



If you want to respond to a request for dismissal without a full response (Form 2); Request to Intervene (Form 5); Request to Withdraw (Form 9); Request for an Order During Proceedings (Form 10); or Request for Summary Hearing (Form 26) please complete this Response to a Request for an Order (Form 11).

Follow these steps to respond to the request:

1. Fill out this Form 11.
2. All documents you are relying on must be included with the Form 11.
3. Deliver a copy of the Form 11 to any party, person, or organization named in the Request and, if required, to any named trade union or occupational or professional organization identified in the Application or any other person or organization identified as an affected person in the Response.
4. Complete a Statement of Delivery (Form 23).
5. File the Form 11 and Form 23 with the Tribunal.

You must file a completed Form 11 no later than **twenty-one (21) days** after the Request to Intervene (Form 5) was delivered to you.

You must file a completed Form 11 no later than **fourteen (14) days** after the Request for an Order During Proceedings (Form 10) was delivered to you.

You may respond to the Request for Summary Hearing (Form 26) by filing Form 11 no later than 14 days after the Request for Summary Hearing was delivered to you. The HRTO may direct that a Response to the Request for Summary Hearing is required.

You must file a completed Form 11 no later than **two (2) days** after the Request to Withdraw (Form 9) was delivered to you.

Download forms from the Tribunal's web site tribunalsontario.ca/hrto. If you need a paper copy or accessible format, contact us:

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

Phone: 416-326-1312 Toll-free: 1-866-598-0322
TTY: 416-326-2027 Toll-free: 1-866-607-1240
Email: hrto.registrar@ontario.ca



Application Information

Tribunal File Number:	2019-36509-I to 2019-36519-I and 2019-36521-I to 2019-3623-I
Name of Applicant:	Bile Ali, et al.
Name of Each Respondent:	Hazelview Investments Inc.; City of Ottawa; Mustang Equities Inc.; TC Core GP; TC Core LP

1. Your contact information (person or organization responding to the Request)

First (or Given) Name Lynn		Last (or Family) Name Harnden		Organization (if applicable) Emond Harnden LLP	
Street Number 707	Street Name Bank Street			Apt/Suite	
City/Town Ottawa		Province ON	Postal Code K1S 3V1	Email lharnden@ehlaw.ca	
Daytime Phone 613-940-2731	Cell Phone		Fax	TTY	

If you are filing this as the Representative (e.g. lawyer) of one of the parties please indicate:

Name of party you act for and are filing this on behalf of: Hazelview Investments Inc.; Mustang Equities Inc.; TC Core GP/LP	LSUC No. (if applicable) 16421R
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What is the best way to send information to you? ☐ Mail ☒ Email ☐ Fax
(If you check email, you are consenting to the delivery of documents by email.)

Check off whether you are (or are filing on behalf of) the:

- ☐ Applicant ☒ Respondent ☐ Ontario Human Rights Commission
☐ Other - describe: _____

2. What are you responding to?

- ☐ Request for dismissal without full response, Form 2 (go to Question 3)
☒ Request to Intervene, Form 5 (go to Question 3)
☐ Request to Withdraw, Form 9 (go to Question 3)
☐ Request for Summary Hearing, Form 26 (go to Question 3)
☐ Request for an Order During a Proceeding, Form 10 (skip Question 3 and go to Question 4)

3. What is your position on the Order requested? (then go to Question 10)

See Schedule A

4. What are you Responding to? Please check the box that corresponds to what was requested.

- | | |
|--|--|
| <input type="checkbox"/> Request that applications be consolidated or heard together | <input type="checkbox"/> Request to re-activate deferred Application |
| <input type="checkbox"/> Request to add a party | <input type="checkbox"/> Request for particulars |
| <input type="checkbox"/> Request to adjourn | <input type="checkbox"/> Request for production of documents |
| <input type="checkbox"/> Request to amend Application or Response | <input type="checkbox"/> Other, please explain: _____ |
| <input type="checkbox"/> Request to defer | |
| <input type="checkbox"/> Request extension of time | |

5. What is your position on the Order requested?

6. What is your position on the manner in which the Request for Order should be dealt with?

7. What are the reasons for your Response, including any facts relied on and representations in support of your Response?

8. Indicate here whether you rely on any additional facts in your Response.

9. If you are relying on any documentary evidence in this Response please list below and attach. You must include with this Response all the documents you are relying on.

10. Signature

By signing my name, I declare that, to the best of my knowledge, the information that is found in this form is complete and accurate.

Name:

Lynn Harnden

Signature:

Lynn Harnden

Date: (dd/mm/yyyy)

30/05/2025

☒ Please check this box if you are filing your response electronically. This represents your signature. You must fill in the date, above.

