

Contents

s. 7 - Publication.....	3
Gender Identity and Expression.....	3
Religion; Marital Status; Sexual Orientation; Place of Origin	4
s. 8 - Accommodation, Service and Facility.....	4
Family Status	4
Marital Status.....	5
Mental Disability	5
Physical Disability.....	8
Religion	19
Sex (Gender).....	19
Sexual Orientation	21
Source of Income	22
s. 9 – Purchase of Property	23
Physical Disability.....	23
Sexual Orientation; Physical Disability.....	23
s. 10 – Tenancy Premises	23
Age	23
Family Status	23
Marital Status; Family Status	24
Mental Disability	25
Physical Disability.....	25
Race; Ancestry, Place of Origin, Religion	28

Sex (Harassment)	29
Source of Income	30
s. 12 - Wages	31
Sex (Gender).....	31
S. 13 - Employment.....	31
Age	31
Age; Family Status; Marital Status	32
Family Status	32
Marital Status; Physical Disability; Mental Disability.....	34
Mental Disability	34
Physical Disability	40
Political Belief.....	61
Race.....	62
Religion	66
s. 14 – Unions and Associations	88
Mental Disability	88
Race; Colour; Ancestry; Place of Origin	90
s. 37(4) - Costs.....	90
Costs.....	90
s. 43 - Retaliation	110
Retaliation	110

Legend:

C = Complainant
R = Respondent
I2D = Injury to Dignity
LW = Lost Wages

Area	Ground	Citation	Summary	Award
s. 7 - Publication				
s. 7	Gender Identity and Expression	<i>Oger v. Whatcott (No. 7)</i> , 2019 BCHRT 58	R published and distributed a flyer aimed at stopping C from being elected as an MLA in a Vancouver riding. R is a Christian activist who took issue with C's candidacy as a transgender woman. The panel found R's flyer represented intention to discriminate and was likely to expose R and other transgender people to hatred and contempt.	I2D: \$35,000 (*noted an upward trend in Tribunal's awards) Costs: \$20,000 for R's improper conduct throughout hearing. (pre and post-judgement interest on I2D and costs until paid in full).
s. 7	Gender Identity and Expression	<i>Li v. Brown</i> , 2018 BCHRT 228	C had an informal arrangement to rent a suite in a house owned by R and his husband. Both C and R identify as homosexual men. However, C was not openly gay at work and R knew this. C began making what R's husband took to be inappropriate advances towards R. Relationship between R and C became strained as R sought access to suite for showings. C alleged R repeatedly threatened to "out" him at work unless he complied. C ended tenancy and there was a dispute over damage	I2D: \$5,000

[Back to Top](#)

			deposit. R responded by showing C's supervisor a picture of C wearing a dress, effectively "outing" him. HRT found discrimination under S.7 but dismissed complaint under S.10.	
s. 7	Religion; Marital Status; Sexual Orientation; Place of Origin	<i>Dahlquist-Gray and another v. Hedley (No. 2)</i> , 2012 BCHRT 50	R published posters that were found to have discriminated against Cs on basis of place of origin (USA), religion (Wiccan), marital status and sexual orientation (married gay couple).	I2D: \$5,000 to each C Costs: \$1,000 against R to each C for inappropriate communication with the Tribunal despite repeated warnings
s. 8 - Accommodation, Service and Facility				
s. 8	Family Status	<i>Rodriguez and others v. Coast Mountain Bus Company and another (No. 3)</i> , 2008 BCHRT 427	C complained that R did not address several concerns about travelling with children and strollers on the bus. The Tribunal found that R failed to adhere to its policy that gives passengers with strollers priority over designated areas.	I2D: \$1,000 LW: \$472.50 to attend the hearing
s. 8	Family Status	<i>Ellis v. Snow Trails Sales and Service and Meiorin (No. 3)</i> , 2008 BCHRT 152	C not allowed to bring baby stroller into store. Happened numerous times.	I2D: \$5,000
s. 8	Family Status	<i>Fraser v. ING Insurance Co.</i> , 2004 BCHRT 163	Foster mother denied renewal of her home insurance when a foster child intentionally destroyed property. C also classified as "high risk" with subsequent insurer.	I2D: \$1,000
s. 8 (also s. 13)	Family Status	<i>Hutchinson v. B.C. (Min. of Health)</i> , 2004 BCHRT 58 Judicial Review –	C with cerebral palsy and her father filed on the grounds that R's caregiver funding prevented C from hiring father for the role without an	I2D: Ms. Hutchinson \$8,500 (asked for \$10,000); Mr. Hutchinson \$4,000 (asked for \$6,000)

[Back to Top](#)

		<i>HMTQ v. Hutchinson et al</i> , 2005 BCSC 1421 : BCHRT decision upheld	assessment of their individual circumstances. The Tribunal found that R could have accommodated Cs by allowing for exceptions to its blanket prohibition against hiring family members.	<p>LW: \$105,840 for second C to compensate for his lost opportunity to be hired as his daughter's caregiver</p> <p>Order that the ministry develop criteria to allow exceptions to the blanket prohibition on the hiring of family members as caretakers</p> <p>Order that first C be allowed the opportunity to hire her father by application of the criteria for exceptions to her case once made generally applicable to the public</p>
s.8	Marital Status	<i>Jackson v. Summerland Motel and others</i> , 2016 BCHRT 120	C established a <i>prima facie</i> case of discrimination when terminated from her employment because of her perceived marital -like relationship with an individual who the R's considered to be of dubious character.	<p>I2D: \$3,500</p> <p>LW: \$499.20 and pre and post judgement interest</p>
s.8	Marital Status	<i>Bray v. Shearwater Marine and another</i> , 2011 BCHRT 64	Wife denied access to businesses and other services in "company town" for 3 months after husband disputed a bill with Respondent company. Respondent owned virtually all the services on Denny island where the complainant intended to live.	<p>I2D: \$2,000</p> <p>LW: \$1,337.33 to attend the hearing</p>
s. 8	Mental	<i>Gichuru v. Purewal and</i>	R's behaviour was deliberately	No I2D: as "C's conduct

[Back to Top](#)

	Disability	another, 2017 BCHRT 19	provoked by C to obtain monetary compensation. Without such provocation, the Complaint would never have taken place.	should not be rewarded” Costs: \$12,000 for R knowingly giving false evidence during hearing including that C had threatened to set R’s residence on fire
s. 8 (also s. 13)	Mental Disability	<i>Kelly v. UBC (No. 3)</i> , 2012 BCHRT 32 ; <i>Kelly v. University of British Columbia (No. 4)</i> , 2013 BCHRT 302 Judicial Review – <i>University of British Columbia v. Kelly</i> , 2015 BCSC 1731 : BCHRT I2D award set aside and reconsideration ordered Appeal – <i>University of British Columbia v. Kelly</i> , 2016 BCCA 271 : BCHRT I2D award restored	C was a resident doctor who was entitled to the reasonable accommodation of his disabilities within the learning (UBC Medical School) and work environment (UBC Hospital). The decisions to preclude C access to further remediation or probation, and to dismiss him from the program were discriminatory.	I2D: \$75,000 LW: \$380,000
s. 8	Mental Disability	<i>J and J obo R v. B.C. (Ministry of Children and Family Development) and Havens (No. 2)</i> , 2009 BCHRT 61	Alleged that MCFD refused to provide son with support services for social and community development skills because son has an IQ over 70. Support services are only provided to children with Noonan Syndrome if they have an IQ of 70 or lower, but that support services are not withheld from other children with other “chronic mental	I2D: \$20,000 Order that R compensate C for loss for services he would have received (Not calculated but Member remained seized)

			health problems”, such as autism and Asperger’s Syndrome, who have an IQ over 70.	
s. 8	Mental Disability	<p><i>Moore v. B.C. (Ministry of Education) and School District No. 44</i>, 2005 BCHRT 580</p> <p>Judicial Review – <i>British Columbia (Ministry of Education) v. Moore</i>, 2008 BCSC 264: Appeal allowed, BCHRT decision quashed</p> <p>Appeal – <i>British Columbia (Ministry of Education) v. Moore</i>, 2010 BCCA 478: Appeal of BCSC decision to quash dismissed</p> <p>Appeal - <i>Moore v. British Columbia (Education)</i>, 2012 SCC 61, [2012] 3 S.C.R. 360: Appeal allowed in part, order for reimbursement and damages against the District upheld, all other orders set aside</p>	<p>C, an infant with a severe learning disability and student in Rs’ public school system, did not receive sufficiently intensive supports as early intervention in the development of his disability which would have subsequently allowed him to access other education services.</p>	<p>I2D: \$10,000</p> <p>Expenses: for cost of an additional tutor for C while in school; for C’s private school fees (enrollment was recommended by Rs); for half of C’s transportation costs to private school; for costs of experts providing reports and attending the hearing</p> <p>Systemic Remedy Order that the Ministry R:</p> <ol style="list-style-type: none"> 1) make funding available for students with severe learning disabilities at actual incidence levels; 2) establish mechanisms for determining that support and accommodation for these students is appropriate and meets the stated goals of the <i>School Act</i> and the <i>Special Needs Student Order</i>; 3) ensure all districts have early intervention programs in place to identify students with severe learning disabilities

				<p>early and provide appropriate intensive remediation services; and 4) ensure that all school districts have in place a range of services to meet the needs of such students</p> <p>Systemic Remedy Order that the District R also comply with items 2-4 above</p> <p>(but see judicial review and appeals notes)</p>
s. 8	Physical Disability	<i>Bowker v. Strata Plan NWS 2539</i> , 2019 BCHRT 43	C had pulmonary fibrosis (lung disease) and owed a strata unit above another unit with heavy smokers. C's health was adversely impacted by second-hand smoke entering her unit from below. R failed to reasonably accommodate C's disability to the point of undue hardship.	I2D: \$7,500 (*with \$2000 already paid by R offset against this sum)
s. 8	Physical Disability	<i>Belusic v. Yellow Cab of Victoria</i> , 2018 BCHRT 81	R's employee, a taxi driver, admitted that he declined to serve C, a blind person, because he did not want his guide dog in his taxi.	<p>I2D: \$7,500</p> <p>Expenses: \$1,000</p> <p>Post-judgement interest</p> <p>Order that R affix a visible label to all vehicles in their fleet stating that the taxi cabs are guide dog friendly</p>
s. 8	Physical Disability	<i>Rankin v. B.C. (Ministry of Justice) (No. 2)</i> , 2017	RoadSafety BC failed to reasonably accommodate C when it failed to	I2D: \$10,000

[Back to Top](#)

		BCHRT 100	offer her a learner's license for a standard transmission vehicle between April 27, 2015, and October, 2016 when the offer was made.	<p>Loss of EI benefit eligibility: \$6,324</p> <p>Expenses: \$2,200 for cost of air fare, hotel, meals, and other expenses to attend the hearing</p> <p>Order that R develop a new training program or amend its existing one; see p. [297] for details of the program, and to notify C and the Tribunal of the steps it has taken in doing so</p>
s. 8	Physical Disability	<i>Leary v. Strata Plan VR1001</i> , 2016 BCHRT 139	C experienced an adverse impact related to her disability due to secondhand smoke in her suite. This impact was long-standing and supported by medical Evidence. R did not properly inquire into the extent and impact, how to accommodate or whether it would amount to undue hardship.	I2D: \$7,500
s. 8	Physical Disability	<i>M obo C v. PS and A</i> , 2014 BCHRT 217	Diabetic 3-year old child with peanut butter in his emergency kit denied enrollment at pre-school due to school's peanut-free policy.	I2D: \$2,500
s. 8	Physical Disability	<i>McCreath v. Victoria International Running Society and another</i> , 2013 BCHRT 53	Blind runner discriminated against when not allowed a head start with other challenged racers in 10K race.	<p>I2D: \$2,500</p> <p>LW: \$500</p> <p>Order that R undergo training re accommodation</p>

s. 8	Physical Disability	<i>Garrow v. Strata Plan LMS-1306 (No. 3)</i> , 2012 BCHRT 4	C, who had limited mobility, was unable to access or leave his unit during scheduled elevator shutdowns and forced to stay at hotels during these times. Rs could have reasonably accommodated C in paying for these hotel costs.	No LW as C did not testify as to the personal impact of Rs' behaviour and contributed by his own actions to the parties inability to arrive at a suitable accommodation. Expenses: \$222.96 for past hotel stays
s. 8	Physical Disability	<i>Wollenberg v. North West Athletics</i> , 2012 BCHRT 178	Gym denied member the ability to do one exercise using boots needed for tendon support due to his physical disability.	I2D: \$1,000 Expenses: \$400 for C's reduced utilization of Rs facilities; \$500 for lost wages incurred in pursuing the complaint; \$16 for parking expenses to attend the hearing
s. 8	Physical Disability	<i>Laberge v. Martier School of Hair Design & Esthetics and another (No. 2)</i> , 2010 BCHRT 302	R discriminated against C because of her physical disability when they required her to leave classes early; when they required her to move from the day to the evening class, then to move from the evening class to one-on-one instruction, and when they did not provide her with the full course instruction hour. R's alleged that C, who had bladder issues, had an odour and this was the reason for her removal.	I2D: \$10,000 Student loan reimbursement \$3,500 Future LW: \$3,000
s. 8	Physical Disability	<i>Hall v. B. C. (Ministry of Environment) (No. 6)</i> , 2010 BCHRT 189 See also <i>Hall v. B.C.</i>	C, a disabled hunter, was not granted a permit allowing him to hunt with the assistance of a companion or hunt in areas with less competition. C missed many	I2D: \$5,000 Expenses: \$500 for photocopying and other costs to pursue complaint

		(Ministry of Environment) (No. 5), 2009 BCHRT 389	hunting seasons, was unable to provide organic meat to his family or participate in social hunting with friends and family, causing injury to dignity.	
s. 8	Physical Disability	<i>Shannon v. The Owners, Strata Plan KAS 1613 (No. 2)</i> , 2009 BCHRT 438	Strata discriminated against C in not allowing him to retain the solar screen to reduce the use of in-home air conditioning, which exacerbated his Physical disability. R failed to justify its conduct/establish undue hardship. The Tribunal awarded costs for failure of R to accept reasonable offer.	I2D: \$2,500 Costs: to be agreed upon by the parties
s. 8	Physical Disability	<i>James and Moynan v. City of Salmon Arm</i> , 2009 BCHRT 285	City enforced nuisance bylaw against disabled C growing medical marijuana. C was in the process of renewing license but delay incurred due to gov't processing so did not have "license" at the time.	No I2D as C did not seek an award Order that R rescind the Do Not Occupy notice, reconnect the water supply, cancel all costs sought by it in relation to enforcement of the Bylaw, related to this case
s. 8	Physical Disability	<i>Mahoney obo Holowaychuk v. The Owners, Strata Plan #NW332 and others</i> , 2008 BCHRT 274	Rs failed to provide wheelchair access in a strata building between main lobby and elevators.	No I2D as C did not seek an award. Order that Rs obtain architectural drawings and quotes and to seek approval for those drawings from City authorities.

				<p>Order that R install wheelchair ramp if quotes received in a bid tender process are in line with estimated cost presented at hearing.</p> <p>If the architectural drawings are not approved by the City or if the bids for the ramp installation exceed the estimated cost, the parties are ordered to attend Tribunal assisted mediation to resolve the issues in the complaint.</p>
s. 8	Physical Disability	<i>Johnson v. AC Taxi and Williams (No. 2)</i> , 2008 BCHRT 242	C suffered from chronic pain. Cab driver drove erratically hurting C and would not stop when asked, but told C he was “a weirdo.”	I2D: \$2,500
s. 8	Physical Disability	<i>Edwards v. Foglia and Champion Cabs</i> , 2006 BCHRT 517 Judicial Review – <i>Foglia v. Edwards</i> , 2007 BCSC 861 : BCHRT award for I2D set aside	C was denied access to cab company because company was afraid of liability loading C into and out of Cab.	I2D: \$2,500 (but see Judicial Review note)
s. 8	Physical Disability	<i>Thiessen v. L A Weight Loss</i> , 2006 BCHRT 313	C denied enrolment at Health Club/Weight loss centre due to Hepatitis C, as R’s diet included foods that R believed C could not eat because of her disability. R changed policy to include doctor confirmation, but took several months to do so.	I2D: \$1,000

s. 8	Physical Disability	<i>Leong v. Knight & Day Restaurants and another</i> , 2004 BCHRT 84	Diabetic C injected herself with insulin at a restaurant. Waitress employee of R described C's doing so as "disgusting". Manager employee of R essentially agreed with waitress and would not assure food would be delivered in a timely manner to avoid risks of diabetic reaction. C later contacted Corporate R and was refused an apology, told to "go ahead" and file a human rights complaint.	I2D: \$2,500
s. 8	Physical Disability	<i>Moser v. District of Sechelt</i> , 2004 BCHRT 72	Wheelchair user C unable to use seawall pathway.	I2D: \$1,000 Order that R ameliorate the effects of the discrimination (installation of an external railing considered but not specifically ordered to allow for possible alternative solutions)
s. 8	Physical Disability	<i>Bolster v. B.C. (Ministry of Public Safety and Solicitor General)</i> , 2004 BCHRT 32 Judicial Review – <i>HMTQ v. Bolster & BC Human Rights Tribunal</i> , 2005 BCSC 1491 : BCHRT decision upheld Appeal – <i>British Columbia v. Bolster</i> , 2007 BCCA 65 : appeal of	C was denied a driver's license due to visual disability. Individual assessment initially refused, but later provided after several years. C was unable to work due to inability to drive.	I2D: \$5,000 LW: \$141,939.38 Expenses: unspecified quantum for cost of C's individual assessment

		BCSC decision dismissed		
s. 8	Physical Disability	<i>Hussey v. B.C. (Min. of Public Safety and Solicitor General)</i> 2003 BCHRT 76	C had to pay for assessment of his hearing ability to obtain a class 4 driver's license.	I2D: \$500 Order that R cover the extra cost for persons with hearing loss disabilities if R requires a specialized individualized assessment
s. 8	Physical Disability	<i>Konieczna v. The Owners Strata Plan NW2489</i> 2003 BCHRT 38	R had bylaw prohibiting any flooring other than carpeting, failing to accommodate C's allergies to components of carpeting/dust, etc. C is elderly and experienced physical discomfort, Rs showed indifference to C's concerns and acted aggressively and inflexibly.	I2D: \$3,500 (C asked for \$5,000) Order that R ensure C would not be the subject of any special levy or charges for R's payment of the monetary award or any legal costs incurred.
s. 8	Physical Disability	<i>Williams v. Strata Council #768</i> , 2003 BCHRT 17	C, a strata lot owner in a building owned and operated by R, had mobility and health issues. R disabled its automatic door-opening system from 8PM to 8AM. In the event of a health emergency, C would be unable to go to the lobby to let in emergency services as necessitated by the disabling of the door system.	I2D: \$1,500 Expenses: \$625.50 for half of expenses C incurred in pursuing arbitration Order that C not be subject to any special levy for payment of the mandatory award Order that R remove the lock timer that disabled the automatic door opening system and return the intercom and entry system to its previous state.

s. 8	Physical Disability; Mental Disability	<i>Robb v. St. Margaret's School</i> , 2003 BCHRT 4	C, a child with a severe learning disability, attended R, a school. She was refused re-enrollment for Grade 5 because of her mental disability. Rs retaliated against C by refusing to meet with parents after complaint was filed. Rs also wrote an letter to parents about C and C's family during complaint process.	I2D: \$5,000 for discrimination I2D: \$1,000 for retaliation
s. 8	Physical Disability; Mental Disability	<i>Daughter by Parent v. The Owners, A Strata</i> , 2020 BCHRT 105	14yo C had physical and mental health disabilities related to childhood trauma. She experienced escalating symptoms that a doctor agreed would be aided by owning a dog. R's bylaws did not allow dogs; C asked for an exemption and was denied. Tribunal found that no-dog bylaw violated Code given the significant adverse affect not having the dog would have on C.	C did not seek damages. No-dog bylaw unenforceable against C.
s. 8	Place of Origin	<i>C1 and Sangha v. Sheraton Wall Centre (No. 2)</i> , 2011 BCHRT 147	R discriminated by denying room bookings for participants in a Bhangra dance and music event they were organizing in at the R's hotel.	I2D: \$2,500 to each of two Cs
s. 8	Place of Origin; Sex; Sexual Orientation; Mental Disability	<i>Fernandes v. City University of Seattle in Canada and another (No. 2)</i> , 2020 BCHRT 129	C was enrolled as a student with R. R perceived C to be "mentally unstable" and therefore a threat for sexual violence. C told by R that he could 1) withdraw from the program, access mental health care, and return when approved by a professional; or 2)	I2D: \$17,500 Expenses: \$5,221.44 (for tuition, books, application fee)

