Tribunal Ontario  
 Special Education (*French*) Tribunal Ontario  
 Social Benefits Tribunal

Commission de révision des services à l'enfance et à la famille  
 Commission de révision des placements sous garde  
 Tribunal des droits de la personne de l'Ontario  
 Commission de la location immobilière  
 Tribunal de l'enfance en difficulté de l'Ontario (*anglais*)  
 Tribunal de l'enfance en difficulté de l'Ontario (*français*)  
 Tribunal de l'aide sociale



# HUMAN RIGHTS TRIBUNAL OF ONTARIO

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**BETWEEN:**

**Susan Creer**

**Applicant**

**-and-**

**City of Hamilton Mayor Fred Eisenberger**

**Respondent**

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## DECISION

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**Adjudicator:** Darren Thorne

**Date:** June 20, 2019

**File Number:** 2019-36654-I

**Citation:** 2019 HRTO 1002

**Indexed as:** **Creer v. City of Hamilton Mayor Fred Eisenberger**

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**WRITTEN SUBMISSIONS**

Susan Creer, Applicant	)	
	)	Self-represented
	)	
	)	

[1] The applicant filed an Application alleging discrimination because of Disability, contrary to the *Human Rights Code*, R.S.O. 1990, c. H.19, as amended (the “Code”). Specifically, the applicant alleged that the respondent sometimes brings his dog to City Hall, that she is allergic to a number of things, including animals, and that the potential presence of that, or any, dog causes her anxiety on those occasions when she goes to City Hall.

[2] On May 8, 2019, the Tribunal sent the applicant a Notice of Intent to Dismiss, advising the applicant that a review of the Application and the narrative setting out the incidents of alleged discrimination failed to identify what incident of discrimination had occurred on the date noted or that any specific acts of discrimination within the meaning of the *Code* were allegedly committed by the respondent in relation to that, or any, date.

[3] The applicant filed submissions in response to the Notice on May 31, 2019. However, in these submissions, the applicant did not address the issue of the failure to identify specific acts of discrimination within the meaning of the *Code*, but instead reiterated her complaints at greater length.

## **ANALYSIS AND DECISION**

[4] An application will only be dismissed at a preliminary stage if it is “plain and obvious” on the face of the application that it does not fall within the Tribunal’s jurisdiction. See *Masood v. Bruce Power*, 2008 HRTO 381.

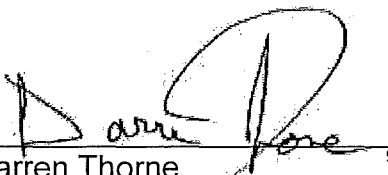
[5] The Tribunal’s jurisdiction is limited to enforcement of the *Code*. To fall within the Tribunal’s jurisdiction, an application must contain specific allegations that connect a respondent’s conduct to one or more prohibited grounds of discrimination. The Application complains that the potential presence of the respondent’s dog at City Hall causes the applicant anxiety and that she does not wish the City to adopt a policy that would allow personal pets to be more widely brought on site. However, the materials provided by the applicant fail to identify any specific acts of discrimination that can be linked to the *Code* ground cited.

[6] In these circumstances, I find that it is plain and obvious that the subject matter of the Application is not conduct prohibited by the *Code*. Therefore, the Application does not fall within the Tribunal's jurisdiction.

## ORDER

[7] For the above reasons, the Application is dismissed.

Dated at Toronto, this 20<sup>th</sup> day of June, 2019.

  
\_\_\_\_\_  
Darren Thorne  
Vice-chair



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Website: [www.hrt.o.ca](http://www.hrt.o.ca)

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Courriel: [hrt.o.registrar@ontario.ca](mailto:hrt.o.registrar@ontario.ca)  
Site Web: [www.hrt.o.ca](http://www.hrt.o.ca)

**HRTO FILE: 2019-36654-I**

May 8, 2019      JUN 27 2019

Susan Janice Creer

Hamilton, Ontario

Via email:

**Re: Susan Creer v. City of Hamilton Mayor Fred Eisenberger**

**Subject: Notice of Intent to Dismiss**

The Human Rights Tribunal of Ontario (HRTO) is in receipt of an Application, HRTO file number **2019-36654-I** filed by Susan Janice Creer on April 12, 2019.

The HRTO has reviewed the Application. It appears the Application is outside the HRTO's jurisdiction because:

- while your response to question #7 of the Application alleges that the last incident of discrimination you experienced occurred on January 3, 2019, a review of your Application indicates that it is either not clear what incident of discrimination is alleged to have occurred on this date or how the incident described as occurring on that date constitutes an incident of discrimination within the meaning of the *Code*. See for example *Miller v. Prudential Lifestyles Real Estate*, 2009 HRTO 1241 (CanLII); *Mafinezam v. University of Toronto*, 2010 HRTO 1495 (CanLII); and *Garrie v. Janus Joan Inc.*, 2012 HRTO 1955.

The HRTO does not have the power to consider claims filed more than one year after the last incident of discrimination or the last in a series

Child and Family Services Review Board  
Custody Review Board  
Human Rights Tribunal of Ontario  
Landlord and Tenant Board Ontario  
Special Education (*English*) Tribunal Ontario  
Special Education (*French*) Tribunal Ontario  
Social Benefits Tribunal

Commission de révision des services à l'enfance et à la famille  
Commission de révision des placements sous garde  
Tribunal des droits de la personne de l'Ontario  
Commission de la location immobilière  
Tribunal de l'enfance en difficulté de l'Ontario (*anglais*)  
Tribunal de l'enfance en difficulté de l'Ontario (*français*)  
Tribunal de l'aide sociale

of incidents of discrimination unless the delay in filing was incurred in good faith and no substantial prejudice will result to any person affected by the delay [s.34(1)]. You do not appear to have cited facts that constitute "good faith" within the meaning of the HRTO's case law. See for example *Thomas v. Toronto Transit Commission*, 2009 HRTO 1582 (CanLII) and see for example *Diler v. Cambridge Memorial Hospital*, 2010 HRTO 1224 (CanLII) for a discussion of "good faith".