Collection of Information:

Under the Ontario *Human Rights Code*, the Human Rights Tribunal of Ontario (HRTTO) has the right to collect the personal information requested on this form. We use the information to resolve your application. After you file the form, your information may also be available to the public. If you have questions about how the HRTTO uses your personal information, contact the HRTTO at 416-326-1312 or 1-866-598-0322 (toll-free.)

HRTO File Nos. 2019-36509-I, 2019-36510-I, 2019-36511-I
2019-36512-I, 2019-36513-I, 2019-36514-I, 2019-36515-I
2019-36516-I, 2019-36517-I, 2019-36518-I, 2019-36519-I
2019-36521-I, 2019-36522-I, 2019-36523-I

**SCHEDULE “A” TO FORM 11
RESPONSE TO REQUESTS TO INTERVENE**

Summary of the Response to the Requests to Intervene

1. The Respondents (collectively “**Hazelview**” or the “**Respondents**”) request that the Human Rights Tribunal of Ontario (the “**HRTO**”) deny the requests of The National Right to Housing Network (“**NRHN**”) and the Charter Committee on Poverty Issues (“**CCPI**”) to intervene with full rights of participation in the summary hearing.
2. The Respondents further request that the HRTO deny the request of the Canadian Centre for Housing Rights (“**CCHR**”) to intervene with full rights to participate in the summary hearing.
3. In accordance with HRTO case law, there is no assistance that can be provided by the proposed intervenors to the HRTO in the context of the summary hearing. The proposed intervenors purport to argue that the *Code* must be interpreted considering international law, which is what the Applicants have pled and intend to argue.
4. The proposed intervenors further intend to argue that there is a right to housing in the present circumstances using the same concepts that the Applicants have asserted in the Applications. Therefore, there is nothing the proposed intervenors can add to assist the HRTO at the summary hearing,
5. The Applicants are represented by counsel. It is open to counsel to adopt the positions of the proposed intervenors in its arguments at a summary hearing.
6. Accordingly, the HRTO does not require additional submissions of the proposed intervenors to decide the discrete issues it has identified in the May 19, 2023, Case Assessment Direction (“**CAD**”). The participation of the proposed intervenors will lengthen the proceedings and cause the Respondents to incur additional and unnecessary costs.

7. The Respondents request an oral hearing to determine the requests to intervene.

Brief Background and Context

8. It is important to briefly situate the Applications through a high-level overview of the status of the files. The Respondents rely on all previous submissions filed to date, but will not reproduce them herein.
9. Initially, there were 14 Applications filed in April 2019 alleging discrimination on the grounds of race, colour, place of origin, ethnic origin, family status, and receipt of public assistance in housing. Hazelview responded to the Applications. The same legal counsel represents the applicants in each of the Applications.
10. An additional 23 Applications were filed with the HRTO. These additional Applications alleged the same breaches of the *Human Rights Code*, R.S.O. 1990 c. H. 19 (the “Code”). Hazelview responded to the additional Applications. Again, the same legal counsel represents the applicants in each of the additional Applications.
11. While there has been occasional activity on the file, there have been significant periods of dormancy.
12. On August 31, 2022, the Respondents filed a Request for a Summary Hearing under Rule 19A of the HRTO’s Rules of Procedure to request that the HRTO dismiss the Applications on the ground that there is no reasonable prospect they will succeed.
13. In its submissions, the Respondents took the position that the allegations in the Applications fail to establish a *prima facie* case of discrimination within the meaning of the *Code*. The Respondents also took the position that the allegations in the Application did not disclose a violation of a protected ground under the *Code*.
14. The HRTO issued a CAD ordering a summary hearing to decide the following:

[W]hether the Tribunal should dismiss all or part of these Applications because there is no reasonable prospect that all or some part of the Applications will succeed.
15. The HRTO also identified the specific issues to be addressed at the summary hearing noting at Paragraph 16 of the CAD the following:

It is not clear whether the applicants have any evidence to establish a link between the respondents' actual and/or alleged actions and the Code grounds that the applicants rely upon. At the summary hearing the applicants will be expected to explain what evidence they expect to be able to call at a hearing on the merits of the Applications to support the link between the allegations and the Code grounds they rely upon.

Pursuant to the direction in the CAD, the first area of inquiry requires the Applicants to explain what evidence they expect to call, should a hearing on the merits be held, to support a link between the allegations and the relied-upon grounds under the Code.

16. In addition, the HRTO provided the following direction at paragraph 17 of the CAD:

The Tribunal cannot decide general allegations of unfairness that are unrelated to the Code. At the summary hearing, the applicants will be expected to explain how the respondents' alleged actions could and did amount to a violation of the Code. While I note the applicants claim they are not making general allegations of unfairness but claim that they experienced direct discrimination under the Code, this is not entirely clear from the contents of the Applications and the references to international law (sic) and such social concepts as demographic engineering.