[Back to Top](#)

			withdraw permanently and receive a refund. R then deregistered C from the program entirely. Tribunal found that C's perceived mental disability was a factor in the decision to remove him from the program.	
s. 8	Race; Ancestry; Colour; Place of Origin	<i>Chauhan v. Norkam Seniors Housing Cooperative Assn.</i> , 2004 BCHRT 262	C was told by R to stop preparing ethnic food in her rented property. The retaliation occurred after Ms. Chauhan filed her complaint in the form of threat to terminate her sub-lease.	I2D: \$2,500 (for both complaint and retaliation) Expenses: \$1,925 for legal fees; \$572.45 for fees paid to an engineering firm; \$73.97 for photocopying, courier, postage, and other costs
s. 8	Race; Ancestry	<i>Harry v. Trail Apothecary Ltd.</i> , 2004 BCHRT 238	Pharmacy R's policy of not processing claims directly through insurers when valued at less than \$300 adversely affected First Nations C, who was unable to have medical equipment paid through NHIB insurance designated for First Nations individuals. Adverse effect discrimination in the way a drug store policy affected proof of eligibility for medical coverage.	I2D: \$1,500 Order that R correct policy Expenses: \$344.76 for air fare to attend the hearing
s. 8	Race; Colour	<i>Ibrahim v. Immigrant Services Society of British Columbia</i> , 2003 BCHRT 1	New immigrant C was subject to racist remarks by R's employees. R's conduct was not of the most egregious kind but upset C, who was a refugee in an institution designed to be a safe haven for refugees and therefore a highly	I2D: \$2,000

			vulnerable person vulnerable to discrimination from staff.	
s. 8	Race; Colour; Ancestry	<i>Campbell v. Vancouver Police Board (No. 4)</i> , 2019 BCHRT 275	C, an Indigenous woman, witnessed her son and a friend being arrested. When C attempted to get information regarding her son, the police physically removed her and threatened her with charges of obstructing justice. The Tribunal found that VPD were dismissive and treated C adversely on the basis of her Indigenous identity. The VPD's actions perpetuated historical disadvantage of Indigenous people. The VPD must acknowledge social context when policing.	I2D: \$20,000 Expenses: \$1,500 Order that VPD implement anti-discrimination training that acknowledges particular needs of indigenous people and specific to discrimination Indigenous people face in a policing context
s. 8	Race; Colour; Ancestry	<i>Rai and others v. Shark Club of Langley (No. 2)</i> , 2013 BCHRT 204	South Asian Cs were denied entry to the Shark Club and assaulted. White patrons were allowed in without tickets while Cs were refused entry for not having tickets.	I2D: \$10,000 to each C
s. 8	Race; Colour; Ancestry	<i>Holland and Jack v. Prince George Taxi and Kuuluvainen</i> , 2005 BCHRT 317	Cab driver required First Nations passengers to pay in advance called them "you people", "you Indians", and "you fucking Indians".	I2D: \$2,000 to each C
s. 8	Race; Colour; Ancestry; Place of Origin	<i>Bitonti et al. v. College of Physicians and Surgeons of B.C.</i> , 2002 BCHRT 29 See also <i>Bitonti et al. v. College of Physicians and Surgeons of British Columbia (No. 3)</i> (1999), 36 C.H.R.R. D/263.	Cs, graduates of foreign medical schools, had to meet more stringent standards. Cs engaged in lengthy dispute including two hunger strikes.	I2D: Multiple Cs received \$7,500 except one, who received \$2,000 (less because C left BC to find work elsewhere for unrelated reasons) LW: \$60,372 for one C, \$51,719 for the other for income lost as a result of the contravention

s. 8 (also s. 14)	Race; Colour; Ancestry; Place of Origin	<i>Brar and others v. B.C. Veterinary Medical Association and Osborne (No. 22), 2015 BCHRT 151</i>	<p>Racial stereotypes played a role in R's dealings with Cs including an English language standard that was higher than necessary and selection of Cs' facilities for unscheduled inspections.</p> <p>C also filed a s.7 complaint which was dismissed by the Tribunal.</p>	<p>I2D: \$35,000, \$15,000, \$10,000, \$7,500, \$30,000, \$10,000, \$10,000, \$2,000, \$5,000, \$25,000, \$10,000, \$30,000 for various Cs</p> <p>LW: \$1,138.46 for to attend the hearing calculated for four days of testimony and \$39,505 for lost wages due to delay in licensing C, both awarded to Dr. Joshi only</p>
s. 8	Race; Physical Disability	<i>Radek v. Henderson Development (Canada) and Securiguard Services (No. 3), 2005 BCHRT 302</i>	C and a friend were prevented from entering shopping mall by security staff employed by R. C is Aboriginal and suffers from a visible physical disability.	<p>I2D: \$15,000</p> <p>Expenses: to attend the hearing and produce an expert report to be agreed upon between counsel</p> <p>Order that R require all security personnel at the International Village receive appropriate anti-discrimination training, are aware of public right of way through the mall</p> <p>Order that R ensure there is an appropriate procedure for receiving and responding to public complaints about security personnel</p> <p>Order that R provide any</p>

				person requesting a copy of the decision or any site post orders or other directions receives such documents
s. 8	Religion	<i>Kelly v. B.C. (Ministry of Public Safety and Solicitor General) (No. 3)</i> , 2011 BCHRT 183	First Nations inmate denied access to aboriginal religious counselling and materials while in prison.	I2D: \$5,000
s. 8	Sex (Gender)	<i>Dawson v. Vancouver Police Board (No. 2)</i> , 2015 BCHRT 54	Transgender C discriminated against by R when she was in custody and her concerns about her post-operative procedure were not seriously considered. C discriminated against when R referred to her by her “male” name and male pronouns. She advised the officers that she was a transgender female, but was not treated as such.	I2D: \$15,000 Order that within one year, policies are to be adopted by R that allow identification of trans people without discrimination. Officers to be trained in implementation of these policies.
s. 8	Sex (Gender)	<i>Hawkins obo Beacon Hill Little League Major Girls Softball Team – 2005 v. Little League Canada (No. 2)</i> , 2009 BCHRT 12	An all-male team, winners of a baseball Divisional Championship were provided a “Travel Package” by League R, including air plane tickets, to attend the National Championship. The all-female C softball team also won their divisional championship and were to attend a National championship, but were not given a “Travel Package”.	I2D: \$1,000 to each team member
s. 8 (also s. 13)	Sex (Gender)	<i>Nixon v. Vancouver Rape Relief Society</i> , 2002 BCHRT 1 Judicial Review – <i>Vancouver Rape Relief</i>	C was forbidden from volunteering with R because she was a transgendered woman, but had been born male and so had enjoyed male privilege. C was hurt and humiliated, had a major anxiety	I2D: \$7,500 (largest award to this point had been \$6,500) (but see Judicial Review and Appeal note)

[Back to Top](#)

		<p><i>Society v. Nixon et al.</i>, 2003 BCSC 1936: BCHRT decision set aside</p> <p>Appeal – <i>Vancouver Rape Relief Society v. Nixon</i>, 2005 BCCA 601: Appeal of BCSC decision dismissed</p>	attack, and contemplated suicide.	
s. 8	Sex (Gender); Sexual Orientation	<p><i>Pardy v. Earle and others</i> (No. 4), 2011 BCHRT 101</p> <p>Judicial Review - <i>Ismail v. British Columbia (Human Rights Tribunal)</i>, 2013 BCSC 1079: Petition dismissed</p>	Comedian R at comedy club discriminated against lesbian C by making multiple derogatory comments towards C and her girlfriend. R also grabbed C's sunglasses and broke them. R intended to attack C's identity and dignity in the most extreme terms that came to mind.	<p>I2D: \$15,000 against comedian R, \$7,500 against venue Rs</p> <p>LW: \$320 for attending hearing</p>
s. 8	Sex (Gender); Sexual Orientation	<p><i>Waters v. BC Medical Services Plan</i>, 2003 BCHRT 13</p>	C, a F to M transgender, had phalloplasty procedure out of province that R would only partially compensate for (amount that would be covered if it was done in BC). C's physical integrity was denied; R's refusal to provide him with similarly funded medical services marginalized and ignored his needs and harmed his dignity. R would compensate other types of surgery at the "usual and customary" rate.	<p>I2D: \$6,500</p> <p>Expenses: \$33,071.67 for medical costs of procedures C had done in the US, plus payment for completion of phalloplasty (some procedures still had to be done); \$1,000 for legal costs prior to filing complaint.</p>
s. 8	Sex (Gender); Sexual Orientation	<p><i>Gill and Maher, Murray and Popoff v. Ministry of Health</i>, 2001 BCHRT 34</p> <p>Judicial Review – <i>The Minister of Health</i></p>	Birth registration for a child born via donor insemination required name of mother and father. Birth mother's female partner could not be entered in the "father information" part of the registration form, instead that	<p>I2D: \$500 for each C (Cs asked for \$10,000 each)</p> <p>Order that the Respondent amend the Birth Registration form so that it</p>

		<i>Planning et al v. The British Columbia Human Rights Tribunal et al</i> , 2003 BCSC 1112 : BCHRT decision overturned in part – order that petitioner amend birth registration form to allow another option set aside	partner had to adopt the child.	provides the option of identifying, as a parent, a non-biological parent who is the co-parent of a mother or father (but see Judicial Review note)
s. 8	Sexual Orientation	<i>Eadie and Thomas v. Riverbend Bed and Breakfast and others (No. 2)</i> , 2012 BCHRT 247	Gay couple denied reservation at B&B due to owner's religious beliefs.	I2D: \$1,500 to each C Expenses: \$403 and \$447 for wages lost to attend the hearing
s. 8	Sexual Orientation	<i>Smith and Chymyshyn v. Knights of Columbus and others</i> , 2005 BCHRT 544	Cs rented a hall owned by Rs for a same-sex marriage and were denied access when R learned that this was the purpose of the rental.	I2D: \$1,000 (Cs recognized R was a non-profit and only asked for this amount) Expenses: \$444.59 (costs of reprinting invitations and renting an alternate hall)
s. 8	Sexual Orientation	<i>Rainbow Committee of Terrace v. City of Terrace</i> , 2002 BCHRT 26	R refused to declare "Gay Pride Day". The social and moral acceptability of the sexual orientation of the individuals represented by C was a central part of the discussion in not declaring "Gay Pride Day", with one councillor stating that the "agenda" was morally and socially unacceptable.	No I2D as C did not seek an award, but Tribunal would have made an award "in the higher range" of awards given by the Tribunal. Order that Rs must proclaim "Lesbian Gay Bisexual and Transgender Pride Day" in their city, to be advertised in the local newspaper and on the local TV station once a day

				for a week to be paid by R.
s. 8	Sexual Orientation	<p><i>Jubran v. Board of Trustees, 2002 BCHRT 10</i></p> <p>Judicial Review – <i>Board of School Trustees of School District No. 44 (North Vancouver) v. Jubran, 2003 BCSC 6</i>: BCHRT decision overturned</p> <p>Appeal – <i>School District No. 44 (North Vancouver) v. Jubran, 2005 BCCA 201</i>: BCSC decision overturned and new trial ordered</p>	C was repeatedly called homophobic slurs by classmates.	<p>I2D: \$4,000 total (varying amounts for different school years)</p> <p>(but see Judicial Review and Appeal note)</p>
s. 8	Source of Income	<i>Coreas and Coreas v. Tuyen (No. 3), 2012 BCHRT 218</i>	R directed insulting and demeaning comments toward C and denied access to laundry facilities. R's behaviour was influenced by the mistaken belief that C was receiving welfare.	I2D: \$1,000 to Veronica Coreas; \$1,500 to Olivia Coreas
s. 8	Source of Income; Family Status	<i>Neale v. Princeton Place Apts. Ltd., 2001 BCHRT 6</i>	C responded to a rental ad for her and her daughter. She was told that R does not usually accept tenants who are not working and who are on assistance. C also felt she was being accused of having an illegal source of income. She was dissuaded from applying by R representative. The Tribunal found discrimination based on source of income as R stated they do not accept people who are "on	I2D: \$1,500

			assistance”.	
s. 9 – Purchase of Property				
s. 9	Physical Disability	<i>Jones v. The Owners Strata Plan 1571 and others</i> , 2008 BCHRT 200	C was legally blind and was denied purchase of property because his dog, who he relied upon for safety, was not a certified guide dog.	I2D: \$12,000
s. 9	Sexual Orientation; Physical Disability	<i>Outingdyke v. Irving Apartments and others</i> , 2005 BCHRT 443	Denied the right to purchase property in a Co-Op due to HIV positive status. Loss of opportunity (property value) allowed to continue as a separate action in BCSC.	I2D: \$6,500
s. 10 – Tenancy Premises				
s. 10	Age	<i>Martin v. The Grove Mobile Home Park</i> , 2000 BCHRT 45	R evicted C from mobile home park because enforced an age restriction requiring tenants be 55 or older.	I2D: \$2,500
s. 10	Family Status	<i>Horneland v. Wong and another</i> , 2014 BCHRT 3	C denied rental accommodation because she had a young child.	I2D: \$2,500
s. 10	Family Status	<i>Nicolosi v. Victoria Gardens Housing Co-operative and another (No. 2)</i> , 2013 BCHRT 1 Judicial Review – <i>Victoria Gardens Housing Cooperative v. Nicolosi</i> , 2013 BCSC 1989 ; BCHRT decision upheld	C removed from Co-op list due to her relationship with her daughter, and thus because of C’s family status as mother.	I2D: \$7,500 Order that C be placed at the top of the VGHC waiting list and offered the next two-bedroom unit that becomes available. R’s board will consider C’s application on the basis that the Membership

[Back to Top](#)

				Committee has recommended her and that all references have been successfully checked
s. 10	Family Status	<i>Cha and Cha v. Hollyburn Estates (No. 2)</i> , 2005 BCHRT 409	Rs policy not to rent single bedroom apartments to families was applied to Cs. Cs suffered some injury to dignity, feelings, and self-respect, but exaggerated their evidence somewhat.	I2D: \$500 (Cs asked for \$1,000)
s. 10	Marital Status; Family Status	<i>Ford v. Lavender Co-operative (No. 3)</i> , 2009 BCHRT 38 Judicial Review – <i>Lavender Co-Operative Housing Association v. Ford</i> , 2009 BCSC 1437 : BCHRT decision quashed Appeal – <i>Lavender Co-Operative Housing Association v. Ford</i> , 2011 BCCA 114 : appeal of BCSC decision dismissed	R housing co-op required only one resident per unit be a member, when Cs member husband died, C had no membership in the co-op.	No I2D: as C did not seek an award Order that R amend rules to remove one member per unit rule and ordered to give C membership (but see Judicial Review and Appeal note)
s. 10	Marital Status; Family Status; Race	<i>Raweater v. MacDonald</i> , 2005 BCHRT 63	C was discriminated against by landlord R, who made negative comments about her son being “less disturbed” if his father was “in the picture”. R also said he would evict C if she caused “trouble in the neighbourhood”, and asked if C was going to “go to Indian Affairs” regarding a dispute; suggesting that she would be evicted if she did. The suite became untenable due to	I2D: \$1,500 LW: \$274 to attend the hearing

			harassing and discriminatory attitude.	
s. 10	Mental Disability	<i>Flak v. Andersen</i> , 2015 BCHRT 87	Landlord revoked offer of rental after C declared she suffered from depression.	I2D: \$2,000
s. 10	Mental Disability	<i>Tanner and Vlaka</i> , 2003 BCHRT 36	R refused to consider C as a renter because of his source of income, a disability pension.	I2D: \$1,500 (C asked for \$2,000)
s. 10	Mental Disability; Family Status	<i>Petterson and Poirier v. Gorcak (No. 3)</i> , 2009 BCHRT 439	Neighbours suspected C might key a car, start a fire or harm their pets. R heard that C (son) had threatened to kill a cat, uttered death threats and other serious accusations. C and his mother (also a C) were evicted. C was perceived to have a mental disability, mother filed under family status.	I2D: Mr. Poirier \$9,000; Ms. Petterson \$6,000 Expenses: \$2,973 to Mr. Poirier and \$1,360 to Ms. Petterson equal to 12 months of the differential between Cs' previous housing costs and new, higher housing costs as well as moving costs Expenses: unspecified quantum for legal costs to be determined subject to further submissions to the Tribunal from the parties
s. 10	Physical Disability	<i>NT by HST v. Daljit Sekhon and others</i> , 2019 BCHRT 201	R acquired the property that C (dependent child) and representative were renting and removed existing accommodations C required. R's failure to accommodate escalated to encourage Cs to leave. C especially vulnerable as property was close to disability-friendly school and could not avoid adverse impact. Cs evicted for family use but	I2D: \$10,000

			Tribunal found that escalating discrimination was part of reason for eviction.	
s. 10	Physical Disability	<i>Biggings obo Walsh v. Pink and others</i> , 2018 BCHRT 174	C with ALS rented a unit in a building owned by Rs. C had significantly limited mobility and required wheelchair. C requested Rs build ramp to allow wheelchair access, which was refused following a viability investigation by Rs. C left effectively housebound. Tribunal found discrimination, stating that Rs did not accommodate C and did not take all reasonable and practical steps to remove the disability-related barrier.	I2D: \$35,000 Expenses: \$5,406 Order that Rs go to all reasonable steps to obtain necessary permits and build ramp.
s. 10	Physical Disability	<i>Redmond v. Hunter Hill Housing Co-op (No. 2)</i> , 2013 BCHRT 276	R discriminated against Cs on the basis of physical disabilities by failing to remediate their housing unit to the point that it could be occupied without triggering C's allergies. R did not make enough effort to find out what could be done and therefore could not be said to have determined there would be undue hardship. C was significantly affected by allergy symptoms while living in her unit and was ultimately forced to move out with her family, causing a significant emotional impact.	I2D: \$10,000 Expenses: \$1,500 for expenses incurred and for work performed to improve the property for which she could have no further benefit
s. 10	Physical Disability	<i>Stewart v. Satorotas Enterprises and others</i> , 2012 BCHRT 442	C is 68 years of age. She has severe osteoporosis and a clubfoot. C resided on the main floor of an apartment. The entrance to the apartment building is by way of	I2D: \$15,000 Order that R build ramp, to come into effect three months from the date of

			five concrete steps. C required a walker for mobility. C requested that the Respondents build a ramp to allow her to safely access her apartment. The Respondents refused.	the decision.
s. 10	Physical Disability	<i>McDaniel and McDaniel v. Strata Plan LMS 1657 (No. 2)</i> , 2012 BCHRT 167	Strata R failed to deal with smoke entering Cs' suite, was patronizing, did little to address Cs concerns for 3 years. R characterized Cs medical evidence as "scant" but did not seek more information about Cs physical vulnerabilities for almost three years.	I2D: Mr. McDaniel \$2,000; Ms. McDaniel \$4,500 Expenses: \$1,118.88 for itemized expenses; \$400 for travel and accommodation expenses to attend the hearing
s. 10	Physical Disability	<i>Ferguson v. Kimpton</i> , 2006 BCHRT 62	C, a person with mobility limitations, was adversely affected when her landlord delayed in installing a handrail for four days she needed to use a set of stairs in the building.	I2D: \$500
s. 10	Physical Disability	<i>McDonald v. Schuster Real Estate</i> , 2005 BCHRT 177	HIV positive C told R that he received disability payments from the government, R's response was that he hoped the disability was not AIDS because he was not running a hostel. R was rude on multiple occasions and was offensive in his response to the complaint in calling C unkempt. C vulnerable because of his disability to derogatory comments and conduct.	I2D: \$2,500
s. 10	Physical Disability; Source of Income	<i>James obo James v. Silver Park Campsites and another (No. 2)</i> , 2012 BCHRT 141 ; see also <i>James obo James v. Silver Park Campsites and another</i> , 2011 BCHRT	Rs discriminated against C based on his disability and source of income when they rejected four applications to rent a manufactured home pad.	I2D: \$10,000

		370 Judicial Review – <i>Silver Campsites Ltd. v. James</i> , 2012 BCSC 1437 : BCHRT decision overturned in part Appeal – <i>British Columbia v. Bolster</i> , 2007 BCCA 65 : appeal of BCSC decision allowed, BCHRT decision confirmed		
s. 10	Physical Disability; Sexual Orientation; Source of Income	<i>Bro and Scott v. Moody (No. 2)</i> , 2010 BCHRT 8 Judicial Review – <i>Moody v. Scott</i> , 2012 BCSC 657 : BCHRT decision upheld	Cs physically assaulted by landlord R with a metal pipe and were called “fags” and “fairies” among other derogatory terms. Cs were subject to a pattern of discrimination culminating in a physical incident requiring police intervention.	I2D: \$15,000 to each C
s. 10	Race; Ancestry, Place of Origin, Religion	<i>Smith v. Mohan (No. 2)</i> , 2020 BCHRT 52	C was an Indigenous woman and mother. Her landlord discriminated against her by making a number of derogatory and stereotypical comments, and in evicting her for smudging in her apartment.	I2D: \$20,000 LW (for time off work due to stress and moving): \$1500 Expert report: \$1800
s. 10	Race; Colour; Sex; Age	<i>Monsson v. Nacel Properties</i> , 2006 BCHRT 543	C, father of severely disabled son who identifies as Black, had requests for service/accommodation for son’s disability ignored by Strata while white tenants received service. C was also evicted. C was treated aggressively and unprofessionally while white tenants described R as courteous and	I2D: \$7,500 Expenses: \$1,500 for 6 months of rent differential

			friendly. Impact of discrimination magnified as a result of upset to lives of himself and son having to relocate due to eviction.	
s. 10	Sex (Harassment)	<i>MacGarvie v. Friedmann</i> (No. 4), 2009 BCHRT 47	Landlord R sexually harassed C by giving her unwanted gifts, making suggestive comments about boyfriends, touching C's buttocks, and entering C's apartment without permission.	<p>I2D: \$10,000 (Tribunal stated range was \$1,200 to \$15,000)</p> <p>Expenses: \$1,922.84 for cost of additional cell phone minutes, change of address, portion of camcorder and videotape, moving, photocopying costs, BC Assessment fee, wrongful deduction from damage deposit, loss of wages to attend hearing, courier fees, costs for witnesses to attend hearing, preparation of documents and tape for hearing, various registry and tax searches</p> <p>Costs: \$7,500 for threatening hearing participants, making unfounded allegations against all parties including the Tribunal, delaying the hearing by failing to follow Tribunal orders. R owned several properties and had means to pay a substantial award</p>

s. 10	Sex (Harassment)	<i>Dietrich v. Dhaliwal</i> , 2003 BCHRT 6	R grabbed and attempted to kiss and grope tenant C.	I2D: \$1,500
s. 10	Sex (Pregnancy); Family Status	<i>Valdez v. Bahcheli and another</i> , 2020 BCHRT 41	C and her husband rented a one-bedroom apartment from R. When C told R she had given birth, R accused C of being a liar and told her the family would have to move. R then harassed C and evicted the family from their home.	I2D: \$9,000 Expenses: \$1923.56 (corporate search; moving expenses; overlapping month of rent for second apartment; rent differential for 6 months)
s. 10	Sex (Pregnancy); Family Status	<i>Segin v. Chung</i> , 2002 BCHRT 42	R refused to lease suite to C in part because of pregnancy and family status. The suite was in an “adult only” building and R had concern about liability for C’s child falling down the stairs. C was pregnant at the time and struggled to find suitable accommodation but impact of discrimination was not as substantial as she claimed.	I2D: \$850 (C asked for \$2,500)
s. 10	Source of Income	<i>Desjarlais v. Kanganilage and another</i> , 2012 BCHRT 243	C alleged that the Rs evicted him from his rented suite or refused to continue to accommodate him, once they discovered his disability and his source of income (IA).	I2D: \$1,100
s. 10	Source of Income	<i>Day v. Kumar and another</i> (No. 3), 2012 BCHRT 49	R reneged on tenancy agreement after discovering part of C’s income came from social assistance.	I2D: \$2,500 Expenses: \$300 for moving costs Order that R advise C in writing whether the suite is vacant as of the date of the decision and offer it to him