You may wish to review the provisions of the *Human Rights Code* noted above as well as the HRTO's Rules of Procedure and Guides to its processes, all available on the HRTO's website at [www.sjto.on.c/hrto](http://www.sjto.on.c/hrto), before responding to this Notice. HRTO decisions can be accessed free of charge on CanLII at [www.canlii.org](http://www.canlii.org).

You **must** provide written submissions responding to the issues identified above. You **must** file your written submissions **on or before June 5, 2019**.

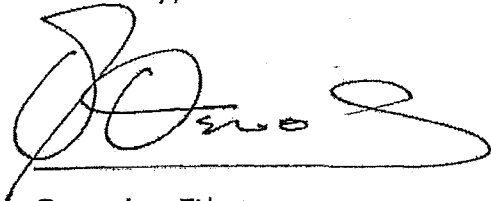
The HRTO will consider your submissions and may decide whether to dismiss your Application, may decide to continue processing the Application or may provide further directions to the parties regarding this proceeding.

If you do not respond to this letter and file written submissions by the deadline, the HRTO will consider the failure to respond as an abandonment of your Application and dismiss the Application for that reason.

You may file your written submissions with the HRTO by email, fax or mail. Please clearly write your name and the HRTO file number, **2019-36654-I**, on all correspondence and any other documents you file with the HRTO.

The HRTO will send a copy of its decision, a registrar's letter or directions regarding the next steps in this proceeding to you. Unless you fail to respond to this letter by the deadline and your file is dismissed as abandoned, a copy of your Application, the HRTO's decision, letter or directions regarding next steps as well as copies of your submissions and any other correspondence between you and the HRTO will be sent to the respondent(s) and to any trade union or occupational or professional organization named in your Application.

Sincerely,

A handwritten signature in black ink, appearing to read 'Georgios Fthenos', written over a horizontal line.

Georgios Fthenos  
Registrar

TIME RECEIVED  
May 31, 2019 at 3:44:24 PM EDT

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DURATION  
2:10

PAGES  
5

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Received

01 Jan 2000 1:22AM HP LASERJET FAX

p. 1

1

SOCIAL JUSTICE TRIBUNALS ONTARIO

Notice of Intent to Dismiss Susan Creer HRT0 file # 2019-36654I

Fax cover page from

Susan. J. Creer

Hamilton, ON,

H:

E:

May 30, 2019

To: Social Justice Tribunals Ontario

Human Rights Tribunal of Ontario

655 Bay Street, 14<sup>th</sup> Floor,

Toronto, ON, M7A 2A3

Re: Susan Creer v. City of Hamilton Mayor Fred Eisenberger



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SOCIAL JUSTICE TRIBUNALS ONTARIO

Notice of Intent to Dismiss Susan Creer HRT0 file # 2019-36654I

Susan. J. Creer

Hamilton, ON,

H:

E:

May 30, 2019

To: Social Justice Tribunals Ontario

Human Rights Tribunal of Ontario

655 Bay Street, 14<sup>th</sup> Floor,

Toronto, ON, M7A 2A3

Fax: 1-866-355-6099

Ph: 1-866-598-0322

Re: Susan Creer v. City of Hamilton Mayor Fred Eisenberger

Subject: Notice of Intention to Dismiss

Hello. Thank you for considering my original Ontario Human rights HRT0 form 1 complaint. I am seriously asking the Social Justice Tribunal to reconsider the 'Notice of Intention to Dismiss', please.

Some thoughts as to why my complaint should not be dismissed. They are; a continuing pattern of harassment, a violation of the City of Hamilton Health and Safety rules, discriminatory behaviour by the Mayor towards myself. Lastly, the issues of how my mental health is affected as well as my physical health when I need to go to City Hall and the Mayor Eisenberger's pet is there. I am so very weary of how distressing any trip to City Hall has become.

When Mayor Fred Eisenberger started bringing his personal pet to work in 2014 I emailed him to say he was setting a bad example by taking advantage of his position. Mayor Eisenberger is also endangering the health of other City staff as well as the public.

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## SOCIAL JUSTICE TRIBUNALS ONTARIO

Notice of Intent to Dismiss Susan Creer HRTO file # 2019-36654I

With regard to myself; there is a pattern of harassment by Mayor Eisenberger towards myself. I have complained about Mayor Eisenberger bringing his personal pet to work a number of times (which is documented in my HRTO Form 1. The Mayor's pet is not a trained service dog which is all that is allowed on City properties. Each complaint has met with non-compliance by the Mayor or his staff. I am able to provide doctor's notes as well to show the seriousness of this issue. My asthma/allergy specialist is very willing to provide a medical note about my concerns as they relate to the Mayor's personal pet.

One local tax lawyer I know does a lot of advocacy work. He and his family have an expensive trained therapy dog for one son with Autism. He pointed out that a loose pet could have gotten tangled up in a fight with the trained therapy dog. This is one more reason why I do not want to go to City Hall; I do not want the Mayor's pet to be off leash and frighten me or for me to be in the middle of a service dog and personal pet fight.