The Applicants are therefore expected to explain how the alleged actions of the Respondents could/did amount to a violation of the Code. In addition, it is expected that the Applicants address how they allegedly experienced direct discrimination under the Code, which is not clear to the HRTO based on the content of the Applications and references to international law and concepts such as demographic engineering,

17. The CAD raised a third issue for the summary hearing at paragraph 18:

Further, it is not clear how the alleged contraventions of the Residential Tenancies Act, 2006, S.O. 2006, c. 17 by the respondents have any direct or even indirect link to the alleged breaches of the Code.

Accordingly, the Applicants are to address the interplay, should any exist, between the Residential Tenancies Act, 2006, S.O. 2006, c. 17 and the alleged breaches of the Code.

The Legal Framework

18. Requests to intervene are governed by Rule 11 of the HRTO's Rules of Procedure. Rule 11 states the following in part:

The Tribunal may allow a person or organization to intervene in any case at any time on such terms as the Tribunal may determine. The Tribunal will determine the extent to which an intervenor will be permitted to participate in a proceeding.

The HRTO has the discretion to grant intervention status to an organization that complies with Rule 11.

19. Generally, the HRTO is guided by the following principles that were articulated at paragraph 19 of *Jeppesen v. Ancaster (Town)* [2001 CanLII 26209](#):

- (a) whether the intervention will unduly delay or prejudice the determination of rights of the parties to the proceeding;
- (b) whether the applicant has a significant interest in the issue on which intervention is sought;
- (c) whether the applicant is likely to provide assistance to the Board that will not otherwise be provided.

20. The HRTO has subsequently articulated its analysis to include the following factors in assessing a request for intervention:

- a. Whether the intervenor has a significant interest or special contribution to make on the issues;
- b. Whether the intervenor is likely to provide assistance to the Tribunal that will not otherwise be provided;
- c. Whether the intervention will unduly delay, disrupt or prejudice the determination of the rights of the parties; and
- d. If intervention is appropriate, are there conditions that should be placed on the intervention.

See, for example, *D.R. v. Upper Grand District School Board*, [2011 HRTO 1187](#)

21. The HRTO has expanded on the above-noted principles in cases where there is a request to intervene and the applicant and the respondent are represented by counsel. In such cases, the HRTO focuses on the assistance an intervenor may provide to the HRTO, and on the disruption, delay and prejudice to the parties.
22. For example, in *Aschkenasi v. 2404749 Ontario Limited*, [2021 HRTO 532](#) the proposed intervenor indicated that it had expertise related to the issues in the application and was “uniquely placed” to assist the HRTO in determining the issues before it. The proposed intervenor further stated that it could provide “additional information and perspectives” that would otherwise not be available to the HRTO.
23. The HRTO did not agree that the intervention was necessary for it to receive all the information and perspectives necessary to rule on the application. Of note, the HRTO stated the following at paragraph 13:

*I do not agree with the Proposed Intervenor’s position that its intervention is necessary for the Tribunal to receive all of the information and perspective necessary for the Tribunal to determine this Application. **Both parties to this Application are represented by counsel, and both have the ability to bring evidence, including expert evidence if the Tribunal permits it, with respect to the issues at play in this Application. I do not find that there is any reason to believe that the parties will be impaired from doing so in any way that would require additional parties.** [emphasis added]*

The HRTO noted that, despite the expertise of the proposed intervenor, there was nothing that the proposed intervenor could contribute to a hearing that could not be introduced by the named parties to the application.

24. The HRTO then discussed the purpose of interventions, noting the specific role an intervenor assumes in a matter before it (including where an applicant and respondent are represented by counsel). At paragraphs 14 to 15, the HRTO noted as follows:

The purpose of intervenors in the Tribunal process is to provide assistance to the Tribunal that would not otherwise be provided. The Proposed Intervenor states that it “has access to resources which are unavailable to the parties, and which will provide additional information and

perspectives that would otherwise not be available to the Tribunal in the context of this Application.” At para. 6 of the Intervention Request, the Proposed Intervenor adds:

Without the Wiesenthal Center’s evidence and submissions, the Tribunal may lack the necessary historical, cultural and religious context to enable it to fairly and properly consider the Applicant’s allegations of discrimination by the Respondent and to make a full and informed determination of those allegations.

The applicant is ably represented by co-counsel. If the applicant decides that she wishes to augment her arguments with the kind of submissions that the Proposed Intervenor submits are vital to this Tribunal to decide this Application, there are a number of avenues through which the applicant can propose to do that including expert reports, viva voce expert testimony and social science evidence to name a few. [emphasis added throughout]

Therefore, the purpose of an intervention is to provide assistance that would not otherwise be provided by the parties to an application.