[Back to Top](#)

				if it is vacant, or to offer him the suite when Rs next know it will be vacant at any time during the two years following the date of the decision, on the same terms as the most recent tenants.
s. 12 - Wages				
s. 12 (also s. 13)	Sex (Gender)	<i>Pennock v. Centre City Drywall (No. 3)</i> , 2009 BCHRT 192 Judicial Review – <i>Kraska v. Pennock</i> , 2011 BCSC 109 : BCHRT decision upheld	C asserted she was paid less than men doing the same or similar work. Parties were part of an extended family.	I2D: to be agreed upon by the parties LW: Wage differential for last 12 months (the maximum under s.12). Parties are to resolve the compensatory issues themselves (Tribunal to remain seized if parties unable to resolve)
S. 13 - Employment				
s. 13	Age	<i>McNair v. International House</i> , 2015 BCHRT 123	C succeeded in establishing that his age was a factor in R's decision to terminate his employment. R could not provide a justification for termination based on age.	I2D: \$6,000 and post-judgement interest LW: \$11,214 and pre-judgement interest
s. 13	Age	<i>Price v. Top Line Roofing</i> , 2013 BCHRT 306	The hiring of a younger journeyman and two apprentices followed shortly by C's lay-off of C allowed the Tribunal to reasonably infer that age was a factor in C losing his job.	No I2D as C did not seek an award LW: \$11,861.48 (equal to two months' wages)
s. 13	Age	<i>Buchanan v. WMC Management Services</i> , 2006 BCHRT 339	C was an employee for 30 years who turned 60 years of age. During annual review was asked if going to retire. Said not until 65. Same	I2D: \$7,500 & post-judgement interest LW: \$5,141.01 & pre-

[Back to Top](#)

			conversation happened shortly thereafter and she was terminated.	judgement interest
s. 13	Age	<i>Miu v. Vanart Aluminum and Tam</i> , 2006 BCHRT 219	40-year old C responded to ad for a “young trainee”. Was told by R that they were looking for someone younger.	I2D: \$2,500
s. 13	Age	<i>Tate v. West Telemarketing</i> , 2005 BCHRT 530	C was denied promotions based on his age and then quit.	I2D: \$2,500 LW: \$1,500
s. 13	Age	<i>Perk v. Seel</i> , 2004 BCHRT 277	New owners took over restaurant, hired younger staff and fired C, a 56-year old waitress.	I2D: \$3,000 LW: \$14,642.75 & post-judgement interest Expenses: \$1,400 for moving expenses & post-judgement interest; \$150 to attend the hearing
s. 13	Age; Family Status; Marital Status	<i>McGregor v. Morelli and Quarterway Hotel</i> , 2006 BCHRT 277	Job applicant asked questions about her age, marital status, and family status, then screened out of selection process.	I2D: \$500 and post-judgement interest
s. 13	Family Status	<i>Bellefleur v. District of Campbell River Fire Department</i> , 2002 BCHRT 12 ; <i>Bellefleur v. District of Campbell River Fire Department (No. 4)</i> , 2005 BCHRT 541 (decision on remedy); <i>Bellefleur v. District of Campbell River Fire Department (No. 2)</i> , 2002 BCHRT 12	C was not hired because he was the son of a firefighter who was disliked by the chief. Successful applicants were no more qualified than C.	Order that C be hired and placed on R’s seniority list as if he had been hired at the time of his application

[Back to Top](#)

		<p>Judicial Review – <i>The District of Campbell River v. Bellefleur</i>, 2003 BCSC 1109: BCHRT decision on remedy overturned</p> <p>Appeal – <i>Campbell River (District) v. Bellefleur</i>, 2004 BCCA 601: Appeal of BCSC decision allowed, Tribunal remedy reinstated</p>		
s. 13	Family Status	<i>Cavanaugh v. Sea to Sky Hotel and Mohajer (No. 2)</i> , 2010 BCHRT 209	During her termination meeting, C was told that she would be more suitable to a less demanding job with regular hours, because of her family status (single mother).	<p>I2D: \$4,000 and post-judgement interest</p> <p>LW: \$8,000 and pre-judgement interest</p>
s. 13	Family Status	<i>Beaton v. Tolko Industries</i> , 2008 BCHRT 229	R paid C less vacation pay than he was entitled to because he was absent from work in 2005 on a parental leave.	<p>I2D: \$3,500 and post-judgement interest</p> <p>LW: One day's wages to attend the hearing</p> <p>Loss of vacation pay: \$2,125.82 with pre and post-judgement interest</p>
s. 13	Family Status	<i>Thomson v. Eurocan Pulp & Paper Company</i> , 2002 BCHRT 32	R hired students for summer employment and reserved 90% of the positions for children of current employees.	I2D: \$1,000

s. 13	Family Status	<i>Bellefleur v. District of Campbell River Fire Department (No. 2)</i> , 2002 BCHRT 28	C was not hired in part because R did not like his father.	Order that C be hired and placed on R's seniority list as if he had been hired at the time of his application See 2002 BCHRT 12
s. 13	Family Status	<i>Campbell v. Fereidoun Shahrestani</i> , 2001 BCHRT 36	C was replaced permanently whilst on maternity leave. Agreed terms of leave disputed between C and R (employer). The Tribunal found discrimination.	I2D: \$1,500 (C sought \$3,500) LW: \$7,420 Expenses: \$482.39 for accommodation, meals, and travel expenses for C and her family to attend the hearing
s. 13	Marital Status; Physical Disability; Mental Disability	<i>Metcalfe v. International Union of Operating Engineers, Local 882 and others (No. 9)</i> , 2005 BCHRT 512	C was removed from her health and welfare benefits while receiving treatment for illness after STD benefits ended.	I2D: \$1,000 Order that R compensate for half of the premiums of C's benefit package equalling \$1,769.44
s. 13	Mental Disability	<i>Benton v. Richmond Plastics</i> , 2020 BCHRT 82	C was terminated on her first day of work after disclosing mental health issues and medications she was on to other employees. The CFO told her she was being fired because her medications and/or mental health made the CFO feel "uncomfortable". The termination was devastating for C. She was unable to seek new work for the 16 months between the termination and the hearing and did not expect to be able to seek new work for a further 2 months.	I2D: \$30,000 LW: \$35,000, representing 12 months of wages. The Tribunal applied a one-third contingency to the C's wage loss claim on the basis that she may not have remained employed by R for the full 18 months.
s. 13	Mental Disability	<i>Chen v. La Brass Foods</i> , 2019 BCHRT 111	C with schizoaffective and bipolar disorder was terminated by R, her	I2D: \$10,000

[Back to Top](#)

			employer. The Tribunal found C suffered adverse treatment during her employment, and that R breached the accommodation they offered (contributing to C's extended hospitalization).	LW: \$1,301.14 Pre and post-judgement interest on LW; post-judgement interest on I2D.
s. 13	Mental Disability	<i>Wells v. Langley Senior Resources Society</i> , 2018 BCHRT 59	C, hired as executive director by R, suffered workplace bullying and harassment including perceived threats against her and her family, resulting in her developing a mental disability and taking a sick leave. C was subsequently terminated. The Tribunal found that R chose to keep C's temporary replacement and fire her for reasons including that she could not handle R's tough environment due to her disability.	I2D: \$30,000 (C asked for \$100,000) LW: To be determined with submissions in subsequent proceedings, by consent of the parties
s. 13	Mental Disability	<i>Rassi v. Brighton College</i> , 2016 BCHRT 29	R terminated C after she went on stress leave and asked for a Record of Employment to receive Medical EI. C's contract stated that her commissions would be cancelled after four weeks of absence, which she interpreted as termination when this took place. R did nothing to dispel this impression.	I2D: \$10,000 LW: \$55,919.18
s. 13	Mental Disability	<i>Davis v. Sandringham Care Centre and another</i> , 2015 BCHRT 148	C suffered from PTSD and missed occasional days of work, was questioned about her past in a humiliating way, and put on medical leave without C's request or medical evidence of the necessity of doing so. The intrusive questioning itself was	I2D: \$35,000 LW: \$784.89 Expenses: \$1,539.98 for cost of attendance at hearing, including air fare from the United States and car rental

			both discriminatory conduct and an unreasonable approach to ensuring the reasonable safety of residents and staff at the care facility.	
s. 13	Mental Disability	<i>Mackenzie v. Jace Holdings and another (No. 4)</i> , 2012 BCHRT 376	R dismissed C because of behaviour she exhibited, particularly mood swings, irritability and being Manipulative, which were consistent with her diagnosis of adjustment disorder and depression. R had a duty to inquire into whether the behaviour exhibited by C was due to her mental disability and whether she required any accommodation. They did not fulfill that duty.	I2D: \$5,000 LW: \$17,600
s. 13 (also s. 8)	Mental Disability	<i>Kelly v. UBC (No. 3)</i> , 2012 BCHRT 32 ; <i>Kelly v. University of British Columbia (No. 4)</i> , 2013 BCHRT 302 Judicial Review – <i>University of British Columbia v. Kelly</i> , 2015 BCSC 1731 : BCHRT I2D award set aside and reconsideration ordered Appeal – <i>University of British Columbia v. Kelly</i> , 2016 BCCA 271 : BCHRT I2D award restored	C was a resident doctor who was entitled to the reasonable accommodation of his disabilities within the learning (UBC Medical School) and work environment (UBC Hospital). The decisions to preclude C access to further remediation or probation, and to dismiss him from the program were discriminatory.	I2D: \$75,000 LW: \$380,000
s. 13	Mental Disability	<i>Ford v. Peak Products Manufacturing and another (No. 3)</i> , 2010 BCHRT 155	R failed to reach point of undue hardship when it terminated C after 6 month absence for depression.	I2D: \$25,000 LW: \$11,781

[Back to Top](#)

			Costs awarded for improper conduct after R aggressively pursued document disclosure before deadlines were set, made direct document request to C's doctor, and did so while C was unrepresented and suffering from anxiety and depression. R also aggressively pursued C's ex-husband as a witness even though they had divorced prior to the incident, had no relevant info to give, and C had safety concerns regarding the ex. R made this application in the middle of cross examination.	Expenses: \$5,043.72 for courier, photocopying, witnesses attendance at the hearing, cost of medical reports, and travel costs to attend the hearing Costs: 1/3 of legal expenses for improper conduct
s. 13	Mental Disability	<i>Bertrend v. Golder Associates</i> , 2009 BCHRT 274	C's disability, whether actual or as perceived by R, was a factor in the loss of her employment with R, who failed in their duty to inquire.	I2D: \$12,500 LW: \$12,000 Expenses: \$2,162.12 for photocopying of materials for hearing, air fare to attend hearing, parking, an expert's report and attendance at the hearing, and six days' lost wages to attend the hearing
s. 13	Mental Disability	<i>Brady v. Interior Health Authority and Inaba (No. 4)</i> , 2007 BCHRT 233	R failed to fully investigate the possibility of hiring C before reaching the conclusion that it could not hire a pharmacist with a narcotics addiction. This is so even though R subsequently reinstated his application and continued with the process of considering whether it could hire C.	I2D: to be determined between the parties (Tribunal to retain jurisdiction to hear arguments and decide the issue if necessary)

s. 13	Mental Disability	<i>Toivanen v. Electronic Arts (Canada) (No. 2)</i> , 2006 BCHRT 396	R doubled C's workload, creating stress depression. C advised R that she would be taking stress leave and was terminated the next day.	I2D: \$20,000 Expenses: \$6,004.12 for healthcare costs; \$3,300 for legal expenses; \$1,000 for out of pocket expenses Order that R pay C \$69,230.08 US for the loss of value of her stock options; Severance pay \$19,744
s. 13	Mental Disability	<i>Sylvester v. B.C. Society of Male Survivors of Sexual Abuse</i> , 2002 BCHRT 14	C required sick leave after a client committed suicide, sent a letter to R advising them she would be taking a medical leave but expected to return to work. R terminated her without inquiring into C's condition to see if she could be accommodated.	I2D: \$1,200 LW: unspecified quantum equal to one month's wages
s. 13	Mental Disability; Physical Disability	<i>Fendick v. Lakes District Maintenance (No. 2)</i> , 2005 BCHRT 573	C had depression and anxiety, and his doctor recommended he work day shifts. R did not allow him to do so, scheduling him for all night shifts. C failed to mitigate by not enrolling in short and long term disability plans in a timely fashion.	I2D: \$3,000 LW: unspecified quantum - reduced by 40% due to C's failure to mitigate
s. 13	Mental Disability; Physical Disability	<i>Madore v. Richard and another</i> , 2004 BCHRT 104	R found C unreliable at work because of his absences due to disability and terminated him.	I2D: \$3,000 LW: \$4,617.36
s. 13	Mental Disability; Physical Disability	<i>Morris v. BC Rail</i> 2003 BCHRT 14	C suffered from depression and was terminated while on medical leave in part because of his disability. C's disability affected his performance,	I2D: \$5,000 LW: unspecified quantum for approximately 23

[Back to Top](#)

			causing his employer to be dissatisfied with him, and caused him to turn down work offered to him.	months wages, plus pension contributions in the same period Expenses: \$255 and \$1,240.40 for bringing the matter to hearing; \$2,000 for partial compensation for legal fees and disbursements
s. 13	Mental Disability; Physical Disability	<i>Rafuse v. British Columbia (Ministry of Tourism)</i> , 2000 BCHRT 42	C hired to work at museum, suffered lung injury from asbestos exposure. R ordered C to report to work at a job site before confirming its suitability for his disability. R also suspended his STD/STIP benefits due to reporting failures it knew were related to his mental disability, and attempted to collect money from C due to non-responsiveness when it had reason to suspect this was also because of the mental disability. C was in fragile emotional state and vulnerable.	I2D: \$6,500 (C asked for \$15,000, \$5,000 per allegation)
s. 13	Mental Disability; Race	<i>Bowden v. Yellow Cab and others (No. 2)</i> , 2011 BCHRT 14	R fired C in part because of her non-attendance at a meeting. R had a duty to accommodate C's mental disability and, to take reasonable steps to inquire into whether her disability had any impact on her failure to attend the meeting. It would not have constituted undue hardship for it to make such an inquiry, and to consider any medical information	I2D: \$10,000 LW: \$14,732

			her submitted in support of her absence.	
s. 13	Mental Disability; Race; Ancestry	<i>Vasil v. Mongovius and another (No. 3)</i> , 2009 BCHRT 117	C had anorexia, dyslexia, and PTSD schizophrenic and borderline personality disorder. R had limited conception of money or pay arrangements due to disability. Rs did not keep track of C's work hours, did not provide him with accurate payroll documentation, allowed him to perform unpaid work at home, and paid him less than the ESA minimum wage.	I2D: \$10,000 LW: \$18,814.10 Costs: \$1,000
s. 13	Physical Disability	<i>Mr. X v. CDI College and others</i> , 2020 BCHRT 11	C had a hearing disability. A teacher at the College refused to use a hearing assistance system C had obtained to allow him to hear and understand his classes. Allegations of discrimination on the basis of age, sex, and mental disability were dismissed.	I2D: \$5,000
s. 13	Physical Disability	<i>Pacheco v. Local Pest Control Ltd.</i> , 2019 BCHRT 191	C was terminated by R the day after an injury at work. C had asked for 2 weeks of medical leave.	I2D: \$7,500
s. 13	Physical Disability	<i>Gebresadik v. Black Top Cabs</i> , 2017 BCHRT 278	C drove a taxi for R and was involved in a collision, sustaining a number of injuries. C was unable to fulfil his full duties (he had provided medical note to this effect) and was berated and suspended. Was not provided sufficient shifts with lighter duties.	I2D: \$15,000 LW: \$7,781.03 & pre and post-judgement interest Expenses: \$200 for cost of medical report Costs: \$500
s. 13	Physical Disability	<i>Haftbaradaran v. Saturna Beach Estates</i> , 2017 BCHRT 184	C worked as wine maker and lost part of his finger in an accident at work, resulting in an inability to	I2D: not specified, deferred pending further submissions on remedy

[Back to Top](#)

			perform duties. Went on leave while receiving WCB awarded therapy treatments. Eventually terminated for failure to perform duties.	(subsequently fixed at \$15,000 - see <i>Haftbaradaran v. Saturna Beach Estates (No 2)</i> , 2017 BCHRT 271)
s. 13	Physical Disability	<i>Dunkley v. UBC and another</i> , 2015 BCHRT 100 Judicial Review – <i>Providence Health Care v. Dunkley</i> , 2016 BCSC 1383 : BCHRT decision upheld	Deaf C was denied an interpreter for her residency at St. Paul's Hospital while in the UBC medical program.	I2D: \$35,000 LW: unspecified quantum for approximately seven months of wages Expenses: \$500 for reimbursement of attendance a Dermatology Conference Unspecified quantum for university and application fees; unspecified quantum for C to re-acquire physiotherapy license and insurance
s. 13	Physical Disability	<i>Edwards v. 0720941 B.C. Ltd. and another (No. 2)</i> , 2015 BCHRT 59	Truck driver C fired due to absences arising from surgery, as indicated on his Record of Employment. C claimed depression, anxiety, and marital problems as a result but provided no medical evidence.	I2D: \$5,000
s. 13	Physical Disability	<i>Tervit v. Canadian College of English Language</i> , 2014 BCHRT 53	C, a teacher, was not returned to work after medical absence.	I2D: \$6,500 LW: \$1,500 Expenses: \$169 (for unspecified costs)
s. 13	Physical Disability	<i>Bouchard v. Cambie Malone Group and another</i> , 2013	C was not returned to same work due to R's perception of disability	I2D: \$7,000

[Back to Top](#)

		BCHRT 130	and limitations, despite medical evidence not indicating any restrictions or limitations.	LW: \$24,500
s. 13	Physical Disability	<i>Davidson v. O'Brien Road and Bridge Maintenance and another</i> , 2013 BCHRT 123	C was terminated at least in part because of Rs' perception that the physical manifestations of his arthritis made him less capable than other workers in a significant and long-lasting way.	I2D: \$4,000 LW: \$4,800
s. 13	Physical Disability	<i>McGowan v. Pretty Estates</i> , 2013 BCHRT 40	C worked as a server for R and required time off due to a wrist sprain. R accused C of lying and fired her. Timing and stated reasons for dismissal indicate that disability was the "last straw" before the termination.	I2D: \$5,000 Expenses: \$1,808.46 for legal advice C paid for prior to filing her claim
s. 13	Physical Disability	<i>Hunter v. Centanni Tile (No. 2)</i> , 2012 BCHRT 352	C fired after he notified employer of need for surgery and 2 month recuperation. R fired C allegedly because sales were slow and did not replace him for a year, but the timing of the termination suggests the Physical disability was also a factor.	I2D: \$6,500 No LW as the parties previously reached settlement on this issue
s. 13	Physical Disability	<i>Winkelmeyer v. Woodlands Inn and Suites</i> , 2012 BCHRT 312	C's disability was a factor in R denying him a job interview.	I2D: \$5,000 LW: \$1,706.25 Post-judgment interest on I2D; pre and post-judgement interest on LW
s. 13	Physical Disability	<i>Smith v. Triack Resources</i> , 2012 BCHRT 294	C was terminated in part for stumbling into the "stop" button on a piece of machinery, an error directly linked to C's disability. R made no	I2D: \$7,500 Expenses: \$3,630.54 for attendance of expert

[Back to Top](#)

			enquiries respecting whether his performance issues were connected with his injuries.	witness
s. 13	Physical Disability	<i>Bateman v. Prime Time Sports</i> , 2012 BCHRT 230	C was not returned to work after surgery. R kept on C's replacement instead.	I2D: \$5,000 LW: \$5,088
s. 13	Physical Disability	<i>Khalil v. Woori Education Group</i> , 2012 BCHRT 186	Blind C applied for job with R but was denied a second interview when he disclosed his disability, although he could do the job.	I2D: \$3,000
s. 13	Physical Disability	<i>Malin v. Ultra Care and another (No. 2)</i> , 2012 BCHRT 158	C only offered one more day of work after R was made aware of his HIV positive status.	I2D: \$20,000 LW: \$6,877 Costs: \$500 (for R's failure to provide disclosure)
s. 13	Physical Disability	<i>Mould v. JACE Holdings (No. 2)</i> , 2012 BCHRT 77	C was absent from work for 30 months due to her disability. The Tribunal found that R decided to terminate her employment without asking her for any medical information to establish her restrictions and limitations, and without considering whether there was alternative employment she could do despite her restrictions. This constituted a failure to accommodate.	I2D: \$5,000
s. 13	Physical Disability	<i>Sikora v. Rebo Beton Pumping</i> , 2012 BCHRT 29	C suffered a thumb injury at work. After returning on a graduated return to work plan, C re-aggravated his thumb injury and R terminated him a day later.	I2D: \$1,000 LW: \$1,000 - reduced due to lack of mitigation Expenses: \$4,627.16 for