As noted; when Mayor Fred Eisgenberger started bringing his personal pet to work I politely complained to him that he was setting a bad example and since I am allergic to dogs and also have allergy/asthma issues he was making City Hall inaccessible to me. I was on my university Health and Safety committee so I realized that Mayor Fred is also endangering staff as well. He can well afford a dog sitter. I was at a meeting at City Hall with the Mayor and his assistant Christopher Cutler on April 13, 2018. I saw the Mayor's pet in the office and when I complained saying I had bad allergies/asthma his security guard had the nerve to tell me that the pet was 'hypoallergenic'. I retorted quite strongly that no one has the right to expose me to allergens when they do not know what I can tolerate. The Mayor's office was full of dander, dust, saliva, etc. which was gross and bothered my allergies. I used to have cats until they discovered how bad my allergies are so I understand the joy of pets but they should be enjoyed on your own time. I believe this particular visit to City Hall (April 13, 2018) in Mayor Fred Eisenberger's office falls within the one year framework for complaints to be considered as we as my more recent trips as compiled in the original HRTO form 1. My fear of dogs as well as my asthma and allergies were completely dismissed by the Mayor's staff that day.

I started working part-time for the City of Hamilton Recreation department in 2014. My staff orientation as a part-timer was not that detailed so I did not even know the City has a Recreation department HR department until a few months ago.

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## SOCIAL JUSTICE TRIBUNALS ONTARIO

Notice of Intent to Dismiss Susan Creer HRT0 file # 2019-366541

In October, 2017, I was at City Hall for a community poverty/advocacy meeting. When I left council chambers there was a dog on the loose running towards me which scared the wits out of me. The handler got the dog under control and I went to the City clerk's office to complain. It never occurred to me to call security as I was too spooked. When I complained at the City clerk's office they put me in touch with my own councillor who basically ignored my concerns for the loose dog belonged to the Mayor and no one will stand up to him.

Reasons why I would like my case not dismissed are; there is a consistent pattern of the Mayor bringing his pet to work when only service dogs are allowed, my mental health is affected each time I have to go to City Hall since my concerns about the Mayor's pet being off leash were not taken seriously by any staffer or my councillor, ongoing fear of dogs.

On January 3, 2019 I was supposed to be meeting with my new councillor who got elected in the last municipal election. I was actually very afraid to go to City Hall as I did not know if the Mayor's pet would be there. I was in a heightened sense of dread the entire time. I did mention my personal pet concerns to my councillor's new assistant but have not heard back from either of them about my concerns.

My mental health is badly affected each time I go to City Hall as I never know if the Mayor's personal pet will be there and if I will be attacked or frightened by a loose dog as I was in October, 2017 when my concerns were disregarded when I complained.

I feel uncomfortable going to City Hall for any reason. There is a Small business Enterprise Centre at City Hall as well as other offices I frequent. I heard that some City staff may be bringing personal pets to work in another City building called the Lister Block. I used to volunteer in the Tourism Hamilton office which is located in the Lister Block. The Lister Block also has a public washroom and a very busy Recreation department where I have taken classes and attended meetings. These actions show a 'lessening' of the City pet policy which is detrimental to me as well as another Health and Safety violation. It seems as if the Mayor Eisenberger's selfish actions regarding this personal pet are spreading and that makes me sad as well as distresses me greatly as I do not want my mental health to be affected more than it is. I have made more than one accommodation request for the Mayor's personal pet not

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## SOCIAL JUSTICE TRIBUNALS ONTARIO

Notice of Intent to Dismiss Susan Creer HRTO file # 2019-36654I

be at City Hall when I am presenting at a public meeting but the City Clerks will not accommodate me which is a violation of my health and safety rights as well as a frustration with my fear of dogs. I could be missing out financially as well since there are 'internal' postings at the City and I could not work in an office that has a personal pet.

There has been some controversy lately at Hamilton City Hall due to a staff person with possible ties to White supremacy groups. The article\* I am including shows that Mayor Fred Eisenberger expects staff to follow rules and be inclusive but he refuses to follow the personal pet policy as it relates to myself. I would like these concerns noted in the Intent to Dismiss please.

Thank you for you re-consideration of my concerns. I sincerely hope that you will reconsider the 'Intent to Dismiss' given the details I have included herein.

Yours, Susan J. Creer

\*From CBC Hamilton <https://www.cbc.ca/news/canada/hamilton/marc-lemire-1.5127708>

"We are dedicated to ensuring a safe and respectful workplace for all," said spokesperson Jen Recine in an email.

A written statement from Mayor Fred Eisenberger says "we do not provide comment on any personnel matters. Further, we cannot comment on, nor are we always privy to, the personal beliefs of employees."

The city has policies outlining how employees are expected to behave at work, Eisenberger said, and those policies "ensure a safe and respectful workplace for all."

\*faxed May 31. 2019

\* please acknowledge receipt.

TIME RECEIVED  
April 12, 2019 at 11:09:36 AM EDT

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731

PAGES  
18

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01 Jan 2000 12:14AM HP LASERJET FAX

P. 1



JUN 27 2019

## Human Rights Tribunal of Ontario

### Application under Section 34 of the *Human Rights Code* (Form 1)

(Disponible en français)

[www.hrto.ca](http://www.hrto.ca)

### How to Apply to the Human Rights Tribunal of Ontario

#### Before you start:

1. Read the questions and answers below to find out if the Human Rights Tribunal of Ontario (the Tribunal) has the ability to deal with your Application.
2. Download and read the **Applicant's Guide** from the Tribunal's web site [www.hrto.ca](http://www.hrto.ca). If you need a paper copy or accessible format, contact us:

Human Rights Tribunal of Ontario  
655 Bay Street, 14th floor  
Toronto, Ontario  
M7A 2A3

Phone: 416-326-1312 Toll-free: 1-866-598-0322  
Fax: 416-326-2199 Toll-free: 1-866-355-6099  
TTY: 416-326-2027 Toll-free: 1-866-607-1240  
Email: [HRTTO.Registrar@ontario.ca](mailto:HRTTO.Registrar@ontario.ca)  
Website: [www.hrto.ca](http://www.hrto.ca)

The Tribunal has other guides and practice directions to help all parties to an Application understand the process. Download copies from the Tribunal's website or contact us.