25. The HRTO will consider whether an applicant is represented by counsel. Where an applicant is represented by counsel, it is always open for the applicant to augment their arguments with the submissions that a proposed intervenor wishes to make.
26. Finally, the HRTO addressed the disruption, delay and prejudice to the parties. The HRTO noted that the participation, in the broad terms expressed, would potentially augment the issues in dispute, and add significant expense to each party’s participation. Accordingly, it is open to the HRTO to deny a request to intervene where it finds that an intervenor will lengthen the proceedings.
27. It is noted that in *Aschkenasi, supra*, the HRTO did not dispute the stated expertise of the proposed intervenor. Whether a proposed intervenor has a specific expertise does not change the above-noted analysis. Based on the foregoing analysis, the request to intervene was denied.¹

¹ Similar findings occurred in *Villaneuva v. Toronto Police Services Board*, 2023 HRTO 154 <https://canlii.ca/t/jvqrm> and *Bank v. 2404749 Ontario Limited (dba Foodbenders)*, 2022 HRTO 848 <https://canlii.ca/t/jqbs5>

The Proposed Interventions to the Summary Hearing

28. The Respondent received a joint request by The National Right to Housing Network (“NRHN”) and the Chart Committee on Poverty Issues (“CCPI”) on May 10, 2025. The NRHN/CCPI does not indicate that they have any specific knowledge of the facts giving rise to the Applications.

29. Broadly speaking, and not an exhaustive list, the NRHN and/or CCPI wish to address the following issues:

- How the international human rights treaties inform the interpretation and application of provisions of the *Human Rights Code* in this case.
- Whether the *Code* may require measures to accommodate the needs of protected groups adversely affected by the demolition of existing housing and the development of new housing, in a community in which a disproportionate number of protected groups have lived.
- Clarifying the role of international law in the context of the Applications by assisting the Tribunal’s consideration of the role played by international human rights norms in the present application.

Provide assistance by articulating how the interdependence of the right to equality in housing guaranteed under the *Code* is interdependent and indivisible from some components of economic, social and cultural rights under international human rights law.

The HRTO has ruled that a proposed intervenor must provide assistance to the Tribunal that would not otherwise be provided. There is nothing in the NRHN/CCPI request to intervene that has not been raised by the Applicants.

30. The Applicants are represented by counsel. Based on the pleadings to date, the arguments and positions of the Applicants are no different than the positions/proposed arguments of the NRHN/CCPI. It is further unclear how the NRHN/CCPI can comment on the evidence the Applicants may tender to support a link between the allegations and the relied-upon grounds under the *Code*

31. Moreover, it is open to counsel for the Applicants to supplement their summary hearing arguments with the positions taken by the NRHN/CCPI. Since there is nothing that the NRHN/CCPI can add to the summary hearing, its request to intervene ought to be dismissed.
32. The other proposed intervenor is the Canadian Centre of Housing Rights (“CCHR”). The CCHR seeks to intervene with full rights to participation in the summary hearing; it also delivered its request to intervene on May 10, 2025. The CCHR does not indicate that it has any specific knowledge of the facts giving rise to the Applications.
33. A basic summary of the issues the CCHR intends to address is the following:
- Individuals can raise issues of systemic discrimination that flow from their individual claim.
 - The Tribunal should interpret the *Human Rights Code* in a way that is consistent with international law.
 - Individuals can bring claims of discrimination in housing with regard to the Respondent business models, in just the same way that they can bring claims with regard to any other Respondent action.
 - Discrimination can be established without any evidence of Respondent intents. The appropriate test for discrimination is that the Applicant identifies with a *Code* ground or grounds; they were subjected to a disadvantage in a *Code*-protected social area, and that disadvantage is connected to their identification with that Code ground or grounds.
 - In the context of a summary hearing an unlawful evidentiary burden or onus is not placed on the Applicant.
34. Again, and with respect, there is nothing that the CCHR purports to add to the Applications that has not already been raised by the Applicants. It is further unclear how the CCHR can comment on the evidence the Applicants may tender to support a link between the allegations and the relied-upon grounds under the *Code*.
35. Further, it is open to counsel for the Applicants to supplement their submissions based on the positions of the CCHR.

36. Adding the CCRH as an intervenor, including at the summary hearing stage, will not aid the HRTO at the summary hearing, and will augment the expenses of the parties in relation to the summary hearing. Therefore, CCHR's request to intervene ought to be dismissed.
37. The requests to intervene in the summary hearing ought to be dismissed.

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