			R dismissed C because it was aware of, and concerned about, its own conduct contributing to the re-aggravation.	expenses incurred to pursue complaint and attend hearing
s. 13	Physical Disability	<i>Holt v. Coast Mountain Bus Company</i> , 2012 BCHRT 28	R failed to accommodate C's neck condition by permitting him to drive a particular model of bus which did not aggravate that condition.	No I2D as C contributed substantially to his own difficulties and provided scant evidence of the impact of the discrimination on him No LW due to C's failure to mitigate (See para. 231 of Reasons) R ordered to cease contravention
s. 13	Physical Disability	<i>Morris v. ACL Services</i> , 2012 BCHRT 6	C was terminated due to his disability-related absence, and inability to return to work in the foreseeable future.	I2D: \$10,000 Expenses: Reimbursement for C's medical costs that would have been covered by R's employee benefits plan
s. 13	Physical Disability	<i>Hope v. Northern Health Authority</i> , 2011 BCHRT 344	R failed to establish a bona fide occupational requirement defence to justify not returning C to work (due to C's physical disability, during two periods of time).	I2D: \$7,500 LW: unspecified quantum for approximately one month's wages
s. 13	Physical Disability	<i>Hoang v. North-West Produce</i> , 2011 BCHRT 85	C disability was a factor in the termination of his employment.	I2D: \$3,000 LW: \$2,500
s. 13	Physical Disability	<i>Kaur obo Sarain v. Wingtat Game Bird Packers</i> , 2011 BCHRT 84	Injured C returning to work fired when he requested 3 day work week to accommodate in part his injury, in accordance with a doctor's	I2D: \$7,500 LW: unspecified quantum for approximately five

[Back to Top](#)

			note.	month's wages - quantum to be determined between the parties. Tribunal to retain jurisdiction to seek submissions on the issue if necessary
s. 13	Physical Disability	<i>McKenna v. Atlas Anchor Systems (No. 2)</i> , 2011 BCHRT 60	R terminated C while he was away on medical leave. Although R did suffer economic hardship to employer, it did not reach level of undue hardship.	I2D: \$2,000 LW: \$4,181.57 Expenses: \$375.53 for various items
s. 13	Physical Disability	<i>Barton v. Garrison and another</i> , 2011 BCHRT 39	R refused to permit C to return to work, effectively terminating his employment while absent from work due to his disability.	I2D: \$7,500 Expenses: \$1,631 for loss of one week's salary to attend the hearing, travel expenses to attend the hearing, and obtaining medical reports and documents filed in evidence
s. 13	Physical Disability	<i>Schmidt v. City Furniture and another</i> , 2010 BCHRT 321	C fell ill with viral pneumonia. She called R to advise them she could not work, after which R advised her that they would be hiring someone else. C made statement acquiescing to this. However, R had conflicting information about C's intention and was not entitled to interpret this as a resignation, as C subsequently provided a doctor's note indicating she would be returning in 2 weeks.	I2D: \$4,000 LW: \$7,631.05
s. 13	Physical Disability	<i>Vernon v. Howatt Enterprises and others</i> , 2010 BCHRT 313	C had only one arm. Rs engaged in a concerted effort to have C resign from work. They made her job more	I2D: \$15,000 LW: \$21,060

			difficult by creating work that they knew she would find challenging because of her disability due to concern about her ability to perform all aspects of her job and to keep up with the upcoming summer demands. Rs referred to C as a “one-armed bandit”.	
s. 13	Physical Disability	<i>Johnson v. D & B Traffic Control and another</i> , 2010 BCHRT 287	Overweight C was told that due to his “disability”, he would not be scheduled to work. Found that R had perception that C was disabled and this in part was reason for denial of work. The Tribunal held that C did not have a disability (being overweight did not qualify) but that R nevertheless perceived him as such by virtue of referring to “his disability”.	I2D: \$2,000
s. 13	Physical Disability	<i>McBride v. Orca Sand & Gravel and others (No. 2)</i> , 2010 BCHRT 190	Discrimination when C’s hours reduced to 24 hours from 32 while on medical leave. This disentitled her to extended medical benefits as 25 hours were required to qualify.	I2D: \$4,000 LW: unspecified quantum for differential in wages from 24 hrs to 32 hours weekly for 4 months, quantum to be determined between the parties. Tribunal to retain jurisdiction to determine process to fix the this amount
s. 13	Physical Disability	<i>Hurn v. Healthquest and others</i> , 2009 BCHRT 435	C had MVA injuries and was fired four days into her new job when Rs fired her, stating they didn’t think she was “ready to work” and that R	I2D: \$8,000 LW: \$4140

			was “mopping the floor while you (C) were sitting on your ass”. C was particularly vulnerable as she was just re-entering workforce after long rehabilitation. Rs implied C was lazy, showed disregard for her disability, and criticized her in front of a customer.	Expenses: \$78.81 for costs of filing complaint and travelling to hearing
s. 13	Physical Disability	<p><i>Morgan-Hung v. Provincial Health Services and others</i> (No. 4), 2009 BCHRT 371</p> <p>Judicial Review – Petition dismissed in Oral Reasons for judgement, June 17, 2010</p> <p>Appeal – <i>Morgan-Hung v. British Columbia (Human Rights Tribunal)</i>, 2011 BCCA 122: BCHRT remedy re medical expenses, lost wages, and removal of a “do not re-employ” notation on C’s record remitted for reconsideration</p>	R discriminated against C by reducing her status from full to part-time, poisoning the work environment through unfounded criticisms of her work and talking about her health condition with colleagues and, ultimately, leaving her no alternative but to resign from her position due to the discrimination.	<p>I2D: \$10,000</p> <p>LW: \$14,148</p> <p>(see Judicial Review and Appeal note)</p>
s. 13	Physical Disability	<i>USWA v. Weyerhaeuser</i> , 2009 BCHRT 328	Four Cs on long term disability were terminated prior to closing of mill in order to preclude severance payments. Tribunal found this constituted discrimination.	<p>I2D: Mr. Wakeling \$20,000; Mr. Icton 16,000; Mr. Cardoso \$14,000; Ms. Schellenberg \$5,000</p> <p>Order that Cs be reinstated with seniority; severance</p>

				pay in accordance with C's seniority
s. 13	Physical Disability	<i>Mahowich v. Westgate Resorts and others (No. 2)</i> , 2009 BCHRT 247	C was denied the opportunity to return to work after submission of her doctor's note, even though R could have accommodated by providing her with a higher chair.	I2D: \$2,000 - reduced because C exaggerated her injury LW: \$3,547.60
s. 13	Physical Disability	<i>Kerr v. Boehringer Ingelheim (Canada) (No. 4)</i> , 2009 BCHRT 196 Judicial Review – <i>Boehringer Ingelheim (Canada) Ltd./Ltée. v. Kerr</i> , 2010 BCSC 427 : BCHRT decision upheld Appeal – <i>Boehringer Ingelheim (Canada) Ltd./Ltée. v. Kerr</i> , 2011 BCCA 266 : appeal of BCSC decision dismissed	R failed to meet its obligation to accommodate C to the point of undue hardship. The steps that it took to accommodate were procedurally deficient and provided no substantive results for C.	I2D: \$30,000 LW: \$352,898.02 Contribution to Pension Bonuses: \$60,000 Expenses: unspecified quantum for legal fees incurred prior to filing of complaint, quantum to be determined between the parties. Tribunal seized of the issue for 60 days.
s. 13	Physical Disability	<i>Roberts v. T. MacRae Family Sales and MacRae</i> , 2009 BCHRmatonT 181	C injured his eye at work and became light sensitive. R gave him indoor work away from light for a month, then reduced him to one shift per week, then removed him from the work schedule and issued an ROE indicating C had quit. Rs failed to take procedural steps necessary to determine if accommodation was possible.	No I2D as C did not seek an award
s. 13	Physical Disability	<i>Wyse v. Coastal Wood Industries</i> , 2009 BCHRT 180	R failed to make inquiries about C's medical conditions and restrictions, and to use that information to	I2D: \$5,000 LW: \$23,107

[Back to Top](#)

			explore accommodation options. R issued a Record of Employment saying C had quit, even though he had explained that he wanted to apply for medical EI benefits.	Expenses: \$1736.92 for cost of expert
s. 13	Physical Disability	<i>Matonovich v. Candu Glass and Marklund</i> (No. 6), 2009 BCHRT 145	C suffered from back and spine issues decreasing ability to work, terminated by R in part because of this. C's benefits were terminated, causing additional stress and financial uncertainty. However, Rs took some steps to accommodate and maintain that C could return to work when she got better. Rs also did not cause medical condition. C was ultimately unable to work after termination.	I2D: \$5,000 Expenses: \$116.06 for prescriptions C would have had covered by R's employee group insurer
s. 13	Physical Disability	<i>Gaarden v. Fountain Tire and Ingram</i> , 2008 BCHRT 402	C's employment terminated after 5 months on WCB medical leave. R unsuccessfully argued that C had abandoned his job.	I2D: \$6,000 Expenses: \$1020.11 for expenses arising from the contravention
s. 13	Physical Disability	<i>Cassidy v. Emergency Health and Services Commission and others</i> (No. 2), 2008 BCHRT 125 Judicial Review – <i>Emergency Health Services Commission v. Cassidy</i> , 2011 BCSC 1003 ; BCHRT directed to reconsider whether R reasonably accommodated C Tribunal Reconsideration –	C, a paramedic, suffered from MS such that his hands were unable to palpate pulses. R could not substantively have accommodated C's disability in the paramedic position without undue hardship. However, R failed to treat C with dignity and respect in the accommodation process including unnecessarily delaying effective accommodation in a different position.	I2D: \$22,500 LW: \$35,390.02 and other remedies awarded in <i>Cassidy v. Emergency and Health Services Commission and another</i> (No. 3), 2009 BCHRT 110

		<i>Cassidy v. Emergency Health Services Commission and another (No. 5)</i> , 2013 BCHRT 116 : BCHRT I2D award confirmed as appropriate		
s. 13	Physical Disability	<p><i>National Automobile, Aerospace, Transportation and General Workers of Canada (CAW - Canada) Local 111 v. Coast Mountain Bus Company (No. 9)</i>, 2008 BCHRT 52</p> <p>Judicial Review – <i>Coast Mountain Bus v. CAW-Canada</i>, 2009 BCSC 396: BCHRT decision quashed in part</p> <p>Appeal – <i>Coast Mountain Bus Company Ltd. v. National Automobile, Aerospace, Transportation and General Workers of Canada (CAW-Canada), Local 111</i>, 2010 BCCA 447: BCHRT award for damages reconfirmed</p>	<p>Union C filed on behalf of its members employed by R who had been placed in “Attendance Management Programs” because of their higher than average non-culpable absenteeism rates arising from their disabilities.</p> <p>Accommodation within an attendance standard is no different than accommodation within any other standard that is applicable in a workplace. A mandatory attendance plan is discriminatory because it does not take into account individual circumstances. In this case, the approach ignored the stress and anxiety of employees placed on the AMP as well as the anger and frustration of having a disability seemingly ignored.</p>	I2D: Various individual Cs given \$5,000 - \$6,000
s. 13	Physical Disability	<i>Lowe v. William L. Rutherford (B.C.) and another (No. 3)</i> , 2007 BCHRT 336	C was terminated after missing several days of work due to Crohn’s disease. R knew of the disability and absences, but terminated without inquiring or attempting to accommodate.	<p>I2D: \$20,000</p> <p>LW: \$14,500</p> <p>Lost Benefits: \$11,961.08 for benefits C would have</p>

			C additionally was classified as a casual rather than regular employee by R and paid “under the table”. He requested a change to regular status but this was denied because of his illness.	had covered by R’s employee benefits plan
s. 13	Physical Disability	<i>Datt v. McDonald’s Restaurants (No.3)</i> , 2007 BCHRT 324	C, a 23 year employee, suffered from eczema on her hands. R had policy requiring “frequent” hand washing which exacerbated C’s condition. R claimed that this precluded C from returning to work. C alleged R failed to accommodate with respect to establishing what “frequent” meant, and failed to consider other jobs or training her for management.	<p>I2D: \$25,000</p> <p>LW: \$23,078.09</p> <p>Lost profit sharing: \$1,822.73</p> <p>Expenses: \$400 for medical and dental expense; \$225 for lost wages to attend the hearing.</p> <p>Pre-judgment interest on LW and expenses; post-judgement interest on all awards.</p>
s. 13	Physical Disability	<i>Millar v. Sterling Fence</i> , 2007 BCHRT 249	C was on medical leave and receiving WCB benefits for 5 weeks when he was terminated. Rs believed they could terminate an employee who was unable to work due to injury.	I2D: \$2,000
s. 13	Physical Disability	<i>Chong v. Violetta Industries and Sommerville (No. 2)</i> , 2007 BCHRT 163	Employer denied C specific shift requests to ameliorate the effects of his MS. C quit because of the stress of being denied request, which exacerbated his MS.	<p>I2D: \$7,500</p> <p>LW: \$11,480</p>
s. 13	Physical Disability	<i>Mikolas v. Travelodge Hotel and others</i> , 2007 BCHRT	C established that her disability was a factor in the withdrawal of a	I2D: \$2,000

[Back to Top](#)

		135	position previously offered to her. C was terminated because of a telephone conversation she had with a manager of R in which she criticized him, but did so because of injury related factors. This meant her disability was indirectly a factor in her termination.	No LW as C did not seek an award
s. 13	Physical Disability	<i>Matuszewski v. B.C. (Ministry of Competition, Science and Enterprise) (No. 2)</i> , 2007 BCHRT 30 Judicial Review – <i>HMTQ v. Matuszewski</i> , 2008 BCSC 915 - BCHRT decision on remedies remitted for reconsideration.	As an injured worker on Long Term Disability Benefits, C did not accrue seniority, while active employees, employees on the Liquor Distribution Board's Short Term Illness and Injury Plan, and employees on Workers Compensation benefits did.	I2D: \$2,500 LW: unspecified quantum for wages lost to attend the hearing (see Judicial Review note)
s. 13	Physical Disability	<i>Ingenthron v. Overwaitea Food Group and Van Pelt (No. 2)</i> , 2006 BCHRT 556	C suffered from a back injury. Rs failed to allow him to transfer work locations as allowed by his seniority. R argued it would constitute undue hardship to allow him to transfer, but did not obtain updated medical information or an occupational assessment of the store C proposed he could relocate to. The cost of this review would not have been undue hardship.	No I2D awarded. Order that R transfer C to new work location and pursue accommodations.
s. 13	Physical Disability	<i>Ehret v. Shandro Investments (No. 2)</i> , 2006 BCHRT 486	C suffered a hand injury at work. R gave C tasks she could not perform due to her disability. Tribunal found that C was constructively dismissed when she left the work site due to extreme pressure from R.	I2D: \$7,500 LW: \$6,780
s. 13	Physical	<i>Wiens v. West</i>	C had to take frequent bathroom	I2D: \$1,700

[Back to Top](#)

	Disability	<i>Telemarketing Canada and others</i> , 2006 BCHRT 432	breaks due to diuretic medication, which was discussed by his team leader (R's employee) in front of the rest of the team, causing humiliation. Team leader should have known to discuss this in private.	
s. 13	Physical Disability	<i>Halliday v. Craft Welders and another (No. 2)</i> , 2006 BCHRT 373	C had eye surgery which affected his ability to use machinery at work. Rs had C train his replacement, and then fired him. Rs failed to appear at the hearing.	I2D: \$7,500 LW: \$32,871.72 Expenses: \$792.95 for cost of expert report, travel to attend hearing and meet with counsel prior to the hearing, and having witnesses attend the hearing
s. 13	Physical Disability	<i>Wutke v. Mageria Holdings</i> , 2006 BCHRT 340	C had physical and mental disabilities and was using morphine to manage symptoms. C was ridiculed at work for symptoms of her mental disabilities, called a "retard" and "space cadet", and told to stop coming in "high". C left work crying, R treated this as a resignation.	I2D: \$6,000 LW: \$1,620 Expenses: \$500 for cost of expert report, obtaining and copying medical files, and having witnesses attend the hearing
s. 13	Physical Disability	<i>Briltz v. Yaki's Pizza and Labossiere</i> , 2006 BCHRT 245	C disclosed the fact that she had epilepsy to R and was not hired because she could not be able to run the restaurant alone (a conclusion without factual basis). No consideration of accommodation.	I2D: \$2,000 LW: \$1,400
s. 13	Physical Disability	<i>Eastman v. Cornerstone Courier (No. 2)</i> , 2006 BCHRT 209	C, a courier, injured her back at work and was fired by R a day after telling R she had booked a doctor's	I2D: \$5,000

			appointment. Rs testimony that C was fired for poor work performance was found not to be credible, and that C's disability was a factor, if not the reason for the termination.	
s. 13	Physical Disability	<p><i>Mehar and others v. Interfor</i> (No. 2), 2006 BCHRT 189</p> <p>Judicial Review – <i>International Forest Products Ltd. v. Sandhu</i>, 2007 BCSC 201: BCHRT decision upheld</p> <p>Appeal – <i>International Forest Products Ltd. v. Sandhu</i>, 2008 BCCA 204: Appeal allowed, BCHRT decision quashed</p>	R closed a sawmill and offered severance pay to active employees but not to non-active employees. Cs were classified as non-active because they were absent from work and receiving either worker's compensation or LTD benefits, and all suffered from some form of disability. The Tribunal found that disentiing Cs to severance on the basis of their disabilities, denigrating their years of service to R and injuring their dignity.	<p>Remedies to be addressed in a separate decision</p> <p>(but see Judicial Review note)</p>
s. 13	Physical Disability	<i>Innes v. Re-Con Building Products</i> , 2006 BCHRT 99	C's disability was aggravated by his job, requiring absence from work. R terminated C for absenteeism despite the fact that C had called in to notify in advance that he would be absent. C was unable to qualify for EI, STD or LTD benefits because R terminated him.	<p>I2D: \$5,000</p> <p>LW: \$21,476 and \$10,988.38</p> <p>Expenses: \$1,980.45 for cost of expert report, attendance of witness at the hearing, and conduct money for witnesses at the hearing</p>
s. 13	Physical Disability	<i>Russo v. Lions Gate Trailers and Vanderspek</i> , 2006 BCHRT 18	C was injured at work. Upon attempt to return, Rs had preserved C's position but failed to co-operate in finding reasonable accommodation. C indicated he was interested in a	<p>I2D: \$2,000</p> <p>LW: \$7,891.20</p>

			different position with R but R did not discuss this with him.	
s. 13	Physical Disability	<i>MacRae v. Interfor (No. 2)</i> , 2005 BCHRT 462	R discriminated against C on the ground of Physical disability in terminating his employment to avoid paying him severance pay. C had been absent from work on LTD when he was terminated. Other employees who had been absent from the workplace (because it had been shut down) retained their employee status and thus their entitlement to severance pay.	I2D: \$12,500 Lost Severance: \$64,456 Expenses: \$1310.67. \$799 for expert report and \$511.67 for pre-hearing examination of a witness (C reinstated for purposes of receiving severance)
s. 13	Physical Disability	<i>Cardamone v. Crown West Steel Fabricators and Heuthorst (No. 2)</i> , 2005 BCHRT 369	C had minor surgery to prepare for kidney dialysis and was laid off after arranging for light duties upon return, even though he could do other work.	I2D: \$5,000 LW: \$2,782.03 for wage differential Expenses: \$1,653.78 for benefits C would have had covered by R's employee benefits plan
s. 13	Physical Disability	<i>Roberts v. Slocan Forest Products</i> , 2005 BCHRT 206	C had permanent nerve damage in his forearms preventing repetitive motions. C began to be passed over for shifts in favour of junior employees despite having seniority. R failed to consider if there was work that C could go.	No I2D awarded LW: unspecified quantum for three shifts
s. 13	Physical Disability	<i>Fenton v. Rona Revy Inc.</i> , 2004 BCHRT 143	C was on LTD when the company was sold. R, the purchaser, refused to continue her employment as well as that of any employees on LTD. R failed to consider the individual circumstances of these employees.	I2D: \$10,000 LW: quantum not specified Medical expenses C would have had covered by R's employee benefits

				Expenses: \$83.90 for travel expenses; \$142.85 for disbursements; \$60 for gasoline; \$100 for medical report; \$753.59 for costs to find new employment
s. 13	Physical Disability	<i>Poonia v. Sovereign Yachts (Canada) Inc.</i> , 2004 BCHRT 69	C suffered workplace injury to left leg. R told C to stay away from work until fully recovered without considering light duties. C returned to work with a limp at same duties, but R fired him 3 days later.	I2D: \$5,000 LW: \$52,487.55
s. 13	Physical Disability	<i>Martin v. Carter Chevrolet Oldsmobile</i> , 2001 BCHRT 37	C terminated 3 weeks after hip replacement surgery. R argued she failed to work to required standard. The Tribunal found discrimination due to failure to inquire.	I2D: \$1,000 LW: \$2,219.73 with interest Expenses: \$954.86 for lost wages to attend the hearing
s. 13	Physical Disability	<i>Wu v. Ellery Manufacturing</i> , 2000 BCHRT 53	C suffered a hand injury and could not work full time, was laid off. C subsequently was found unable to work as a machinist but R did not consider accommodation in alternative positions.	I2D: \$1,500 (C asked for \$10,000)
s. 13	Physical Disability	<i>Poulin v. Quintette Operating Corporation</i> , 2000 BCHRT 48	Truck driver C injured and transferred to lower paying job. R failed to consider full range of jobs C could do.	I2D: \$1,200 (C asked for \$1,500) Loss of opportunity \$5,000 (C was not considered for other jobs, including ones with higher wages)
s. 13	Physical Disability;	<i>Alagaratnam v. Metropolitan Hotel Vancouver</i> , 2013	C's short-term disability benefits were cancelled due to R's	I2D: \$5,000

[Back to Top](#)