3. Complete each section of this Application form. As you fill out each section, refer to the instructions in the Applicant's Guide.

#### Getting help with your application

For free legal assistance with the application process, contact the **Human Rights Legal Support Centre**.  
Website: [www.hrsc.on.ca](http://www.hrsc.on.ca), Mail: 180 Dundas Street West, 8th floor, Toronto, ON M7A 0A1, Tel: 416-597-4900,  
Toll-free 1-866-625-5179, Fax: 416-597-4901, Toll-free 1-866-625-5180, TTY 416-597-4903, Toll-free 1-866-612-8627.

#### Questions About Filing an Application with the Tribunal

The following questions and answers are provided for general information. They should not be taken as legal advice or a determination of how the Tribunal will decide any particular application. For legal advice and assistance, contact the **Human Rights Legal Support Centre**.

#### Who can file an Application with the Tribunal?

You can file an Application if you believe you experienced discrimination or harassment in one of the five areas covered by the Ontario Human Rights Code (the Code). The Code lists a number of grounds for claiming discrimination and harassment. To find out if you have grounds for your complaint under the Code, read the **Applicant's Guide**.

#### What is the time limit for filing an Application?

You can file an Application up to one year after you experienced discrimination or harassment. If there was a series of events, you can file up to one year after the last event. In some cases, the Tribunal may extend this time.



## Human Rights Tribunal of Ontario

### Application under Section 34 of the Human Rights Code (Form 1)

**The discrimination happened outside Ontario. Can I still apply?**

In most cases, no. To find out about exceptions, contact the Human Rights Legal Support Centre.

**My complaint is against a federal government department, agency, or a federally regulated business or service. Should I apply to the Tribunal?**

No. Contact the Canadian Human Rights Commission. Web: <http://www.chrc-ccdp.ca>. Mail: 344 Slater Street, 8th Floor, Ottawa, Ontario K1A 1E1. Phone: (613) 995-1151. Toll-free: 1-888-214-1090. TTY: 1-888-643-3304. Fax: (613) 996-9661.

**Should I use this form if I am applying because a previous human rights settlement has been breached?**

No. If you settled a previous human rights application and the respondent did not comply with the settlement agreement, use the special application called **Application for Contravention of Settlement, Form 18**. For a paper copy, contact the Tribunal.

**Can I file this Application if I am dealing with or have dealt with these facts or issues in another proceeding?**

The Code has special rules depending on what the other proceeding is and at what stage the other proceeding is at. Read the Applicant's Guide and get legal advice, if:

1. You are currently involved in, or were previously involved in a civil court action based on the same facts and asked for a human rights remedy; or
2. You have ever filed a complaint with the Ontario Human Rights Commission based on the same subject matter; or
3. You are currently involved in, or were previously involved in another proceeding (for example, union grievance) based on the same facts.

**How do I file an Application on behalf of another person?**

To file an application on behalf of another person, you must complete and file this Application (Form 1) as well one other form:

- Form 4A if you are filing on behalf of a minor;
- Form 4B if you are filing on behalf of a mentally incompetent person; or
- Form 27 for all other situations where you are filing on behalf of someone else.

When completing this Application, you must check the box in Question 1 that indicates you are filing an Application on Behalf of Another Person. You must provide your name and contact information in Question 1.

The completed Form 4A, Form 4B or Form 27 can be attached to your Application or sent to the Tribunal separately by mail, fax or email. If sent separately, it must be sent within **five (5) days** following the filing of your Application.

For more information on applications on behalf of another person, please see the following Practice Directions:

- Practice Direction on filing application on behalf of another person under section 34(5) of the Code
- Practice Direction on Litigation Guardians before Social Justice Tribunals Ontario

**Note:** If you are a lawyer or other legal representative providing representation to the applicant, do not use the Form 4A, Form 4B or Form 27. Your details should be provided in section 3, "Representative Contact Information," of this Application (Form 1).

**Learn more**

To find out more about human rights in Ontario, visit [www.ohrc.on.ca](http://www.ohrc.on.ca) or phone 1-800-387-9080.



# Human Rights Tribunal of Ontario

## Application under Section 34 of the Human Rights Code (Form 1)

**Instructions:** Complete all parts of this form, using the Applicant's Guide for help. If your form is not complete, the Tribunal may return it to you. This will slow down the application process. At the end of this form, you will be required to read and agree to a declaration that the information in your Application is complete and accurate (if you are a lawyer or legal representative assisting an applicant with this Form 1, please see the **Practice Direction On Electronic Filing of Applications and Responses By Licensed Representatives**).

### Contact Information for the Applicant

#### 1. Personal Contact Information

☐ Check here if you are filing an Application on Behalf of Another Person. **Note:** you must also complete a Form 4A, Form 4B or Form 27, whichever is applicable, see Instructions above.

Please give us your personal contact information. This information will be shared with the respondent(s) and all correspondence from the Tribunal and the respondent(s) will go here. If you do not want the Tribunal to share this contact information, you should complete section 2, below, but you must still provide your personal contact information for the Tribunal's records.

