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CASE SUMMARY: BCSC UPHOLDS HUMAN RIGHTS TRIBUNAL DECISION DISMISSING PORTIONS OF PETITIONER'S COMPLAINT ON THE BASIS IT WAS LATE FILED AND THE ALLEGED FACTS IN RELATION TO THOSE PORTIONS COULD NOT FORM PART OF A CONTINUING CONTRAVENTION

A court upheld the Human Rights Tribunal's decision to dismiss portions of the petitioner's complaint on the basis that it was late filed and the alleged facts in relation to those portions could not form part of a continuing contravention.

Administrative law – Decisions reviewed – Human Rights Tribunal – Human rights complaints – Discrimination – Continuing contravention; Judicial review – Standard of review – Correctness; Limitations

[Hanlon v. North Vancouver \(City\)](#), [2017] B.C.J. No. 1799, 2017 BCSC 1607, British Columbia Supreme Court, September 11, 2017, N.H. Smith J.

The petitioner alleged discrimination on the basis of mental disability in a complaint to the Human Rights Tribunal (the "Tribunal") against the City of North Vancouver (the "City"). He was a firefighter for the City who was notified that he was suspended from work for three weeks, demoted from the rank of Captain for 12 months and was required to attend an anger management course and coaching program.

The Tribunal summarily dismissed portions of the complaint because the alleged conduct fell outside the six month limitation period in the Human Rights Code, RSBC 1996, c.210 (the "Code"). The Tribunal held that only the portions of the complaint that had occurred within the six months before filing could be accepted for filing, and the merits of the complaint were not addressed.

The Tribunal held that the first three complaints were late and not sufficiently connected to the later alleged events to be considered part of a continuing alleged contravention, noting that a continuing contravention requires a succession or repetition of separate