	Mental Disability	BCHRT 251	inadequate discussion with doctor. Complaint based on termination of C's employment was dismissed.	Loss of short term disability benefits \$6,517
s. 13	Physical Disability; Mental Disability	<i>McConachie v. Metasoft Systems</i> , 2013 BCHRT 129	C was undergoing cancer treatment. R contravened the Code at multiple times: with an e-mail requiring that C meet certain quotas; with the warning that she would be terminated if she communicated directly with the R's Sales Manager; when it reported to the sales team that she had "finished at 0% of her quota;" when R threatened to terminate her if she failed to meet her sales quota; and, when it denied C a Vegas trip given to sales reps after achieving five years of service.	I2D: \$20,000 Loss of employee Las Vegas trip: \$800
s. 13	Physical Disability; Mental Disability	<i>Fossum v. Society of Notaries (No. 2)</i> , 2011 BCHRT 310	C, alcoholic notary public, had a relapse. R released an "Inquiry Notice" that used "disparaging" language respecting C's alcoholism, and accepted C's undertaking to undergo treatment and reporting (although C offered the undertaking). C suffered humiliation and loss of self-esteem.	I2D: \$5,000
s. 13	Physical Disability; Mental Disability	<i>Mills v. Norex Civil Contractors and Reutlinger</i> , 2009 BCHRT 99	C suffered from a significant brain injury but had recovered sufficiently to work. C was terminated because other employees of R were uncomfortable having him on site due to his disability.	No I2D as C did not seek an award
s. 13	Physical Disability; Mental Disability	<i>Senyk v. WFG Agency Network (No. 2)</i> , 2008 BCHRT 376	Managers of R harassed C during the course of her employment resulting in a toxic work environment, and ultimately in C's	I2D: \$35,000 Expenses: incurred as a result of the contravention

[Back to Top](#)

			physical and mental breakdown. C went on a medical leave, and did not return to active employment with R. C was terminated after a 2 year absence, an additional discriminatory act. The complexity of the claim made it necessary for C to retain counsel, justifying compensation for reasonable legal expenses.	including reasonable legal expenses
s. 13	Physical Disability; Mental Disability	<i>Wilson v. Transparent Glazing Systems (No. 4)</i> , 2008 BCHRT 50	R discriminated against C when they terminated his employment without making necessary inquiries, when it knew that he had a disability and was taking medical marijuana. R attributed what it thought was C's impairment to his medication, without making inquiries. This was a factor in the termination.	I2D: \$500
s. 13	Physical Disability; Mental Disability	<i>Gordy v. Painter's Lodge (No. 2)</i> , 2004 BCHRT 225	R did not allow C to return to work as a fishing guide due to mental and physical disability on the grounds that C's bipolar disorder was an unacceptable risk. R could have accommodated C as a fishing guide or in another position.	I2D: \$5,000 LW: \$5,000
s. 13	Physical Disability; Mental Disability	<i>Tozer v. British Columbia (Motor Vehicle Branch)</i> , 2002 BCHRT 11 ; <i>Tozer v. British Columbia (Motor Vehicle Branch)</i> , 2000 BCHRT 3	C suffered a stroke and brain aneurysm, was forced on medical leave (alternative was dismissal) and not permitted to return to work until pronounced fit, was never returned. R's treatment of C s callous and high-handed, R ignored solutions C proposed. R later hired C part time but this did not ameliorate the harm, C was	I2D: \$3,500 LW: \$13,061.01 to be provided with interest compounding semi-annually

			ostracized in the office and not given work or spoken to.	
s. 13	Physical Disability, Age	<i>He v. Kirin Mandarin Restaurant</i> , 2018 BCHRT 112	C was fired shortly after returning to work from an injury. R kept an employee that had taken over C's duties. The Tribunal inferred that R no longer wanted to employ C in part because it had a cheaper, able-bodied employee already performing the full duties of her position.	I2D: \$6,000 No LW due to C's failure to mitigate
s. 13	Physical Disability; Age	<i>Lee v. Strata Plan 4082 and others</i> , 2012 BCHRT 3	C was fired 2 days after requesting an accommodation for his disability, which affected his ability to respond to emergency situations. Despite other workplace issues, his disability and its relationship to his emergency duties was at least a factor in his termination.	I2D: \$6,500 LW: \$37,913.17
s. 13	Physical Disability; Age	<i>Flores v. Duso Enterprises and Duso (No. 2)</i> , 2008 BCHRT 368	After returning from a medical leave, C was introduced to a much younger and stronger man who had begun working in his department while he was on leave. C's employment was terminated shortly after. Mr. Flores was 59 years old at the time. Timing of termination and hiring of stronger, younger replacement lead to inference of discrimination.	I2D: \$7,500 LW: \$8,040.80
s. 13	Physical Disability; Age	<i>McComb v. Yaletown Restoration and Aziz</i> , 2008 BCHRT 320	C was ready and able to return to work without accommodation, she was perceived by R as having a disability, such that he was reluctant to have her return to work. R lost	I2D: \$5,000 LW: \$13,800

[Back to Top](#)

			confidence in C as an employee, in part because of perceived disability.	
s. 13	Physical Disability; Age	<i>Comeau v. Cote and Murphy Pipeline Inc.</i> , 2003 BCHRT 32	65 year old C, labourer with heart condition, was laid off due in part to his health. After-acquired cause could not justify termination.	I2D: \$3,500 (C asked for \$5,000) LW: \$13,860 (estimate of how long C would have continued to work on the project)
s. 13	Physical Disability; Political Belief	<i>Wali v. Jace Holdings</i> , 2012 BCHRT 389	C was terminated because of his disability and for expressing his beliefs about a new legislative initiative, which constituted a political belief. This resulted in new and additional damage to his dignity, feelings and self-respect.	I2D: \$10,000 LW and vacation pay: unspecified quantum for four weeks' wages, quantum to be determined between the parties. Tribunal to retain jurisdiction to hear arguments and decide the issue if necessary Pre and post -judgement interest
s. 13	Physical Disability; Mental Disability; Sexual Orientation	<i>Garneau v. Buy-Rite Foods and others</i> , 2015 BCHRT 77	C was bullied because he was seen as weak and vulnerable. His physical and mental disabilities and perceived sexual orientation were significant factors in his treatment.	I2D: \$15,000 LW: \$936 for one month of wages
s. 13	Physical Disability; Mental Disability; Religion	<i>Emerick v. Sooke Esso and Wattie</i> , 2007 BCHRT 79	R discriminated against C by not allowing him to use the till to the level of his ability, by not offering him the opportunity to see if he could learn to use the espresso machine, by requiring a guarantee	I2D: \$2,000 LW: \$600

[Back to Top](#)

			that she would bear no responsibility should he have a seizure at work, by dismissing him on September 6 and October 15 because of seizures he had in the workplace, and by making derogatory comments to him based on her religious beliefs.	
s. 13	Physical Disability; Retaliation	<i>Cartwright v. Rona and another</i> , 2011 BCHRT 65	R discriminated against C by refusing to allow him to return to his job after he injured his back because they perceived him to have a disability- a weak back that might be susceptible to further injury. Retaliation occurred when a manager of R yelled at C, had him escorted off the property, and threatened to call police when C tried to deliver list of witnesses prior to hearing.	I2D: \$4,000 (discrimination), \$4,000 (retaliation) LW: \$1,600 Expenses: \$475 for a security guard course which enabled C to find replacement employment
s. 13	Political Belief	<i>Fraser v. BC (Ministry of Forests, Lands and Natural Resources Operations) No. 4</i> , 2019 BCHRT 140	C was a professional forester who held and expressed views about industry regulation and practice. R revoked an offer of employment based in part on C's views. The Tribunal found this was discriminatory. Tribunal dismissed another aspect of C's complaint (alleging a job offer was withheld while C was the first applicant on an eligibility list), citing lack of adverse effect.	I2D: \$25,000 (C sought \$75,000 – R argued for \$5-10K) Post-judgement interest on I2D until paid in full. Decision on LW and Expenses pending. Tribunal declined to order reinstatement of job or implementation of an anti-discrimination hiring policy.
s. 13	Political Belief	<i>Bratzer v. Victoria Police Department (No. 3)</i> , 2016 BCHRT 50	C was a Police Officer and spokesperson for an organization of Officers in favour of legalizing	I2D: \$20,000 LW: to be agreed upon by

			marijuana. His Department attempted to stop him making comments. The Tribunal found that the conduct of the Victoria Police Department in prohibiting C from attending at a Harm Reduction conference, directing him not to speak at the Green Party event, and letters from the Chief ordering him to stop speaking constituted discrimination contrary to the Code.	the parties with liberty to apply to the Tribunal if unable to do so See decision for other remedies ordered.
s. 13	Race	<i>Small Legs v. Dhillon</i> , 2008 BCHRT 104	C confronted R about being paid a minimum wage and R started screaming at her, called her a “stupid fucking Indian”, and to pack her equipment (brushes, scissors and shears) and get the “hell out of the salon” where she worked.	I2D: \$5,000
s. 13	Race; Colour	<i>Stephenson v. Northern Concord Industry and others</i> , 2011 BCHRT 100	R wanted a white salesperson to stimulate sales in salesroom and phased C, a man of colour, out of the business.	I2D: \$7,000 LW: \$8,000
s. 13	Race; Colour; Sex	<i>Collins v. Suleman Meats et al.</i> , 2001 BCHRT 41	Employer consistently used derogatory racialized language against C. She was later terminated after filing a complaint. The Tribunal dismissed C’s complaint under s.13, but found that R’s termination of C contravened the Code by retaliation under s. 43.	I2D: \$1,500 LW: \$5,040 (plus pre and post-judgement interest); \$192 to attend the hearing
s. 13	Race; Colour; Ancestry	<i>Stewart v. Samuels et al.</i> , 2001 BCHRT 18	C was subjected to racist comments by co-workers and was transferred to a different work site that paid less at his request. However, C was not seriously hurt by the racist	I2D: \$1,000 No LW as C willingly accepted a lower paying transfer job, failing to

[Back to Top](#)

			comments and did not specifically complain about them at the time they were made. C also failed to apply to transfer to high paying jobs after the initial transfer.	mitigate her losses
s. 13	Race; Colour; Ancestry	<i>Hopkins v. T.T.I.C.L. Computer Corp. et al.</i> , 2003 BCHRT 8	C, a person of Aboriginal ancestry, was subject to racially derogatory remarks from the vice president of R, creating a hostile work environment. C was deeply disturbed by R's remarks, did not sleep well, and had nightmares and alleged aggravation of medical conditions (although without supporting documentation).	I2D: \$2,500
s. 13	Race; Colour; Ancestry; Place of Origin	<i>Francis v. Victoria Shipyards (No. 3)</i> , 2012 BCHRT 233 Judicial Review – <i>Victoria Shipyards Co. Ltd. v. Francis</i> , 2013 BCSC 1410 : BCHRT decision set aside and vacated	Employee of R left a rag that was meant to look like a KKK hat on a black workers bag.	No I2D as C did not seek an award (but see Judicial Review note)
s. 13	Race; Colour; Ancestry; Place of Origin	<i>Dastghib v. Richmond Auto Body and others (No. 2)</i> , 2007 BCHRT 197	Auto mechanic C was subject to racial slurs and jokes and terminated. C was terminated due to an incident in which he threw a piece of equipment and yelled at co-workers, but discrimination caused C to be angry and short tempered, causing the outburst.	All remedies, including costs, to be determined between the parties, Tribunal remained seized of the issue and hear submissions if parties are unable to agree
s. 13	Race; Colour; Ancestry; Place of Origin	<i>Asad v. Kinexus Bioinformatics</i> , 2008 BCHRT 293 Judicial Review -	R's racially profiled C in his employment, subjecting him to suspicion of involvement in terrorist acts including reporting him to the RCMP. R failed to ameliorate	I2D: \$6,000 (would have awarded more but Tribunal was limited by precedent maximum)

		<i>Kinexus Bioinformatics Corporation v. Asad</i> , 2010 BCSC 33 ; BCHRT decision upheld	conditions of poisoned workplace for C. C suffered from physical ailments due to discrimination.	Expenses: \$599 for cost of expert report Costs: \$5,000 for improper conduct during hearing
s. 13	Race; Colour; Ancestry; Place of Origin	<i>C.S.W.U. Local 1611 v. SELI Canada and others</i> (No. 8), 2008 BCHRT 436	Cs, Latin American workers on the Canada Line tunnel project, were paid less than European workers. Cs were also given inferior accommodation, less choice of food, made to account for reimbursements received instead of receiving a monthly allowance, and worked side by side with European workers being paid double. They also were unable to escape the discriminatory treatment as foreign workers on temporary permits.	I2D: \$10,000 per complainant LW: difference between the salary of the complainant group and comparator group Expenses: difference between the amount paid to the complainant group and the comparator group in reimbursement throughout the project
s. 13	Race; Colour; Ancestry; or Place of Origin	<i>Pillai v. Lafarge Canada Inc.</i> , 2003 BCHRT 26	C was subject to racial slurs producing a poisoned work environment, even though they were not made directly to him. C experienced brief fear and anxiety and was still shaken by the experience five years after the fact. R was liable for the conduct of its employees (regardless of whether it was aware of the discrimination).	I2D: \$3,000 (C asked for \$10,000, Rs \$1,500-3,500)
s. 13	Race; Colour; Ancestry; Place of Origin; Family Status	<i>Torres and others v. Langtry Industries</i> (No. 5), 2009 BCHRT 3 Judicial Review - <i>Langtry Industries Ltd. v. British Columbia</i> (Human Rights	Cs, the Torres family and Mr. Flores, worked for R. The Torres family had been the target of race-based comments and harassment on the basis of race, family and marital status by R. R was constructively terminated Mr. Flores	I2D: Mr. Flores \$4,500; Mr. Torres \$6,000; Ms. Torres \$4,000; Wendy Torres \$3,500 LW:

		<i>Tribunal</i>), 2009 BCSC 1091 : Petition dismissed	after he tried to address the discrimination he and his family were experiencing. Remainder of the Torres family was terminated due to their reaction to Mr. Flores' termination.	Mr. Flores \$5,132.92; Mr. Torres \$8,327.01; Ms. Torres \$9,306.27; Wendy Torres \$7,078.52
s. 13	Race; Colour; Ancestry; Place of Origin; Religion	<i>Poonja-Jiwany v. Bernard Haldane Associates</i> , 2002 BCHRT 24	Employee of R called C, another employee, a racial slur. C reported the employee, who was ultimately put in charge of decision to fire C and did so. R terminated C rather than addressing underlying issues or investigating the allegations.	I2D: \$800 (C requested \$3,500) LW: to be agreed upon by the parties with liberty to apply to the Tribunal if unable to do so
s. 13	Race; Colour; Ancestry; Place of Origin; Sex (Harassment)	<i>Balikama obo others v. Khaira Enterprises and others</i> , 2014 BCHRT 107	C, a Tree planter/brusher complained on behalf of numerous other African workers who were not paid for significant amount of work, racially harassed, and made to live in substandard conditions. Many workers suffered familial problems due to lack of pay. One C was sexually harassed	I2D: \$10,000 to each worker plus an additional \$1,000 for each 30 days worked for each worker (length of employment varied)
s. 13	Race; Place of Origin; Sex (Harassment)	<i>Hashimi v. International Crowd Management (No. 2)</i> , 2007 BCHRT 66	C was called "Fez" and other racial slurs at work, sexually harassed, and bitten on the rear end hard enough to cause significant bruising. R liable for discriminatory conduct of employees and failed to take any remedial steps.	I2D: \$7,000 for sex discrimination; \$3,000 for racial discrimination No LW as C did not seek an award
s. 13	Race; Colour; Place of Origin	<i>Gardner and another v. Geldenhuys</i> , 2014 BCHRT 150	On at least three occasions, C (Ms. Jurao) was subjected to intimidating, and differential treatment by R on the basis of her place of origin. Another C (Ms. Gardner) was treated in a demeaning,	I2D: Ms. Jurao \$2,000; Ms. Gardner \$1,500

			disrespectful and discriminatory manner by R and race and place of origin were central to R's race-based slurs.	
s. 13	Race; Place of Origin; Physical Disability; Mental Disability; Sex; Sexual Orientation	<i>Mercier v. Dasilva</i> , 2007 BCHRT 72	R made racist and sexist remarks towards C, causing C's increased absences which in turn led to his termination.	I2D: \$4,000 LW: \$1,600
s. 13	Race; Sex; Colour	<i>Eva obo others v. Spruce Hill Resort and another</i> , 2018 BCHRT 238	Complaint on behalf of 8 Caucasian employees of R, a spa. Complaint dismissed on grounds of ancestry and place of origin. Majority of staff had been laid off due to renovations and a few, including Cs, remained. R continuously made racially charged comments, and hired staff of Chinese origin to perform Cs' duties. Cs were gradually removed from the schedule and replaced with Chinese employees, and then (with one exception) were fired or resigned. Ms. Eva further alleged sexual harassment - R attempted to share hotel room on business trip. Race, Sex, and Colour complaints justified. Ancestry and Place of Origin complaints dismissed.	I2D: range from \$3,000 to \$18,000 (7 awards) LW: range from \$47,561.28 to \$5,151.33 (6 awards)
s. 13	Religion	<i>Paquette v. Amaruk Wilderness and another (No. 4)</i> , 2016 BCHRT 35	Rs refused to accept C's application for an internship in part because she had obtained her undergraduate	I2D: \$8,500 Expenses: \$661.08 for

[Back to Top](#)

			degree from Trinity Western University. Rs harassed C for her presumed religious beliefs.	accommodation and mileage to attend the hearing Post-judgement interest
s. 13	Religion	<i>McGuire v. Better Image Property Maintenance and others</i> , 2006 BCHRT 544	Rs referred to C as a “nominal Christian” and told her that she was not acting like a true Christian. R also made comments related to her being Jewish.	I2D: \$2,000 & post-judgement interest LW: \$1,170 & pre-judgement interest
s. 13	Religion	<i>Derksen v. Myert Corps Inc.</i> , 2004 BCHRT 60	C terminated for taking unauthorized day off for religious purposes.	I2D: \$2,000 LW: \$5,957, tax gross up and interest Expenses: \$770 to attend the hearing
s. 13	Religion	<i>Jones v. C.H.E. Pharmacy Inc. et al</i> , 2001 BCHRT 1	An employee who had 16 years’ service, felt compelled not to continue his employment because the employer chose not to accommodate his religious beliefs.	I2D: \$3,500 LW: \$21,243.56 & pre-judgement interest Vacation pay: \$4,710.40 & pre-judgement interest Expenses: \$1142 & interest
s. 13	Sex (Gender)	<i>Morrison v. AdvoCare and others</i> , 2009 BCHRT 298	C was not hired as care aide due to being male even though he was qualified. C applied and was rejected multiple times.	I2D: \$ 5,000 LW: \$3,150 Expenses: \$3,773 for gas and lodging expenses for new job
s. 13	Sex (Gender)	<i>Kalyn v. Vancouver Island Health Authority (No. 3)</i> ,	As a woman in the male-dominated environment of security, C was	I2D: \$20,000

[Back to Top](#)

		2008 BCHRT 377	confronted by barriers to fair and equal opportunity. C was branded a trouble maker for raising allegations of sex discrimination and was not informed of the substance or context of complaints when she was risk of termination, while male counterparts were.	LW: unspecified quantum for 26 months plus tax gross up, quantum to be determined between the parties. Tribunal to hear arguments and decide the issue if necessary if no agreement reached within 60 days Order that C be reinstated
s. 13	Sex (Gender)	<i>Van Eijk and Sheppard v. Seacastle Enterprises Inc.</i> (No. 2), 2006 BCHRT 363	Cs, two female managers of a Burger King, were fired when Rs bought franchise.	I2D: \$4,000 for one C \$5,000 LW: \$25,138.78 for one C, \$5,963.48 for the other
s. 13 (also s. 12)	Sex (Gender)	<i>Pennock v. Centre City Drywall</i> (No. 4), 2009 BCHRT 333	C paid less than male coworkers contrary to s. 13 of the Code. The complaint involved members of the extended family causing acrimony within resulting in I2D	I2D: \$2,500
s. 13	Sex (Gender)	<i>Johnston v. St. James Community Service Society and others</i> (No. 2), 2004 BCHRT 51 ; <i>Johnston v. St. James Community Service Society and Goddard</i> (No. 2), 2004 BCHRT 59 (decision on remedy) Judicial Review – <i>St. James Community Service Society v. Johnston and the British Columbia Human Rights Tribunal</i> 2004 BCSC 1807 ; BCHRT	R, an emergency women's shelter/residential facility, denied C employment with one of its residents due to his gender. R intervened to prevent a resident in the facility who wanted to hire C to take care of her children from doing so.	I2D: \$1,000 (but see Judicial Review note)

		orders set aside and remitted for reconsideration		
s. 13	Sex (Gender)	<i>Briggs v. B.C. (Ministry of Water, Land and Air Pollution)</i> , 2002 BCHRT 17	R only offered C promotions requiring relocation, which it knew she could not do. R should have offered her other promotions under a collective agreement but did not do so. C was a backcountry ranger, a male dominated job. The Tribunal found it was reasonable to infer that gender was a factor in the refusal to promote although no single piece of circumstantial evidence alone was sufficient to support that conclusion. C did not apply to renew job after filing HR complaint. C lost confidence, and suffered injury to dignity because lived in small town and had to explain why she was no longer in uniform.	I2D: \$4,000 LW: \$2,583.44
s. 13	Sex (Gender)	<i>Garand v. K.E. Gostlin Enterprises Ltd.</i> , 2002 BCHRT 8 Judicial Review – Petition allowed in Oral Reasons for judgement, November 13, 2002	C was not hired for a job despite having equivalent or superior qualifications than the successful candidate and was told she was not picked due to lack of interpersonal skills despite never having been advised of this during her 20 year career with R. C resigned because she felt she would always be a “manager in waiting”, perpetually passed over because of her gender.	I2D: \$4,000 (Tribunal described this as being on the “higher end of the spectrum”) LW: unspecified quantum for one year of differences in wages between C and successful candidate for the job, quantum to be determined between the parties. Tribunal to retain jurisdiction to entertain written arguments and decide the issue if necessary