<b>*First Name</b> Susan		<b>Middle Name</b> Janice		<b>*Last Name</b> Creer	
<b>Street #</b> [REDACTED]	<b>Street Name</b> [REDACTED]			<b>Apt/Suite</b> [REDACTED]	
<b>City/Town</b> Hamilton		<b>Province</b> Ontario	<b>Postal Code</b> [REDACTED]	<b>Email</b> [REDACTED]	
<b>Daytime Phone (e.g. 999-999-9999)</b> [REDACTED]		<b>Cell Phone (e.g. 999-999-9999)</b>		<b>Fax (e.g. 999-999-9999)</b>	
<b>TTY (e.g. 999-999-9999)</b>					

**What is the best way to send information to you?**

(If you check email, you are consenting to delivery of documents by email)

☐ Mail

☒ Email

☐ Fax



## Human Rights Tribunal of Ontario

### 2. Alternative Contact Information

If you want the Tribunal and respondent(s) to contact you through another person, you must provide contact information for that person below. You should fill this section out if it will be difficult for the Tribunal to reach you at the address above or if you want the Tribunal to keep your contact information private. **If you complete this section, all of your correspondence will be sent to you in care of your Alternative Contact.**

First (or Given) Name		Middle Name		Last (or Family) Name	
Street #		Street Name			Apt/Suite
City/Town		Province Ontario	Postal Code	Email	
Daytime Phone (i.e. 999-999-9999)		Cell Phone (i.e. 999-999-9999)	Fax (i.e. 999-999-9999)	TTY (i.e. 999-999-9999)	

**What is the best way to send information to you at your alternative contact?**

(If you check email, you are consenting to delivery of documents by email)

☐ Mail

☐ Email

☐ Fax

### 3. Representative Contact Information

**Complete this section only if you are authorizing a lawyer or another Representative to act for you.**

☐ I authorize the named organization and/or person to represent me

My representative is:

<input type="checkbox"/> Lawyer	LSUC#	
<input type="checkbox"/> Paralegal	LSUC#	
<input type="checkbox"/> Legal Support Centre		

☐ Other- please specify the Nature of Exemption from licensing requirements in the text below:

Nature of Exemption (e.g. family member, unpaid friend)

--





## Human Rights Tribunal of Ontario

Please choose the type of Representative: ☐ A) Organizational Representative ☒ B) Individual Representative

### B) Individual Representative

First (or Given) Name		Middle Name	Last (or Family) Name	
Street #	Street Name			Apt/Suite
City	Province Ontario	Postal Code	Email	
Daytime Phone (i.e. 999-999-9999)	Cell Phone (i.e. 999-999-9999)	Fax (i.e. 999-999-9999)	TTY (i.e. 999-999-9999)	

What is the best way to send information to your representative?  
(If you check email, you are consenting to delivery of documents by email)

☐ Mail ☐ Email ☐ Fax

### Contact Information for the Respondent(s)

#### 4. Respondent Contact Information

Provide the name and contact information for any respondent against which you are filing this Application.

Please choose the type of respondent: ☒ A) Organization Respondent ☐ B) Individual Respondent

#### A) Organization Respondent

Name the organization you believe discriminated against you. You should also indicate the contact person from the organization to whom correspondence can be addressed.

Full Name of Organization
City of Hamilton, Ontario. Mayor Fred Eisenberger



# Human Rights Tribunal of Ontario

## Name of the Contact Person from the Organization

First (or Given) Name Jessica		Last (or Family) Name Bowen		Title Human Rights specialist City of Hamilton	
Street #	Street Name 71 Main St. W.				Apt/Suite
City/Town Hamilton		Province Ontario	Postal Code L8P 4Y5	Email jessica.bowen@hamilton.ca	
Daytime Phone (i.e. 999-999-9999) 905-546-2424		Cell Phone (i.e. 999-999-9999)		Fax (i.e. 999-999-9999)	TTY (i.e. 999-999-9999)

Are there any additional respondents? ☐ Yes ☒ No

## Grounds of Discrimination

### 5. Grounds Claimed

The Ontario Human Rights Code lists the following grounds of discrimination or harassment. Put an "X" in the box beside each ground that you believe applies to your Application. You can check more than one box.

- ☐ Race
- ☐ Colour
- ☐ Ancestry
- ☐ Place of Origin
- ☐ Citizenship
- ☐ Ethnic Origin
- ☒ Disability *asthma allergies to fur, dander, etc.*
- ☐ Creed
- ☐ Sex, Including Sexual Harassment and Pregnancy
- ☐ Sexual Solicitation or Advances
- ☐ Sexual Orientation
- ☐ Gender Identity
- ☐ Gender Expression
- ☐ Family Status
- ☐ Marital Status
- ☐ Age
- ☐ Receipt of Public Assistance (Note: This ground applies only to claims about Housing)
- ☐ Record of Offences (Note: This ground applies only to claims about Employment)



# Human Rights Tribunal of Ontario

- ☐ Association with a Person Identified by a Ground Listed Above
- ☐ Reprisal or Threat of Reprisal

## Areas of Discrimination under the Code

### 6. Area of Alleged Discrimination

The Ontario *Human Rights Code* prohibits discrimination in five areas. Put an "X" in the box beside the area where you believe you have experienced discrimination (choose one). Read the Applicant's Guide for more information on each area.

- ☐ Employment (Complete Form 1-A)
- ☐ Housing (Complete Form 1-B)
- ☒ Goods, Services and Facilities (Complete Form 1-C)
- ☐ Contracts (Complete Form 1-D)
- ☐ Membership in a Vocational Association (Complete Form 1-E)

Does your Application involve discrimination in other areas? ☐ Yes ☒ No

If "Yes", put an "X" in the box beside any other area where you believe you experienced discrimination:

- ☐ Employment ☐ Housing ☐ Goods, Services or Facilities ☐ Contracts ☐ Vocational Association

## Facts that Support Your Application

### 7. Location and Date (see Applicant's Guide)

Please answer the following questions.

a) \*Did these events happen in Ontario?