				(but see Judicial Review note)
s. 13 (also s. 8)	Sex (Gender)	<p><i>Nixon v. Vancouver Rape Relief Society</i>, 2002 BCHRT 1</p> <p>Judicial Review – <i>Vancouver Rape Relief Society v. Nixon et al.</i>, 2003 BCSC 1936: BCHRT decision set aside</p> <p>Appeal – <i>Vancouver Rape Relief Society v. Nixon</i>, 2005 BCCA 601: Appeal of BCSC decision dismissed</p>	C was forbidden from volunteering with R because she was a transgendered woman, but had been born male and so had enjoyed male privilege. C was hurt and humiliated, had a major anxiety attack, and contemplated suicide.	<p>I2D: \$7,500 (largest award to this point had been \$6,500)</p> <p>(but see Judicial Review and Appeal note)</p>
s. 13	Sex (Gender); Family Status	<i>MacDonald v. Najafi and another (No. 2)</i> , 2013 BCHRT 13	The incidents were related to the fact that she was a woman. When C was disturbed by R's conduct including whistling, comments about her weight, and the reference to her as "girl" at the barbeque, she objected. R did not set out deliberately to insult or injure C because of her sex, although he does seem to have largely ignored her efforts to communicate to him that she found his actions and comments offensive or demeaning.	<p>I2D: \$4,000</p> <p>LW: \$5,900</p> <p>Expenses: \$306.79 for air fare to attend the hearing</p>
s. 13	Sex (Gender/ Harassment)	<i>Algor v. Alcan Inc. and others</i> , 2006 BCHRT 200	Employer failed to provide a workplace free from sex discrimination.	<p>I2D: \$5,000</p> <p>LW: unspecified quantum to be calculated at 60% of wages for a period, then</p>

				<p>15% - reductions due to concurrent medical issues also causing absence from work. Quantum to be determined between the parties, Tribunal to remain seized of the issue for 30 days to receive written submissions and decide the issue if necessary</p> <p>Expenses: benefits C would have had covered by R's employee benefits plan; Post-judgement interest on LW</p>
s. 13	Sex (Harassment)	<i>Araniva v. RSY Contracting and another (No. 3)</i> , 2019 BCHRT 97	R sexually harassed C in the workplace. C's hours were reduced when C refused to accept or tolerate R's sexual advances. C eventually left job due to harassment.	<p>LW: \$8000</p> <p>I2D: \$40,000* (*upward trend for these damages noted in decision)</p> <p>Expenses: \$4,336 for counselling and expert report. Cost of doctor's in-person testimony (TBD)</p> <p>Pre-judgement interest on LW until paid in full.</p>
s. 13	Sex (Harassment)	<i>Willis v. Blencoe</i> , 2001 BCHRT 12 Judicial Review – B.C.S.C.Victoria	C made allegations of sexual harassment against government minister for department at which she was employed. Resulted in her resigning. The Tribunal found	<p>I2D: \$5,000</p> <p>Expenses: \$438.59 for air fare, hotel accommodation for a witness to attend the</p>

		Registry No. 97-4616 : Petition dismissed, Tribunal decision upheld	discrimination and noted the power imbalance between the parties and C's resultant vulnerability.	hearing, and meal expenses
s. 13	Sex (Harassment)	<i>Hayward v. Gary Stinka & Moxies Restaurant</i> , 2001 BCHRT 9	C worked as hostess, server, and bartender at restaurant. Resigned due to sexual harassment from owner, R1. C had discussed allegations with managerial staff but nothing done.	I2D: \$5,000
s. 13	Sex (Harassment)	<i>Varga v. Bentley's Sandwich Heaven</i> , 2001 BCHRT 8	C was employed for a short time by R, whom she alleged sexually harassed her. R did not appear at hearing.	I2D: \$4,500 LW: \$2,860
s. 13	Sex (Harassment)	<i>Paananen v. Scheller (No. 2)</i> , 2013 BCHRT 257	C worked at a pizza restaurant where she was sexually harassed and assaulted by a supervisor. There was a power imbalance and also a considerable age difference - C was 16.	I2D: \$3,000 LW: \$300
s. 13	Sex (Harassment)	<i>Root v. Ray Ray's Beach Club and others</i> , 2013 BCHRT 143	C was sexually harassed at work - the harassment was in the form of three painful, unwelcome, intimate blows to the butt. They were sexual in nature, and R knew, or ought to have known, they were unwelcome. They negatively affected C's work environment, eventually led to reduced work hours and ultimately her dismissal, for no stated reason.	I2D: \$5,000 with post-judgement interest until paid in full
s. 13	Sex (Harassment)	<i>Young and Young on behalf of Young v. Petres</i> , 2011 BCHRT 38 Judicial Review – Petition allowed in Oral Reasons for judgement,	R, employer, frequently hugged young female staff members in attempt to cleanse the workplace of negative energy.	I2D: Algebra Young \$4,000; Aja Young \$6,000 (but see judicial review note)

[Back to Top](#)

		March 1, 2012		
s. 13	Sex (Harassment)	<i>LL v. DM and another</i> , 2020 BCHRT 129	C was hired and began a sexual relationship with owner R. R would withhold work from C or bar C from the jobsite when feeling jealous of C's other relationships. After the complaint was filed, R publicized pornographic videos featuring C. Tribunal found C's sex was a factor in the adverse employment-related consequences imposed on C by R for issues arising from their personal, consensual relationship.	I2D: \$15,000 (incl post-judgment interest) WL: \$640 Retaliation: \$7,500
s. 13	Sex (Harassment)	<i>MP v. JS</i> , 2020 BCHRT 131	C, who was employed as a cleaner in R's home, alleged that R sexually assaulted her in the course of her duties. R argued that C had previously consented to sexual activity with him in exchange for money. The Tribunal found discrimination given that R's sexual conduct was unwelcome and C felt unable to continue in her employment due to his actions.	I2D: \$40,000 WL: \$4,300 Expenses: \$49.98 (medication); \$106.50 (parking at hearing)
s. 13	Sex (Harassment)	<i>McIntosh v. Metro Aluminum Products and another</i> , 2011 BCHRT 34 Judicial Review – <i>McIntosh v. Metro Aluminum Products Ltd.</i> , 2012 BCSC 345 : BCHRT decision	C was subjected to ongoing sexual harassment through unwanted text messages from R.	I2D: \$12,500 LW: \$14,493 Pre and post judgement interest Expenses: \$2,900.85 for cost of forensic report and reimbursement for

[Back to Top](#)

		upheld		WorkSafe BC benefits lost as a result of attending the hearing
s. 13	Sex (Harassment)	<i>Soroka v. Dave's Custom Metal Works and others</i> , 2010 BCHRT 239	C was consistently sexually harassed by co-worker.	I2D: \$5,000 LW: \$2,900 Pre judgement interest on LW & post judgement interest on I2D See interesting remedies re counselling for employees and removal of pornography.
s. 13	Sex (Harassment)	<i>Tyler v. Robnik and Mobility World (No. 2)</i> , 2010 BCHRT 192	R (manager) asked C (employee) to come to his hotel room, offered her his hotel key, and touched her on the leg.	I2D: \$6,500
s. 13	Sex (Harassment)	<i>Ratzlaff v. Marpaul Construction and another</i> , 2010 BCHRT 13	C experienced unwelcome conduct of a sexual nature which detrimentally affected her work environment and led to her resignation from her employment. The conduct in question was continual and both verbal and physical. Large award due to significant physical nature of the harassment - physical assault then attempted rape.	I2D: \$25,000 LW: \$22,000 Post-judgement interest until paid in full.
s. 13	Sex (Harassment)	<i>Kwan v. Marzara and another (No. 3)</i> , 2009 BCHRT 418	R harassed C by hugging and kissing her at work on four occasions shortly after hiring her, inviting her to meet with him outside	I2D: \$6,000 (C asked for \$6,000) LW: \$1,120 (full wage loss

[Back to Top](#)

			the workplace. Significant disparity in age and C was seeking first professional employment outside a restaurant environment. C required counselling.	even though C did not immediately look for work in reaction to what R did) Pre-judgment interest on the wage loss of \$1,12; post-judgment interest, running on the wage loss of \$1,120 and I2D
s. 13	Sex (Harassment)	<i>Harrison v. Nixon Safety Consulting and others</i> (No. 3), 2008 BCHRT 462	Mr. Ford sexually harassed C in the course of her employment at the Lofts. Mr. Goodman, Con-Forte's representative failed to deal with the harassment when he learned of it. NSC, at the indirect urging of Navigator, terminated her employment soon after she complained about the harassment.	I2D: \$15,000 LW: \$14,000 Costs: \$3,000 for late R disclosure Pre-judgment interest on LW; Post-judgment interest on expenses, I2D and costs.
s. 13	Sex (Harassment)	<i>J.J. v. School District No. 43</i> (No. 5), 2008 BCHRT 360 Judicial Review – <i>J.J. v. School District No. 43 (Coquitlam)</i> , 2012 BCSC 523 : Tribunal directed to reconsider decision on quantum of damages and reinstatement Appeal – <i>J.J. v. School District 43 (Coquitlam)</i> , 2013 BCCA 67 : Appeal allowed, Tribunal decision restored	C was sexually harassed by a co-worker. She complained to her supervisor. After she complained, the terms and conditions of her employment were changed, resulting in her not being re-hired. She alleged that this was effective termination of her employment and done to punish her for the complaints she had made.	I2D: \$4,000 LW: unspecified quantum for eight days at 100% of wages, plus five months at 50% of wages - reduced once compensation became tied to loss of employment opportunity, which is only partial compensable Expenses: \$491.37 to attend the hearing Pre-judgement interest on

				LW & expenses and post-judgement interest on I2D
s. 13	Sex (Harassment)	<i>Behm v. 6-4-1 Holdings and others</i> , 2008 BCHRT 286	C worked for R and alleged four incidents of sexual harassment by a co-worker: a comment; a shared article; a request for a hug; and sexual touching. HRT decided that all but the article constituted harassment.	I2D: \$5,000 LW: \$393.75 for two weeks of wages
s. 13	Sex (Harassment)	<i>Kwan v. Marzara and another</i> , 2007 BCHRT 387	C started at new job and boss hugged and kissed her to welcome her, made several comments re having relationship despite having boyfriend. C told R repeatedly she felt uncomfortable with his conduct.	I2D: \$5,000 LW: \$1,120 Pre and post-judgement interest See second hearing: 2009 BCHRT 418
s. 13	Sex (Harassment)	<i>Koblensky v. Westwood and Schwab (No. 2)</i> , 2006 BCHRT 281	C was subjected to ongoing sexually explicit language and behaviour by a co-worker. C reported this to R, her employer No action taken. After 4 th complaint to R, C was terminated.	I2D: \$4,000 LW: \$144 Post-judgement interest
s. 13	Sex (Harassment)	<i>Mottu v. MacLeod and others</i> , 2004 BCHRT 76	C refused to wear a bikini top at nightclub R's event and was relegated to "degrading and inferior job" with fewer hours on subsequent shifts. Ultimately was forced to resign. C's doctor advised her to take medical leave from working for R.	I2D: \$3,000 LW: \$2,917.97 Post-judgement interest on LW
s. 13	Sex (Harassment)	<i>Gill v. Grammy's Place Restaurant and Bakery Ltd.</i> , 2003 BCHRT 88	Ongoing sexual harassment in form of "attack" and sexual comments and failure to prevent customers touching – later fired for not acquiescing.	I2D: \$10,000 LW: \$7,500 Medical expenses \$749.34

[Back to Top](#)

				<p>- 50% of medical expenses for treatment of conditions pre-existing but exacerbated by the discrimination.</p> <p>Expenses: \$1,527.96 for cost of a transcript for a portion of a witness' evidence at the hearing following a break in the evidence</p> <p>Post-judgement interest</p>
s. 13	Sex (Harassment)	<p><i>Twohey v. Bartman et al.</i> (No. 2), 2003 BCHRT 83</p> <p>Judicial Review – <i>Bartman v. Twohey et al.</i>, 2004 BCSC 1211: BCHRT decision upheld</p>	R harassed C, mostly verbally (but on one occasion physically). C became tense and anxious, had difficulty sleeping and eating.	<p>I2D: \$4,000 (C asked for \$10,000, R suggested \$1,500-2,500)</p> <p>LW: \$7,291.66</p>
s. 13	Sex (Harassment)	<p><i>Fougere v. Rallis and Kalamata Greek Taverna</i>, 2003 BCHRT 23</p>	C was a waitress who was sexually harassed at work. C complained and was subsequently terminated.	<p>I2D: \$1,200</p> <p>LW: \$847.50</p> <p>Costs: to be determined (quantum assessed in 2003 BCHRT 56)</p>
s.13	Sex (Harassment)	<p><i>Newman v. Gujral</i>, 2003 BCHRT 16</p>	Employee taken out for dinner by boss who touched her breast, tried to hold her hand and asked for a kiss.	<p>I2D: \$3,500</p> <p>LW: \$4,000</p>
s. 13	Sex (Harassment)	<p><i>Jacob v. Reed and Mingles Holdings Ltd.</i>, 2002 BCHRT</p>	Manager R kissed and made sexual advances towards C, reduced her	<p>I2D: \$4,000</p>

[Back to Top](#)

		37	hours and ultimately terminated her after she refused them. C was financially vulnerable. R had a position of authority, made repeated advances, and caused a poisoned workplace.	LW: \$37,272.24 (included an expected but not actually given raise as well as pre-judgement interest)
s. 13	Sex (Harassment)	<i>Smith v. Zenith Security</i> , 2002 BCHRT 25	Rs discussed who was going to sleep with C first, made other sexual comments and entered C's hotel room bed naked. C was eventually removed from contract, causing negative effect on self-esteem.	I2D: \$3,000 LW: \$10,838
s. 13	Sex (Harassment)	<i>Huhn v. Joey's Only Seafood Restaurant</i> , 2002 BCHRT 18	R harassed C, C wrote and posted complaints, R took them down. R eventually yelled and threw a frying pan at C telling her to quit, she did. Sexual conduct may have been welcome at one point but ultimately became unwelcome.	I2D: \$900 (C asked for \$3,500- \$4,500) LW: No award due to C's failure to mitigate
s. 13	Sex (Harassment)	<i>LeBlanc v. Dan's Hardware et al.</i> , 2001 BCHRT 32	C was subject to sexual comments and conversations, touching, by manager R. harassment had negative psychological impact on C, undermined dignity and self-respect, was harassed verbally and physically.	I2D: \$3,500 (C asked for \$5,000) LW: \$6,268.60 reduced due to C's failure to mitigate Post-judgement interest on LW
s. 13	Sex (Harassment)	<i>Simon v. Paul Simpson and Med Grill Ltd.</i> , 2001 BCHRT 24	C told if she wanted to be part of the management team she had to strip in front of coworkers, resigned rather than seeing those coworkers again.	I2D: \$5,000 LW: \$16,084.62 - reduced due to C's failure to mitigate
s. 13	Sex (Harassment)	<i>Kayle v. T & V Enterprises Ltd. operating as The Civic Hotel and George Jackson</i> ,	C was a singer/entertainer C harassed by manager on stage. C suffered loss of self-confidence but	I2D: \$1,800 (Range: \$1,000-4,000)

[Back to Top](#)

		2000 BCHRT 57	other factors were partially responsible for damages (challenge of the show itself, termination).	
s. 13	Sex (Harassment)	<i>Fiebelkorn v. Poly-Con Industries Ltd. and Cowderoy</i> , 2000 BCHRT 54	C, a bottle packer, was subject of sexual/sexist jokes, comments, and advances by manager. C was disgusted, shocked, and offended by this conduct, but able to return to work immediately.	I2D: \$1,800 (C asked for \$4000-5000) LW: \$1,920 for 6 weeks of wages – reduced due to C’s failure to mitigate
s. 13	Sex (Harassment)	<i>Tannis et al. v. Calvary Publishing Corp. and Robbins</i> , 2000 BCHRT 47	R made persistent sexual comments and advances towards Cs (ages 16-21). One C quit due to harassment, others were laid off due to reaction to harassment. <i>Torres</i> factors considered. Cs humiliated, suffered headaches and other physical effects	I2D: \$4,500 for 3 Cs, \$5,000 for one C (all asked for \$3,500-\$4,500) LW: \$5,850, \$2,500, and \$1,600 Interest on all amounts
s. 13	Sex (Harassment)	<i>Ryane v. Krieger and Microzip Data</i> , 2000 BCHRT 41	R, in a position of authority, made persistent sexual advances and comments to C. C was later terminated partially due to harassment. However R and C had a friendly relationship for much of the period of harassment. <i>Torres</i> factors considered.	I2D: \$4,000 (compensating for a “moderate” injury to dignity) LW: \$9,000
s. 13	Sex (Harassment)	<i>Mahmoodi v. University of British Columbia and Dutton</i> , 1999 BCHRT 56 Judicial Review – <i>Dr. Dutton v. BC Human Rights Tribunal et al.</i> , 2001 BCSC 1256 : BCHRT decision upheld;	C was physically and sexually harassed by her professor at UBC.	I2D: \$4,000 Expenses: \$5,200 for counselling LW: \$3,200 Pre-judgement interest on LW Expenses: for costs related to audio expert, tuition and

				books
s. 13	Sex (Harassment)	<i>Lanteigne v. Sam's Sports Bar Ltd. d.b.a. GG's Sports Bar</i> , 1998 BCHRT 39	C's breasts grabbed by customer while at working as a waitress. R did not do anything.	I2D: \$3,000 LW: \$2,385 Respondent to develop and post a sexual harassment policy to cover the conduct of patrons and employees
s. 13	Sex (Harassment); Family Status; Race; Ancestry; Place of Origin; Retaliation	<i>PN v. FR and another (No. 2)</i> , 2015 BCHRT 60	C was a Filipino nanny working for R. C was sexually assaulted and her vulnerability (living and working in Canada with no support system) was exploited. Suit filed against C by R was deemed retaliation.	I2D: \$50,000 LW: \$5,866 Post-judgement interest until paid in full
s. 13	Sex (Harassment); Retaliation	<i>Q v. Wild Log Homes and another</i> , 2012 BCHRT 135	R made sexual comments and sexually touched C on numerous occasions and sued her in BCSC for cost with respect to HR complaint (retaliation).	I2D: \$7,500 (Sex) I2D: \$8,000 (Retaliation) Post judgement interest Costs: \$6,500 against R for improper conduct during Hearing
s. 13	Sex (Harassment); Retaliation	<i>Clarke v. Frenchies Montreal Smoked Meats and Blais (No. 2)</i> , 2007 BCHRT 153	C refused R's inappropriate request that she sit on his lap, suggesting that he get his wife to do so. Tribunal Member suggested that her response to his suggestion was likely to be embarrassing to C. She was terminated days later. Retaliation – R visited C at her new place of work to intimidate her.	I2D: \$4,000 for sexual harassment (would have awarded more if C had asked for more) I2D: \$7,500 for retaliation LW: \$228.80 loss of tips: \$90

				Pre and post-judgement interest on LW Post-judgement interest on I2D
s. 13	Sex (Pregnancy)	<i>Tilsley v. Subway Sandwiches & Salads</i> , 2001 BCHRT 2	C found she was pregnant and was told by her supervisor she would not be capable of working through pregnancy. C was told to quit or else Subway would make future employment difficult. C missed a shift on her doctor's recommendation and later suffered a miscarriage. C was fired whilst in hospital. The Tribunal found discrimination.	I2D: \$3,500
s. 13	Sex (Pregnancy)	<i>Gareau v. Sandpiper Pub et al.</i> , 2001 BCHRT 11 Judicial Review – Petition dismissed in Oral Reasons for judgement, November 13, 2002	R requested C work as a bartender rather than server after learning she was pregnant. She refused to sign a waiver of liability and her schedule was changed.	I2D: \$1,250
s. 13	Sex (Pregnancy)	<i>Peach v. Portal Retail Group</i> , 2005 BCHRT 316	C was terminated while on maternity leave following a change in corporate owner/operator of the business. R altered hiring process to eliminate C from contention for the job.	I2D: \$2,500 LW: \$1,366 for wage differential Expenses: \$20 for corporate searches
s. 13	Sex (Pregnancy)	<i>Weihs v. Great Clips and others (No. 2)</i> , 2019 BCHRT 125	R terminated C's employment at a hair salon 8 days after C announced pregnancy. The Tribunal found pregnancy was a factor in C's termination.	I2D: \$9000 LW: \$1,109.16 (plus 4% vacation pay) and \$426.30 in lost tips. Expenses: \$281.82 for

[Back to Top](#)

				<p>notarizing/couriering documents.</p> <p>Pre-judgment interest on LW, and post-judgement interest on LW, I2D, and expenses.</p>
s. 13	Sex (Pregnancy)	<i>Lipp v. Maverick's Sports Lounge</i> , 2014 BCHRT 199	Owner indicated to General Manager, that C was pregnant, and this did not fit the image he wanted for the business, and he wanted her hours reduced so she would quit.	<p>I2D: \$7,500</p> <p>LW: \$2,000</p>
s. 13	Sex (Pregnancy)	<i>Meldrum v. Astro Ventures</i> , 2013 BCHRT 144	C's shifts were arbitrarily and drastically reduced, and the Tribunal found that her pregnancy was "the" reason for the reduction. C left work and advised R that she considered herself constructively dismissed, which was also found by the Tribunal.	<p>No LW as C went on maternity leave – If she stayed, she would have been terminated after the birth for failure to do BFOR</p> <p>I2D: \$15,000</p>
s. 13	Sex (Pregnancy)	<i>LaCouvée v. Alchemy Studios and another</i> , 2013 BCHRT 126	C became pregnant and asked for changes to her work schedule. Instead, she was terminated so she could "concentrate on baby". The Tribunal found that Rs became fed up with C's requests for schedule changes.	<p>I2D: \$7,500</p> <p>LW: \$3,174</p> <p>Loss of EI Maternity benefit eligibility: \$3,637</p>
s. 13	Sex (Pregnancy)	<i>Dhillon v. Planet Group</i> , 2013 BCHRT 83	C became pregnant while employed. R became frustrated with her work performance and terminated her. The Tribunal found that her pregnancy was at least a factor in her termination. R did not lead evidence on BFOR.	<p>I2D: \$6,000</p> <p>LW: \$3,000</p>
s. 13	Sex	<i>McFarlane v. Brown (No. 2)</i> ,	C became pregnant and informed R.	I2D: not specified, deferred

[Back to Top](#)

	(Pregnancy)	2012 BCHRT 424	R immediately told C that she did not need her for a few days, became cold, and terminated C while simultaneously posting an online ad to hire her replacement.	pending further submissions on remedy (subsequently fixed at \$7,500 - see <i>McFarlane v. Brown</i> (No. 3), 2013 BCHRT 119) LW: \$4,000
s. 13	Sex (Pregnancy)	<i>Kooner-Rilcof v. BNA Smart Payment Systems and another</i> , 2012 BCHRT 263	Rs terminated C's employment upon learning of her pregnancy, and were unable to provide a non-discriminatory explanation.	I2D: \$8,000 LW: \$3,125
s. 13	Sex (Pregnancy)	<i>Mann v. JACE Holdings</i> , 2012 BCHRT 234	C was dismissed in part because R had learned that she would be going lengthy maternity and parental leave. As she was a short-service employee, the easy solution was simply to let her go.	I2D: \$6,000 LW: \$6,037
s. 13	Sex (Pregnancy)	<i>Su v. Coniston Products</i> (No. 2), 2011 BCHRT 223	C was not allowed to return to work after maternity leave. R kept her replacement on instead.	I2D: \$6,500 LW: \$9,000
s. 13	Sex (Pregnancy)	<i>Hanson v. U Lounge Hospitality</i> (No. 2), 2011 BCHRT 181	C's hours were cut back as restaurant manager once R found out she was pregnant. R decreased C's responsibilities and relied on other workers instead to proactively prepare for C's departure.	I2D: \$6,000 LW: \$5,700
s. 13	Sex (Pregnancy)	<i>Sutton v. Best Western Tower Inn</i> (No. 2), 2010 BCHRT 314	C's pregnancy-related complications were a factor in R deciding that she was not reliable. This resulted in R terminating C's employment.	I2D: \$2,500 LW: \$4,000
s. 13	Sex (Pregnancy)	<i>de Lisser v. Traveland Leisure Vehicles and others</i> , 2009 BCHRT 36	C worked part time and wanted to fill in for a maternity leave. When she became pregnant, she was denied the position because she would not be available to fill the entirety of the	I2D: \$5000 LW: \$8,000 Loss of EI Maternity

[Back to Top](#)

			co-worker's leave.	benefit eligibility: \$12,000 Tax Gross Up
s. 13	Sex (Pregnancy)	<i>Ballendine v. Willoughby and others</i> (No. 5), 2009 BCHRT 33 Note: Second hearing of this complaint - see paras 4-5 of this decision; see also <i>Ballendine v. Willoughby and others</i> (No. 4), 2007 BCHRT 162 (overturned on judicial review)	C waitress had employment terminated shortly after disclosing pregnancy. When C asked R why she was being terminated, she was told to ask the father of her unborn children, a customer of the pub.	I2D: \$7,500 LW: and loss of EI Maternity benefit eligibility: \$13,000
s. 13	Sex (Pregnancy)	<i>Johnston v. Poloskey and Poloskey</i> , 2008 BCHRT 55	C disclosed her pregnancy to her employer and subsequently ceased to be called into work. R made a disapproving comment about C being pregnant and unmarried, an attitude the Tribunal found was a factor in C's termination.	I2D: \$2,000 WL \$224
s. 13	Sex (Pregnancy)	<i>Stackhouse v. Stack Trucking and Craft</i> (No. 2), 2007 BCHRT 161	C was approximately three and a half months pregnant when she told R that her doctor had advised her to limit her work day to 10 hours. After the second day that she attempted to do so, her employment was terminated.	I2D: \$5,000 LW: \$12,000 Reduced EI Maternity benefit eligibility: \$6,608
s. 13	Sex (Pregnancy)	<i>McIntosh v. Shami and Zeeba Hair and Body Image</i> , 2006 BCHRT 527	C, a hairdresser, was terminated in part because of her pregnancy, as her manager felt she was not up to the job. Rs also removed chairs that C could sit in on her break, instead telling her to leave the salon to find a place to sit.	I2D: \$3,000 LW: \$2,142.99
s. 13	Sex	<i>Dance v. ANZA Travel and</i>	C was demoted after informing	I2D: \$2,500

[Back to Top](#)

	(Pregnancy)	<i>Boshell (No. 3)</i> , 2006 BCHRT 196	supervisors of her intention to take maternity leave. She was later told she would be laid off if she did not take maternity leave early.	LW: \$2,911 plus bonus and interest
s. 13	Sex (Pregnancy)	<i>Crockett v. Goodman and Eclips Hair Cafe</i> , 2005 BCHRT 471	C was hair stylist who required accommodations due to pregnancy. C alleged she was harassed by Rs to the point that she was forced to quit her employment.	I2D: \$3,000 LW: \$8,605
s. 13	Sex (Pregnancy)	<i>Parry v. Vanwest College</i> , 2005 BCHRT 310	C worked for a private ESL school, went on maternity leave, and was replaced. Shortly before intending to return to work, C was told her position was “closed” due to R’s financial problems, and that she was terminated.	I2D: \$5,000 LW: \$11,842.42 Expenses: of attending hearing \$441 Expenses: \$500 for legal expenses incurred as a result of the contravention
s. 13	Sex (Pregnancy)	<i>Dorvault v. Ital Décor and Tinucci</i> , 2005 BCHRT 148	C applied for a front-end office position with R but was passed over due to pregnancy.	I2D: \$2,500 LW: \$2,839
s. 13	Sex (Pregnancy)	<i>Descoteau v. Pare and Wakeside Restaurant</i> , 2005 BCHRT 19	R retracted letter of reference after complaint filed.	I2D: \$5,500 for both discrimination and retaliation LW: \$6,000 EI Benefits: \$2,760 Post-judgement interest of LW and EI benefits until paid in full.
s. 13	Sex (Pregnancy)	<i>Young v. 633785 B.C. Ltd. dba Clean House and Matthews</i> , 2004 BCHRT 135	C, a pregnant woman, worked as a cleaner. She was let go because R believed it could be liable for injury	I2D: \$4,000 LW: \$8,160

[Back to Top](#)

			to C's child.	
s. 13	Sex (Pregnancy)	<i>Sauve v. 538185 B. C. Ltd. operating as Capone's Restaurant & Live Jazz</i> , 2004 BCHRT 42	C started a job working in promotions and serving. After revealing she was pregnant her shifts were reduced and she was passed over for opportunities, and was eventually terminated.	I2D: \$3,000 LW: \$8,452 Costs: \$500 Expenses incurred from to having to take early Maternity leave
s. 13	Sex (Pregnancy)	<i>Yap v. The Brick Warehouse Corp.</i> , 2004 BCHRT 22	R terminated C rather than accommodate effects of pregnancy.	I2D: \$3,000 LW: 15 weeks Order that R pay shortfall in C's income due to loss of benefits
s. 13	Sex (Pregnancy)	<i>Clouatre v. Takhar and Kahala Enterprises Ltd.</i> , 2004 BCHRT 15	C revealed she was pregnant and as a result lost shifts as a waitress. She was later fired.	I2D: \$3,000 LW: \$7,140 Loss of EI Maternity benefit eligibility: \$3,300
s. 13	Sex (Pregnancy)	<i>Patterson v. Seggie</i> , 2004 BCHRT 2	R terminated C rather than accommodate effects of pregnancy at the restaurant.	I2D: \$2,000
s. 13	Sex (Pregnancy)	<i>Child v. Culpepper's Restaurant</i> , 2003 BCHRT 3	C lost shifts because of her maternity leave. R failed to return her to work.	I2D: \$3,000 LW: \$7,577.36 (C asked for \$56,047.96)
s. 13	Sex (Pregnancy)	<i>Wust v. Lai's Chinese Restaurant (1990) Ltd., doing business as TJ's Chinese Restaurant</i> , 2002	Manager R required C produce a doctor's note saying it was safe for her to continue working. R told C she would have to quit/leave the job	I2D: \$1,500 (C asked for \$4,000) LW: \$6,097

[Back to Top](#)

		BCHRT 36	at the end of the month even though C intended to work for another 6 months.	Loss of EI Maternity benefit eligibility \$2,098
s. 13	Sex (Pregnancy)	<i>Vestad v. Seashell Ventures Inc.</i> , 2001 BCHRT 38	C alleged employer discriminated against her due to sex (pregnancy), causing her to resign. The Tribunal found discrimination – R had referred to C's pregnancy numerous times during training and terms of C's employment were changed around the same time as R learned of pregnancy.	I2D: \$4,500 LW: \$15,480 & pre and post-judgement interest Expenses: \$428 for cost to have a witness attend the hearing
s. 13	Sex (Pregnancy)	<i>Sidhu v. Broadway Gallery</i> , 2002 BCHRT 9	C worked at a nursery, was fired after providing limitations from doctor due to pregnancy.	I2D: \$3,000 (C asked for \$4,000) LW: \$5,360
s. 13	Sex (Pregnancy)	<i>Skytte v. Danroth</i> , 2000 BCHRT 61 Judicial Review – <i>C.N. Danroth Contracting Ltd. V. Skytte</i> , 2002 BCSC 1227 : BCHRT decision upheld	C was a First Aid attendant/cook logging camp who was fired because of pregnancy. C was angered and upset, and suffered a financial impact straining family relationships.	I2D: \$2,500 (comparable cases range \$1500-\$5000) LW: \$3,627 for one month of wages Expenses: \$217 to attend the hearing
s. 13	Sex (Pregnancy); Family Status	<i>Brown v. PML and Wightman (No. 4)</i> , 2010 BCHRT 93	Rs discriminated against C on the grounds of pregnancy by way of reacting angrily to her pregnancy, failing to advise her of workplace performance concerns in a timely manner, acting in a hostile and humiliating manner, refusing to allow her to bank her work hours, excluding her from consultation on the development of a new sales structure, and demoting her to a	I2D: \$10,000 Costs: \$10,000 for improper conduct Expenses: for witness \$5,656.34 awarded in <i>Brown v. PML and Wightman (No. 5)</i> , 2012 BCHRT 323

			lesser earning job without telling her (C discovered this by reading R's website). R also discriminated on the grounds of family status by cancelling C's flexible working conditions. Costs awarded against R for improper conduct including misleading and untruthful statements in testimony or in affidavits.	
s. 13	Sex (Pregnancy); Physical Disability	<i>Hill v. Best Western and another</i> , 2016 BCHRT 92	R failed to find other work for C and laid her off when she was unable to clean hotel bathrooms due to sensitivity to the cleaning products arising from her pregnancy.	I2D: \$2,500 LW: \$1,960
s. 13	Sex (Pregnancy); Physical Disability	<i>Luschnat v. Kotyk</i> , 2002 BCHRT 4	C tried to return to work following a pregnancy related illness but had her hours cut and was told she could not sit on shift. C felt punished, was shocked, and had just bought a house with her husband based on both of their earning income.	I2D: \$2,500
s. 14 – Unions and Associations				
s. 14	Mental Disability	<i>Gichuru v. The Law Society of British Columbia</i> (No. 11), 2012 BCHRT 275 Judicial Review – <i>Gichuru v. The Law Society of British Columbia</i> , 2013 BCSC 1325 : BCHRT decision upheld with	Reopening of <i>Gichuru v. The Law Society of British Columbia</i> (No. 9), 2011 BCHRT 185 - EI benefits in the amount of \$2,272 found to have been improperly deducted from the wage loss award. Additional LW in the amount of \$2,272 ordered	LW: \$2,272 Costs: \$3,000 against C for improper conduct

[Back to Top](#)

		<p>exception of issue regarding employment insurance benefits deducted from award</p> <p>Appeal – <i>Gichuru v. The Law Society of British Columbia</i>, 2014 BCCA 396: appeal of BCSC decision dismissed</p> <p>See also <i>Gichuru v. The Law Society of British Columbia</i>, 2013 BCSC 2088 – application to re-open in which R was ordered to pay an additional \$283.52 (correcting a previous calculation error)</p>		
s. 14	Mental Disability	<p><i>Gichuru v. The Law Society of British Columbia</i> (No. 9), 2011 BCHRT 185</p> <p>Judicial Review – <i>Gichuru v. The Law Society of British Columbia</i>, 2013 BCSC 1325: BCHRT decision upheld with exception of issue regarding employment insurance benefits deducted from award</p> <p>Appeal – <i>Gichuru v. The Law Society of British Columbia</i>, 2014</p>	C, a lawyer, was denied entry to Law Society due to his mental disability.	<p>I2D: \$25,000</p> <p>LW: \$42,993 for ten month delay in call to the Bar; \$26,810.24 for lost wages in the post-call period; \$2,696.67 for lost wages arising from attendance at hearing on liability Tax gross up</p> <p>Expenses: \$600 for legal representation before R's committee; \$1,750 for cost of independent psychiatric examination; \$805.37 for expert report</p>

		BCCA 396 : appeal of BCSC decision dismissed		Pre and post-judgement interest; see decision for details
s. 14 (also s. 8)	Race; Colour; Ancestry; Place of Origin	<i>Brar and others v. B.C. Veterinary Medical Association and Osborne</i> (No. 22), 2015 BCHRT 151	Racial stereotypes played a role in R's dealings with Cs including an English language standard that was higher than necessary and selection of Cs' facilities for unscheduled inspections. (Tribunal dismissed the s.7 complaint)	I2D: \$35,000, \$15,000, \$10,000, \$7,500, \$30,000, \$10,000, \$10,000, \$2,000, \$5,000, \$25,000, \$10,000, \$30,000 for various Cs LW: \$1,138.46 for to attend the hearing calculated for four days of testimony and \$39,505 for lost wages due to delay in licensing C, both awarded to Dr. Joshi only
s. 37(4) - Costs				
s. 37(4)	Costs	<i>Basi v. District of Saanich</i> (No. 2), 2019 BCHRT 239	C did not complete a training program required for re-entry into a position he previously held with R and attributed it to a mental disability. C made surreptitious recordings prior to the hearing, disclosed confidential information to a third party observer, and did not follow tribunal procedure regarding book of documents, witnesses, or communication with R.	Costs: \$2,500.00 against C for persistent misconduct
s. 37 (4)	Costs	<i>Yaniv v. Various Waxing Salons</i> (No. 2), 2019 BCHRT 222	C was denied waxing services from a number of small/home businesses and alleged it was because she was a transgender woman. HRT found that the Rs were not trained in the	Costs: \$6,000 total against C - \$2,000 to 3 Rs. HRT only awarded costs to respondents that attended the hearing.

			scrotum waxing that C was requesting and refusal to provide service was not discrimination. The Tribunal also dismissed complaints regarding requests for arm/leg waxing as they found they were brought for improper motives and in bad faith.	
s. 37(4)	Costs	<i>Jenkins v. Pacific Law Group and another (No. 5)</i> , 2019 BCHRT 169	C is a lawyer and worked for R. She sustained injuries from a car accident and was terminated shortly after. Discrimination complaint was not successful. C claimed that R counsel retaliated against her by sending applications to third parties with no interest in the proceedings. C argued this and other R behaviour constituted improper conduct worthy of a costs award against R. HRT rejected the majority of C's claims for costs but agreed that issues relating to third parties was deserving of an order.	\$5,000 against R
s. 37(4)	Costs	<i>Oger v. Whatcott (No. 7)</i> , 2019 BCHRT 58	R published and distributed a flyer aimed at stopping C from being elected as an MLA in a Vancouver riding. R is a Christian activist who took issue with C's candidacy as a transgender woman. The panel found R's flyer represented intention to discriminate and was likely to expose R and other transgender people to hatred and contempt (s.7 complaint justified). Costs awarded for R's egregious behaviour during hearing.	\$20,000 against R

s. 37(4)	Costs	<i>Colbert v. District of North Vancouver</i> , 2018 BCHRT 40	C repeatedly emailed councilors of R, attacked and insulted R's legal counsel, and threatened to retaliate against R if it did not engage in settlement discussions with him.	\$750 against C
s. 37(4)	Costs	<i>Smith v. Vancouver Island Motorsport Circuit and others</i> , 2018 BCHRT 21	C disclosed documents obtained in the course of litigation to the media in clear breach of Tribunal Rules.	\$1,000 against C
s. 37(4)	Costs	<i>Gebresadik v. Black Top Cabs</i> , 2017 BCHRT 278	C drove a taxi for R and was involved in a collision, sustaining a number of injuries. C was unable to fulfil his full duties (he had provided medical note to this effect) and was berated and suspended. Was not provided sufficient shifts with lighter duties.	\$500 against R
s. 37(4)	Costs	<i>A and B obo Infant A v. School District C No 2</i> , 2017 BCHRT 193	Cs contravened a Disclosure Order by failing to disclose despite being put on notice of their obligation and being provided with multiple opportunities to comply. Failure to comply had a significant and detrimental impact on the integrity of the Tribunal's process and prejudiced R's ability to prepare for the hearing.	\$750 against C
s. 37(4)	Costs	<i>Kono v. Strata Plan LMS 2685 and another</i> , 2017 BCHRT 143	C made unfounded and vitriolic comments about R during the course of proceedings.	\$3,000 against C
s. 37(4)	Costs	<i>Pearson v. Dewey Cuttem and Howe Hair and another (No.2)</i> , 2017 BCHRT 94	R refused to communicate with C's counsel, refused to comply with Tribunal Rules, deliberately delayed providing evidence, and made needlessly inflammatory allegations.	\$2,500 against R
s. 37(4)	Costs	<i>Gichuru v. Purewal and another</i> , 2017 BCHRT 19	Rs perjured themselves during the hearing of the complaint, including	\$10,000 against one R

[Back to Top](#)

			making serious false allegations against C.	\$2,000 joint and severally against both R's
s. 37(4)	Costs	<i>C v. Van City</i> , 2016 BCHRT 103	C's lawyer improperly disclosed information disclosed by R in another proceeding when it had been explicitly stated it could not be.	\$2,500 against C
s. 37(4)	Costs	<i>Wittworth v. ARO</i> , 2016 BCHRT 24	R included privileged information in its application to dismiss that it had obtained at a settlement meeting.	\$1,500 against R
s. 37(4)	Costs	<i>Stein v. Keebler and another (Nos. 2 & 3)</i> , 2015 BCHRT 193	Two awards of costs for improper conduct by C towards Rs for falsely accusing Rs of lying, perjury and faking docs.	\$750 + \$1,000 against C
s. 37(4)	Costs	<i>Sajid v. Black Top Cabs and others (No. 2)</i> , 2015 BCHRT 16	C sought multiple hearing adjournments before withdrawing his complaint on the day of the hearing after it had been adjourned for a year.	\$1,000 against C
s. 37(4)	Costs	<i>Stein v. Vancouver Coastal Health Authority and another (No. 2)</i> , 2014 BCHRT 227 Judicial Review – <i>Stein v. British Columbia (Human Rights Tribunal)</i> , 2017 BCSC 1268 ; BCHRT decision upheld	C alleged R's counsel had a twin sister attend as witness, hacked her computer and deleted docs. Also failed to timely notify R's counsel that she was asking for adjournment and attempted to enter docs improperly.	\$1,250 against C
s. 37(4)	Costs	<i>Ma v. Dr. Iain G. M. Cleator and another</i> , 2014 BCHRT 180	C fabricated her complaint purposefully, knowingly and repeatedly misled the Tribunal on matters central to her complaint having promised to tell the truth, and admitted to having altered a document and lying to the Tribunal	\$5,000 against C

[Back to Top](#)

			in saying she had not done so. This conduct had a significant impact on the integrity of the Tribunal's process and a significant prejudicial impact on Rs.	
s. 37(4)	Costs	<i>Lim v. Craig's Boyz Trucking and another</i> , 2014 BCHRT 133	Rs refused to sign a settlement agreement that had been reached despite the adjournment of a previous hearing date on the basis that the matter was settled, delaying resolution of the matter and causing C to incur further costs.	\$1,000 against R Finding that settlement had been reached
s. 37(4)	Costs	<i>Harbridge v. Canada Furnace</i> , 2013 BCHRT 193	Costs for failing to diligently pursue the complaint (not providing disclosure etc.) R asked for actual/unsubstantiated costs of \$95,000.	\$750 against C
s. 37(4)	Costs	<i>Miller v. Convergys CMG Canada Ltd. (No. 2)</i> , 2013 BCHRT 185	R failed to provide disclosure despite being advised by the Tribunal that what it had provided in a parallel civil action was insufficient and later being ordered to provide additional disclosure.	R to pay C for the costs of the application, to be determined
s. 37(4)	Costs	<i>Owimar v. Parking Corporation of Vancouver and another (No. 2)</i> , 2013 BCHRT 159	C attempted to adjourn hearing 3 times and finally did not show up to hearing because of a "bad back" but sent his wife. Improper conduct. His case was dismissed at the Hearing	\$2,000 against C
s. 37(4)	Costs	<i>Terpsma v. Rimex Supply (No. 3)</i> , 2013 BCHRT 3	On behalf of C, Ms. B made disrespectful and outrageous accusations against R and R's counsel. These included accusations of "perjury", "ongoing history of negligence", "ploy", "muddy the waters", "defaming", "spin on the truth", "obstruct with the	\$750 against C

[Back to Top](#)

			natural course of justice”, “malice”, “criminal nature”, “misconduct”, “criminal activity”, “fraudulent statements”, “every trick up their sleeve”, “mockery of this process”, “very little class”, “immaturity”, “suicidal to his career”, and “further acts of crime”.	
s. 37(4)	Costs	<i>Bishop v. Status Hair Lounge and another (No. 2)</i> , 2012 BCHRT 409	C’s improper conduct of a serious nature. C failed to appear at the hearing without immediately providing a reasonable excuse to the Tribunal, and he offered to buy a witness statement. The other incidents showed a general thoughtlessness about the resources spent on his account by the Tribunal and the Respondents because of his non-compliance with the <i>Rules</i> .	\$2,000 against C
s. 37(4)	Costs	<i>Edwards v. Schnitzer Steel Pacific</i> , 2012 BCHRT 335	C would not abide by settlement agreement and refuted it after the fact. C’s cross-application in respect of costs was frivolous and vexatious. The use of inflammatory, derogatory and disrespectful comments constitutes improper conduct.	\$900 against C
s. 37(4)	Costs	<i>Furtado v. Cold Logic and another</i> , 2012 BCHRT 227	C did not comply with Tribunal directions on a number of occasions and disclosed information discussed at an early settlement meeting.	\$400 against C
s. 37(4)	Costs	<i>Malin v. Ultra Care and another (No. 2)</i> , 2012 BCHRT 158	C only offered one more day of work after R was made aware of his HIV positive status.	\$500 against R