☒ Yes

☐ No

b) In what city/town?

c) \*What was the date of the last event?

(dd/mm/yyyy)

January 3, 2019

d) If you are applying more than one year from the last event, please explain why:

There are a series of events. Some are recent and some are within a year.  
There are a few dates in question. I have listed them in section #8.



# Human Rights Tribunal of Ontario

## 8. What Happened

\*In the space below, describe each event you believe was discriminatory.

For each event, be sure to say:

- What happened
- Who was involved
- When it happened (day, month, year)
- Where it happened

Be as complete and accurate as possible. Be sure to give details of every incident of discrimination you want to raise in the hearing.

Initial personal pet issue in 2014: I complained to Mayor Eisenberger that bringing his pet to work would make it hard for me to be at City Hall given my allergies/asthma. He does not care. [\\*\(https://www.thespec.com/news-story/6993732-hamilton-mayor-s-office-doggone-pleased-to-have-canine-visitor/\)](https://www.thespec.com/news-story/6993732-hamilton-mayor-s-office-doggone-pleased-to-have-canine-visitor/). This 'pet at work' issue started just before I got hired by the City of Hamilton. I complained by email to Mayor Eisenberger that he was endangering the Health and Safety of other staff and the public such as myself who use the services at City Hall. I am very concerned Mayor Eisenberger is changing the personal pet policy at the City which will negatively effect me. His personal pet effects me negatively as I cannot avoid it if I go to City Hall. I am also concerned that he or other City managers may be changing the policy about pets at work by forcing the issue on staff.

#8. WHAT HAPPENED SECTION. THESE ARE MY SPECIFIC CONCERNS about City Policy

AS IT RELATES TO MY HR COMPLAINT with MAYOR EISENBERGER AND OTHER CITY STAFF NOT

ACCOMMODATING ME. I started working for the City of Hamilton Recreation Department part-time in January, 2014. I am afraid of dogs. I am badly allergic to many things (dust, dander, cigarette smoke, cannabis smoke, pet saliva, grass, bleach, etc.) so my asthma specialist and I determine my treatment together. I avoid as many allergens as is possible. This issue happened before I started working for the City of Hamilton Recreation Department. There is a Hamilton Spectator article\* detailing the Mayor's pet at work.

Add in AH meeting March 24, 2017 with Christopher Cutler. Mayor Eisenberger was supposed to be part of that meeting as well but he was ill. I did not know the pet would be at the office that day so when I go there I was spooked. When I complained to a male staffer on guard duty at the Mayor's front desk about my allergies/asthma concerns were dismissed. I was told 'oh Dash is hypoallergenic...' as if that made it okay. I replied that any dust, pet saliva, dander, etc. could be dangerous for me and it was wrong for them and Mayor Eisenberger to bring his pet to work when it is not a service dog.

On Nov. 23, 2017 I was at City Hall for a meeting and distressed by his pet being at City Hall.

In March, 2018 I was at City Hall for a poverty meeting. When I left Council Chambers there was a pet off its leash running towards me and it scared the wits out of me! When I complained about that pet being loose my concerns were disregarded. Not only could I have been bitten or attacked but my mental health was affected by the pet running towards me. Each time I go to City Hall I am afraid I will be attacked or made ill by the personal pet of Mayor Eisenberger. I have bad allergies/asthma so any animals at City Hall are a challenge. Staff are having our Health and Safety concerns disregarded for no staff have been asked if they approve of this pet. As far as I know I have never been asked if I as a City staff person have been asked about pets at City Hall or otherwise relaxing the rules around personal pets. I realize if the animal is a service animal I will have to deal with that.

These are specific dates when I was concerned that I may have issues at City Hall when I was there for various meetings; Aug. 1, Aug. 11, 2017 (Starter Company plus) orientations, Jason Thorne (Economic Development office) meeting June 18, 2018. And People's Plan for Downtown April 17, 2017. Councillor Meeting Jan. 3, 2019. Nov. 22, 2018 CHH Board meeting. Aug. 7, 2018 Built Environment Working Group, Hamilton City Planning Committee Sept. 17, 2018. I sent the presentation in a week before as requested to City Clerk Ida Bedioun and asked her to ensure that Mayor Eisenberger's pet was not at City Hall that day but she would not do ensure my request for accommodation. April 13, 2018. Oct. 17, 2017 6:30pm for an poverty (HRPR) meeting I did not attend as it was at City Hall and I was concerned his pet would be there.

*(Hamilton Roundtable for Poverty Reduction)*  
And; Email; Susan J. Creer. Fri 2017-11-24 6:14 AM. Office of the Mayor

I saw more dogs at City Hall yesterday when I was there for the Hamilton Roundtable for Poverty Reduction meeting. It should not be allowed. Why? peace, Susan'

## The Effect on You

### 9. How the Events You Described Affected You



# Human Rights Tribunal of Ontario

\*Tell us how the events you described affected you. What was the effect (e.g. were there financial, social, emotional or mental health, or any other)?

I do not feel comfortable going to City Hall for any reason. If I tried to apply for an internal position at City Hall (Receptionist, CSR, etc.) my health could be affected. Being at City Hall stresses me out as I never know if the pet will be off its leash so it could scare me again. There are businesses seminars that I take sometimes at the Small Business Enterprise centre which I have to forgo. I know many other City staff who dislike the pet at work but they do not feel comfortable speaking out. No one including councillors, managers, City staff or others should have personal pets at work. I used to have two cats until my doctors figured they were making me ill. I understand the joy of pets but everyone else has to enjoy them when they get home. I have been bullied online by a pro-LRt supporter and Mayor Eisenberger would not do anything.

*I get anxiety each time I need to go to City Hall.*

## The Remedy

*The mayor should not be taking advantage of his position like this. The mayor's pet was off his leash*

### 10. The Remedy You are Asking For (see Applicant's Guide)

*least one day when at City Hall and I was*

Put an "X" in the box beside each type of remedy you are asking the Tribunal to order. Explain why you are asking for this remedy in the space below.

☒ Monetary Compensation

Enter the Total Amount \$35,000

Explain below how you calculated this amount:

For 'general damages' for pain and suffering.

Went to 'canill.org' site for similar amounts. Two issues involved.

*be bitten - dog's care.*

☐ Non-Monetary Remedy-Explain below:

☒ Remedy for Future Compliance (Public Interest Remedy)-Explain below:

I would like to do three things; on pg. 6 it talks about other respondents. I would like it if the City Clerks, councillor staff and other managers in the Recreation department to undergo HR retraining on accommodation issues. My concerns is with the City possibly removing the personal pet policy. I want a financial compensation but I also want to ensure that the City of Hamilton does not develop a policy where personal pets are allowed at work at all. The City only allows service animals now. I would prefer it to stay that way.



# Human Rights Tribunal of Ontario

## Mediation

### 11. Choosing Mediation to Resolve Your Application

Mediation is one of the ways the Tribunal tries to resolve disputes. It is a less formal process than a hearing. Mediation can only happen if both parties agree to it. A Tribunal Member will be assigned to mediate your Application. The Member will meet with you to talk about your Application. The Member will also meet with the respondent(s) and will try to work out a solution that both sides can accept. If Mediation does not settle all the issues, a hearing will still take place and a different Member will be assigned to hear the case. Mediation is confidential.

Do you agree to try mediation?

☒ Yes

## Other Legal Proceedings

### 12. Civil Court Action (see Applicant's Guide)

**Note:** If you answer "Yes" to any of these questions, you must send a copy of the statement of claim that started the court action.

\*a) Has there been a court action based on the same facts as this Application?

☐ Yes (Answer 12b)

☒ No (Go to 13)

### 13. Complaint Filed with the Ontario Human Rights Commission (see Applicant's Guide)

**Note:** If you answer "Yes", you must attach a copy of the complaint.

\*Have you ever filed a complaint with the Commission based on the same facts as this Application?

☐ Yes

☒ No

### 14. Other Proceeding - in Progress (see Applicant's Guide)

**Note:** If you answer "Yes" to question "14a" you must attach a copy of the document that started the other proceeding.

\*a) Are the facts of this Application part of another proceeding that is still in progress?

☐ Yes (Answer 14b)

☒ No (Go to 15)

b) Describe the other proceeding:

☐ A union grievance

Name of Union:



# Human Rights Tribunal of Ontario

<input type="checkbox"/> A claim before another board, tribunal or agency	Name of board, tribunal, or agency:	
<input type="checkbox"/> Other	Explain what the other proceeding is:	
*c) Are you asking the Tribunal to defer (postpone) your Application until the other proceeding is completed?		<input type="radio"/> Yes <input checked="" type="radio"/> No

## 15. Other Proceeding - Completed (see Applicant's Guide)

**Note:** If you answer is "Yes" to question "15a" you must attach a copy of the document that started the other proceeding and a copy of the decision from the other proceeding.

*a) Were the facts of this Application part of some other proceeding that is now completed?		<input type="radio"/> Yes (Answer Question 15b)	<input checked="" type="radio"/> No (Go to 16)
b) Describe the other proceeding:			
<input type="checkbox"/> A union grievance	Name of Union:		
<input type="checkbox"/> A claim before another board, tribunal or agency	Name of board, tribunal, or agency:		
<input type="checkbox"/> Other	Explain what the other proceeding is:		



Ontario

## Human Rights Tribunal of Ontario

c) Explain why you believe the other proceeding did not appropriately deal with the substance of this Application.

### Documents that Support this Application

#### 16. Important Documents You Have

If you have documents that are important to your Application, list them here. List only the most important. Indicate whether the document is privileged. See the Applicant's Guide.

**Note:** You are not required to send copies of these documents at this time. However, if you decide to attach copies of the documents you list below to your Application they will be sent to the other parties to the Application along with your Application.

Document Name	Why It is Important to My Application
I am not familiar with the Adobe 'fill in the box' feature. If all my concerns in the various boxes are not legible I will email them to the office.	

Add more Documents

#### 17. Important Documents the Respondent(s) Have

If you believe the respondent(s) have documents that you do not have that are important to your Application, list them here. List only the most important.

Document Name	Why It is Important To My Application	Name of Respondent Who Has It

Add more Documents





# Human Rights Tribunal of Ontario

## 18. Important Documents Another Person or Organization Has

If you believe another person or organization has documents that you do not have that are important your Application, list them here. List only the most important.

Document Name	Why it is Important to my Application	Name of Person or Organization who has it

Add more Documents

## Confidential List of Witnesses

### 19. Witnesses

Please list the witnesses that you intend to rely on in the hearing. **Note:** The Tribunal will not send this list to the respondent(s). (see Applicants Guide)

Name of Witness	Why This Witness Is Important To My Application

## Other Important Information

### 20. Other Important Information the Tribunal Should Know

Is there any other important information you would like to share with the Tribunal?

I do not want the City of Hamilton to develop a 'pet friendly' policy at all. I want to be compensated but I also want to ensure that the City of Hamilton does not develop a 'pet friendly' policy at all. I would like all City Managers, councillors, Mayor and other staff to undergo Human Rights policy training on accessibility issues. In January, 2018 when I was at City Hall for a meeting, one of Mayor Eisenberger's staff told me the pet was 'hypoallergenic' and I complained to the staffer that he nor the Mayor have any idea how bad my allergies/asthma is so no one has the right to expose me to allergens when they do not know what I can tolerate. I saw my asthma specialist Dr. Keith on March 25th, 2019 at 2:45pm. That is why this form is a bit late. Dr. Keith is willing to write a letter about my medical issues.

April 12, 2019. Will from the HRTO Legal Support Centre just called me. I had accidentally emailed my form to their office, not the tribunal.



## Human Rights Tribunal of Ontario

### Checklist of Required Documents

#### 22. Other Documents from Questions 12 to 15

Confirm whether you are sending the Tribunal any of the following documents:

- ☐ A copy of a statement of claim (from Question 12)
- ☐ A copy of a complaint filed with the Ontario Human Rights Commission (from Question 13)
- ☐ A copy of a document that started another proceeding based on these facts (from Question 14 or 15)
- ☐ A copy of a decision from another proceeding based on these facts (from Question 15)

### Application to the Human Rights Tribunal of Ontario Area of Discrimination: Goods, Services and Facilities (Part 1-C)

**Note:** Complete this form if you believe you were discriminated against in the area of goods, services and facilities.

### PART I

#### Questions About the Service, Good or Facility

**C1.** Put an "X" beside the point that best describes the service, good or facility that this Application is based on.

- ☐ Income support
- ☐ Store
- ☐ Education & training
- ☐ Theatre
- ☐ Police services
- ☐ Insurance
- ☐ Medical/health services
- ☐ Public transportation
- ☐ Sporting or other recreational facility
- ☐ Retail
- ☐ Government, please describe:



## Human Rights Tribunal of Ontario

☐ Other, please describe:

**C2.** Complete this section only if your Application is about a practice or policy.

Tell us what the practice or policy you are complaining about is and explain how it relates to equal treatment with respect to services, goods and facilities.

**C3.** Complete this section only if your Application is about a law.

Tell us what the law you are complaining about is and explain how it relates to equal treatment with respect to services, goods and facilities.

### Questions About Complaining to Someone in Authority

Complete this section only if you complained to someone in authority about the alleged discrimination.

**C4.** To whom did you complain?



## Human Rights Tribunal of Ontario

**C5.** Was there an investigation?

☐ Yes

☐ No (Go to Part II)

**a)** If you answered "Yes" to C5, what was the outcome of the investigation?

### PART II

The following Part asks you to answer how you believe you were discriminated against based on grounds you identified. If you believe that you were discriminated against based on more than one ground, fill out all the sections that apply.

#### Questions About Discrimination on the Ground of Disability or Perceived Disability

Complete this section only if you believe that you have been discriminated against on the ground of disability or perceived disability.

**C8.** Explain why you believe you were discriminated against based on your disability or a perceived disability.

**C9.** Do you have particular needs related to your disability?

☐ Yes

☐ No (Go to C12)

**a)** If you answered "Yes" to C9, describe your particular needs.

**C10.** Did you ask the respondent(s) to meet your needs?

☐ Yes

☐ No (Go to C12)

**a)** If you answered "Yes" to C10, describe what you asked the respondent(s) to do. If you named more than one respondent, please tell us who you spoke to.



## Human Rights Tribunal of Ontario

**C11.** Did the respondent(s) try to meet your needs?

☐ Yes

☐ No (Go to C12)

☐ Don't Know (Go to C12)

**a)** If you answered "Yes" to C11, describe what the respondent(s) did to meet your needs. If you named more than one respondent, please tell us what each did.

**b)** If you answered "Yes" to C11, why do you believe the respondent(s)' efforts to meet your needs were not enough?

**C12.** Do you plan to submit medical reports or documents related to your particular needs at the hearing?

☐ Yes

☐ No

**a)** If you answered "Yes" to C12, please list the medical reports or documents here. You do not need to send copies at this time. **Note:** If you do send these documents they will be shared with the other parties.



# Human Rights Tribunal of Ontario

## Declaration and Signature

### 23. Declaration and Signature

**Instructions:** Do not sign your Application until you are sure that you understand what you are declaring here.

**Declaration:**

To the best of my knowledge, the information in my Application is complete and accurate.

I understand that information about my Application can become public at an open hearing, in a written decision, or in other ways determined by Tribunal policies that balance transparency in the justice system and privacy interests of participants.

I understand that the Tribunal must provide a copy of my Application to the Ontario Human Rights Commission on request.

I understand that the Tribunal may be required to release information requested under the Freedom of Information and Protection of Privacy Act (FIPPA).

I understand that the Tribunal makes all of its Decisions and Case Assessment Directions available to the public, including the media on request, and that the Tribunal also makes its decisions available to the public on the websites of the Canadian Legal Information Institute ([www.CanLII.org](http://www.CanLII.org)). I also understand that the Tribunal may issue decisions that protect the identity of an applicant, a respondent or a witness in certain circumstances.

\*Signature Date (dd/mm/yyyy)

12/04/2019

Topologise. Will be from  
the HRTD Legal support  
centre see just called  
to say I sent my form

☐ \*Please check this box if you are filing your Application electronically. This represents your signature. You must fill out the date, above.

to the wrong office.

## Accommodation Required

If you require accommodation of Code-related needs please contact the Registrar at:

Email: [HRTD.Registrar@ontario.ca](mailto:HRTD.Registrar@ontario.ca)

Phone: 416-326-1519 Toll-free: 1-866-598-0322

Fax: 416-326-2199 Toll-free: 1-866-355-6099

TTY: 416-326-2027 Toll-free: 1-866-607-1240

**Note:** Only file your Application once. If the Tribunal receives your application more than once, it will only accept the first Application Form received.

Submit to HRTD

Print Form