[Back to Top](#)

s. 37(4)	Costs	<i>Q v. Wild Log Homes and another</i> , 2012 BCHRT 135	R sexually harassed C on numerous occasions and sued C in BCSC for cost with respect to s.13 (sex – harassment) complaint. Retaliation found, and costs awarded against R for improper conduct during the hearing.	\$6,500 against R
s. 37(4)	Costs	<i>Dahlquist-Gray and another v. Hedley (No. 2)</i> , 2012 BCHRT 50	R's communications to and about both the Tribunal and the Cs were found to threaten the integrity of the Tribunal's process.	\$1,000 against R to be paid to each C
s. 37(4)	Costs	<i>Han v. Great Central Ma's Investments and another</i> , 2012 BCHRT 31	Case dismissed on the merits but respondents' repeated failure to comply with the Tribunal's orders (re disclosure) amounted to improper conduct warranting some form of sanction.	\$900 against Rs
s. 37(4)	Costs	<i>Lungu v. B.C. (Min. of Children and Family Development) (No. 2)</i> , 2011 BCHRT 341 Judicial Review – Petition dismissed in Oral Judgement, February 20, 2014 Appeal – <i>Lungu v. British Columbia (Human Rights Tribunal)</i> , 2016 BCCA 136 : BCSC decision to dismiss the appeal as having been abandoned confirmed	C failed to perform disclosure and witness list, disclosed a settlement offer, prolonged the length and cost of the hearing with irrelevant arguments. Complaint dismissed.	\$3,500 against C
s. 37(4)	Costs	<i>Lenhardt-Whitton v. Baltic Properties Group and</i>	C failed to attend PHC's and the Tribunal warned her 3 times that her	\$125 against C

		<i>another</i> , 2011 BCHRT 326	complaint could be dismissed for failure to diligently pursue.	
s. 37(4)	Costs	<i>Heilman v. First Canada ULC (No. 3)</i> , 2011 BCHRT 260	C used inflammatory language in submissions, and continued to do so after receiving a warning from the Tribunal to refrain from doing so.	\$750 against C
s. 37(4)	Costs	<i>Wells v. UBC and others (No. 5)</i> , 2011 BCHRT 176	C engaged in improper conduct when she made material misrepresentations and failed to disclose material information when she was seeking to have her untimely complaint accepted for filing.	\$5,000 against C
s. 37(4)	Costs	<i>Alexander v. Real Estate Council of British Columbia</i> , 2011 BCHRT 104	C made serious and unfounded allegations against Rs and third parties, using inflammatory language, causing a negative impact on the integrity of the Tribunal's processes and unnecessary costs for the Tribunal and Rs.	\$500 against C
s. 37(4)	Costs	<i>Barta v. Sears Canada and another (No. 2)</i> , 2010 BCHRT 289	C deliberately filed a complaint with false allegations and surreptitiously recorded phone calls.	\$3,000 against C
s. 37(4)	Costs	<i>Green v. London Drugs and Yen (No. 3)</i> , 2010 BCHRT 278	C engaged in improper conduct in respect to the unfounded allegations and personal attacks he engaged in the course of his submissions which were replete with unfounded and disrespectful comments to, and about the Tribunal and the other participants in this case.	Case dismissed, no costs awarded
s. 37(4)	Costs	<i>C1 and Sangha v. Sheraton Wall Centre and Prevost and</i>	Cs repeatedly failed to comply with the Tribunal's <i>Rules</i> and direction	\$250 against C

[Back to Top](#)

		<i>Graham</i> , 2010 BCHRT 206	regarding disclosure, resulting in inefficiency and waste of resources.	
s. 37(4)	Costs	<i>Ford v. Peak Products Manufacturing and another</i> (No. 3), 2010 BCHRT 155	R failed to reach point of undue hardship when it terminated C after 6 month absence for depression. Costs awarded for improper conduct after R aggressively pursued document disclosure before deadlines were set, made direct document request to C's doctor, and did so while C was unrepresented and suffering from anxiety and depression. R also aggressively pursued C's ex-husband as a witness even though they had divorced prior to the incident, had no relevant info to give, and C had safety concerns regarding the ex. R made this application in the middle of cross examination.	1/3 of legal expenses for improper conduct
s. 37(4)	Costs	<i>Fletcher v. Meadow Gardens Golf Course (1979) Ltd.</i> (No. 2), 2010 BCHRT 148	C failed to disclose medical documentation to R, but attempted to call a psychiatrist to introduce into evidence a report regarding his psychological condition resulting in an adjournment.	\$500 against C
s. 37(4)	Costs	<i>Wells v. University of British Columbia and Canadian Union of Public Employees, Local 2950, Maureen Dunn and Frans Van der Ven</i> , 2010 BCHRT 100	C made material misrepresentations and omissions in her application to have her late-filed complaint accepted. Rs also sought costs against C's lawyer. Tribunal determined it did not have jurisdiction to award costs against C's lawyer.	Costs awarded against C to be determined.
s. 37(4)	Costs	<i>Brown v. PML and</i>	Rs discriminated against C on the	\$10,000 against R for

		<i>Wightman (No. 4)</i> , 2010 BCHRT 93	grounds of sex (pregnancy) by way of reacting angrily to her pregnancy, failing to advise her of workplace performance concerns in a timely manner, acting in a hostile and humiliating manner, refusing to allow her to bank her work hours, excluding her from consultation on the development of a new sales structure, and demoting her to a lesser earning job without telling her (C discovered this by reading R's website). R also discriminated on the grounds of family status by cancelling C's flexible working conditions. Costs awarded against R for improper conduct including misleading and untruthful statements in testimony or in affidavits.	improper conduct Expenses: for witness \$5,656.34 awarded in <i>Brown v. PML and Wightman (No. 5)</i> , 2012 BCHRT 323
s. 37(4)	Costs	<i>Kerr v. Boehringer Ingelheim (Canada) Ltd./Ltee. (No. 5)</i> , 2010 BCHRT 62 ; <i>Kerr v. Boehringer Ingelheim (Canada) (No. 4)</i> , 2009 BCHRT 196	C was awarded legal costs incurred prior to filing her complaint that were not related to the preparing and filing of her complaint. C requested legal costs on the basis of the factual complexity of the complaint, but the Tribunal ruled it lacked jurisdiction to do so.	Reasonable legal costs awarded against R for a time period in which the parties engaged in discussions to resolve the issues giving rise to the complaint, to be agreed upon by the parties with Tribunal remaining seized of the matter.
s. 37(4)	Costs	<i>Grewal v. Simard Westlink and others</i> , 2010 BCHRT 51	C's false statements and irrelevant comments about employer gave rise to costs. Intimidating a witness gave further grounds.	\$1,000 against C
s. 37(4)	Costs	<i>Shannon v. The Owners,</i>	R made inaccurate and misleading	Costs to be agreed upon

[Back to Top](#)

		<i>Strata Plan KAS 1613 (No. 2)</i> , 2009 BCHRT 438	statements to the Tribunal.	by the parties
s. 37(4)	Costs	<p><i>Pivot Legal Society v. Downtown Vancouver Business Improvement Association and City of Vancouver</i>, 2009 BCHRT 372</p> <p>Judicial Review – <i>Downtown Vancouver Business Improvement Association v. Pivot Legal Society</i>, 2010 BCSC 807: BCHRT decision that R breached its <i>Rules</i> in disclosing details of the mediation quashed.</p>	R posted an online comment setting out details of a Tribunal-assisted mediation between the parties, contrary to the Tribunal's <i>Rules</i> and an agreement signed at a Tribunal-assisted mediation. Cs suffered prejudice by being unable to give their perspective on R's comments publicly.	\$2,000 against R (but see Judicial Review note)
s. 37(4)	Costs	<i>Horn v. Norampac (No. 2)</i> , 2009 BCHRT 243	C's actions in filing and pursuing this complaint were not based on a good faith belief that his rights under the Code had been violated, but rather on the improper basis that by doing so he might achieve a financial windfall similar to the settlement of the first complaint, punish his employer and supervisors, obtain and retain terms and conditions of employment to his liking, and protect himself from the consequences of his own behaviour.	\$3,000 against C
s. 37(4)	Costs	<i>C.S.W.U. Local 1611 obo Foreign Workers v. SELI Canada and others (No. 10)</i> ,	Tribunal found it would be inappropriate for post-judgment interest to	Interests deemed to run on costs only after the date R agreed that costs sought

[Back to Top](#)

		2009 BCHRT 237	run on the costs award until the quantum of the costs award was finally determined (between the parties).	by C were reasonable.
s. 37(4)	Costs	<i>Chaudhary v. Smoother Movers (No. 2)</i> , 2009 BCHRT 176 Judicial Review – Petition allowed in Oral Reasons, June 29, 2012	Unrepresented R's failure to raise a jurisdictional issue until the beginning of the hearing was conduct which, in all the circumstances, a reasonable person would realize was improper.	\$6,500 against R (but see Judicial Review note)
s. 37(4)	Costs	<i>Richardson v. Strata Plan NW1020 (No. 3)</i> , 2009 BCHRT 158	C failed to provide will say statements, and withdrew complaint the day prior to hearing. (Mitigating factors, unrepresented, elderly, fixed income, and had to move from her home of 16 years)	\$1,500 against C
s. 37(4)	Costs	<i>Vasil v. Mongovius and another (No. 3)</i> , 2009 BCHRT 117	C had anorexia, dyslexia, and PTSD schizophrenic and borderline personality disorder. R had limited conception of money or pay arrangements due to disability. Rs did not keep track of C's work hours, did not provide him with accurate payroll documentation, allowed him to perform unpaid work at home, and paid him less than the ESA minimum wage.	\$1,000 against R
s. 37(4)	Costs	<i>Hughes v. City of New Westminster (No. 2)</i> , 2009 BCHRT 107	C demonstrated a lack of concern for accuracy in her allegations.	\$500 against C
s. 37(4)	Costs	<i>McDougall v. Superior Building Maintenance (No. 8)</i> , 2009 BCHRT 93 Petition for appeal filed –	The complainant took positions that either exaggerated or downplayed the extent of her disabilities when she believed that such positions would benefit her. She was also	\$1,700 against C

[Back to Top](#)

		BCSC Quesnel Registry No. 14081	untruthful with respect to the “central aspects” of the complaint.	
s. 37(4)	Costs	<i>Principe v. Stong's Markets</i> (No. 2), 2009 BCHRT 81	Costs awarded where the R failed to file response reply on time. Later given extension by Tribunal to file Respondent’s Reply and A2D. C awarded costs for the delay.	\$500 against R
s. 37(4)	Costs	<i>Samuda v. Olympic Industries</i> , 2009 BCHRT 65	R submitted that C engaged in improper conduct, including failing to participate in PHCs, and repeatedly failing to meet disclosure obligations. R further submitted that C’s conduct forced R to file its two pre-hearing applications, which were ultimately not heard because C withdrew her complaint. C also engaged in improper conduct by failing to withdraw her complaint in a timely manner.	\$3,500 against C
s. 37(4)	Costs	<i>MacGarvie v. Friedmann</i> (No. 4), 2009 BCHRT 47 Judicial Review – <i>Friedmann v. MacGarvie</i> , 2011 BCSC 1147 : BCHRT decision set aside Appeal – <i>Friedmann v. MacGarvie</i> , 2012 BCCA 445 : BCHRT decision reconfirmed	R threatened the participants in this hearing, and made unfounded allegations about virtually every party involved, including the Tribunal. He delayed the conduct of this case by his behaviour in the hearing and by his failure to follow the Tribunal’s orders and directions.	\$7,500 against R
s. 37(4)	Costs	<i>Harrison v. Nixon Safety Consulting and others</i> (No. 3), 2008 BCHRT 462	Mr. Ford sexually harassed C in the course of her employment at the Lofts. Mr. Goodman, Con-Forte’s representative failed to deal with the harassment when he learned of it.	\$3,000 against R for late disclosure

[Back to Top](#)

			NSC, at the indirect urging of Navigator, terminated her employment soon after she complained about the harassment.	
s. 37(4)	Costs	<i>Buchner v. Emergency and Health Services Commission (No. 3)</i> , 2008 BCHRT 449	R initially approved its employees to attend the hearing as witnesses for C with pay, but revoked that approval after the witnesses had already been scheduled to testify and served with orders to attend, causing them to lose their wages for attendance at the hearing.	\$815.60 against R paid to C on the expectation that he would reimburse the witnesses or his legal counsel, who had paid several witnesses disbursements for their lost wages.
s. 37(4)	Costs	<i>McKay v. Compass Group and others</i> , 2008 BCHRT 380	C failed to diligently pursue the complaint in missing a pre hearing conference and failing to respond to an application to dismiss.	\$1,000 against C
s. 37(4)	Costs	<i>Bedard v. Continental Steel and Rebar and others (No. 3)</i> , 2008 BCHRT 351	C failed to comply with order of Tribunal to deliver all medical records and his entire diary. C unrepresented.	\$250 against C Hearing adjourned pending delivery of disclosure documents
s. 37(4)	Costs	<i>Asad v. Kinexus Bioinformatics</i> , 2008 BCHRT 293 Judicial Review - <i>Kinexus Bioinformatics Corporation v. Asad</i> , 2010 BCSC 33 ; BCHRT decision upheld	R's racially profiled C in his employment, subjecting him to suspicion of involvement in terrorist acts including reporting him to the RCMP. R failed to ameliorate conditions of poisoned workplace for C. C suffered from physical ailments due to discrimination.	\$5,000 against R for improper conduct during hearing
s. 37(4)	Costs	<i>Rajput v. UBC and others (No. 2)</i> , 2008 BCHRT 256	C's filing of a baseless application for costs, and the further circumstances referred to in paragraphs 39 to 47, [baseless accusations] constituted improper conduct within the meaning of. s.	\$3,000 against C

			37(4).	
s. 37(4)	Costs	<i>Hubbard v. Magicuts and [Last Name Unknown] and Regis Corporation</i> , 2008 BCHRT 236	C repeatedly communicated with Rs inappropriately, failed to respond to correspondence from Rs and the Tribunal in a timely manner, threatened to contact the media and Revenue Canada in an inappropriate manner, and failed to comply with Tribunal orders and directions regarding document disclosure issues. Rs were forced to prepare additional applications due to C's conduct.	\$1,500 against C
s. 37(4)	Costs	<i>Peterson v. Kinsmen Retirement Centre Association and Kines (No. 4)</i> , 2008 BCHRT 149	Failure to attend a hearing can constitute improper conduct. C led the respondents to believe that she would participate at the hearing, call a significant number of witnesses, and introduce a significant number of documents. C in fact provided no notice to the Tribunal or the respondent that she was not intending to attend the hearing until the day of the hearing and failed to respond to correspondence from the Tribunal asking her to confirm her intentions in this regard.	\$2,500 against C
s. 37(4)	Costs	<i>Stone v. B.C. (Ministry of Health) (No. 8)</i> , 2008 BCHRT 96	C engaged in improper conduct throughout the proceedings.	\$5,500 against C (see also 2004 BCHRT 221)
s. 37(4)	Costs	<i>Tima v. Red Robin (No. 2)</i> , 2008 BCHRT 76	C raised an unwarranted procedural roadblock to the hearing process, by insisting that a witness was only available at a specific time (an	\$1,500 against C

			assertion not substantiated by that witness). C gave evidence that was clearly untrue, amounting to a calculated attempt to mislead the Tribunal.	
s. 37(4)	Costs	<i>Rusiecki v. B.C. Rubber Supply and others (No. 2)</i> , 2007 BCHRT 429	C failed to deliver disclosure documents as ordered. Application to dismiss filed and costs.	Complaint dismissed \$250 against C
s. 37(4)	Costs	<i>Kelly v. ICBC</i> , 2007 BCHRT 382	C repeatedly communicated with employees of R outside its legal department despite R's requests, disregarded the Tribunal's <i>Rules</i> regarding communication with parties, and refused to accept faxes and mail from the Tribunal and R, unreasonably extending the application process.	\$1,500 against C
s. 37(4)	Costs	<i>Amofa Mensah v. Killen and Killen (No. 2)</i> , 2007 BCHRT 359	C not truthful when he testified and made untruthful allegations against R's who were individuals not corp.	\$3,000 against C

s. 37(4)	Costs	<i>Bakhtiyari v. BCIT (No. 6)</i> , 2007 BCHRT 320	C made negatives references about Tribunal staff, accusing them of lying, taking bribes, and being prostitutes, as well as R's personnel and legal counsel. C made unfounded and serious allegations that she emailed to media outlets, politicians, and R's personnel.	\$2,500 against C
s. 37(4)	Costs	<i>Azagrar v. Nicholas Shaw and Shaw (No. 7)</i> , 2007 BCHRT 269	C attempted to call eleven witnesses but served orders to attend on them very shortly before the hearing, resulting in applications to cancel the orders to attend and ultimately requiring a rescheduling of hearing dates. C subsequently failed to provide will say statements despite an order to do so.	\$3,500 against C
s. 37(4)	Costs	<i>Stopps v. Just Ladies Fitness (Metrotown) and D. (No. 4)</i> , 2007 BCHRT 125	C's conduct, taken as a whole, constituted improper conduct for the purposes of s. 37(4) of the Code.	\$3,000 against C, to be paid in \$500 increments starting 30 days from the date of this decision and every 60 days thereafter until the amount is paid in full.
s. 37(4)	Costs	<i>Hitch v. Mount Layton Hot Springs Resort (No. 2)</i> , 2007 BCHRT 78	C failed to comply with the Tribunal Rules and directions to provide complete document disclosure, failed to reply to correspondence from R, and did not respond to the application for disclosure, adjournment, examination upon oath, and costs.	\$250 against C

s. 37(4)	Costs	<i>Neuls v. Ann Davis Transition Society and Jacob (No. 2)</i> , 2007 BCHRT 5	C failed to comply with disclosure and submission obligations despite receiving consent to two extensions of time from Rs. Tribunal suggested that the entire fault may not have laid with C, resulting in a lesser award.	\$250 against C
s. 37(4)	Costs	<i>Glumac v. Fusco and others (No. 4)</i> , 2006 BCHRT 578	C committed many procedural missteps, circulated personal attacks against respondents repeatedly, engaged in “entirely improper conduct”, personally attacked the sitting Tribunal member, was criminally charged in relation to dealings with one R. However, C facing appropriate punishment in criminal court and was of limited financial means.	\$1,000 against C (but would have been higher if the background to the application was different)
s. 37(4)	Costs	<i>Williams v. Calling Foundation and others (No. 2)</i> , 2006 BCHRT 489	C sought a second last minute adjournment of the five day hearing set for her matter despite the Tribunal warning her that doing so again could result in an award of costs.	\$250 against C
s. 37(4)	Costs	<i>Halliday v. Craft Welders and Kastner (No. 3)</i> , 2006 BCHRT 479	Rs delayed the hearing, left the country, dissolved the corporate R, and did not provide instructions to their counsel so that he would be able to represent them at hearing.	\$5,000 against R
s. 37(4)	Costs	<i>Ferguson v. Kimpton (No. 2)</i> , 2006 BCHRT 467	A complaint being justified in part is not a bar to an award of costs against the complainant. C gave untruthful evidence calculated to mislead.	\$400 against C
s. 37(4)	Costs	<i>Uswak v. MDF Door and</i>	Failure of R to file timely Complaint	\$1,000 against R

[Back to Top](#)

		<i>another</i> , 2006 BCHRT 338	Response, resulting in delay, partly caused adjournment of hearing.	
s. 37(4)	Costs	<i>Chrzanowski v. Mah (No. 2)</i> , 2006 BCHRT 192	R referred to discussions that occurred at Tribunal directed settlement in his response to complaint. R amended his response, but only on order of the Tribunal, and failed to apologize to the Tribunal or C.	\$500 against C
s. 37(4)	Costs	<i>Smith v. Jewish Community Centre of Greater Vancouver and others</i> , 2006 BCHRT 171	R's counsel failed to file a reply to C's response to R's application to dismiss the complaint due to a change of counsel and erroneous belief that C had not filed his response. The Tribunal found that R's counsel had opportunities to inquire about whether C had filed his response but failed to do so.	\$250 against R
s. 37(4)	Costs	<i>Matthews v. Huckleberry Mines and others (No. 2)</i> , 2006 BCHRT 93	C did not comply with the Tribunal Rules and directions, repeatedly failing to provide Rs with documents and a list of witnesses in a timely manner as ordered by the Tribunal.	\$250 against C
s. 37(4)	Costs	<i>Jacobs v. Dynamic Equipment Rentals Ltd. and Stewart (No. 2)</i> , 2005 BCHRT 353	C failed to disclose documents pertaining to income he earned on eBay after commencing medical leave despite being asked by R to provide documents pertaining to such.	\$500 against C
s. 37(4)	Costs	<i>Jiwany and Jiwany v. West Vancouver Municipal Transit</i> , 2005 BCHRT 172 Judicial Review - Petition dismissed in Oral Reasons for judgement August 10,	C was completely untruthful on one point in her testimony, fabricating a telephone conversation in which R threatened to "create a mountain of evidence against her".	\$1,000 against C

[Back to Top](#)

		2006		
s. 37(4)	Costs	<i>Altakla v. Power and another</i> (No. 3), 2004 BCHRT 253	Rs made a second application to dismiss under the same section of the Human Rights Code in the absence of new information or circumstances and outside of the time limit. Rs potentially prejudiced C's ability to have his complaint heard by the Canadian Human Rights Commission.	\$1,000 against R
s. 37(4)	Costs	<i>Stone v. B.C. (Ministry of Health Services) and others</i> , 2004 BCHRT 221 Judicial Review – Petition dismissed in Oral Reasons for judgement August 3, 2005	C's complaint was duplicative of a previous complaint and raised no new issues within the Tribunal's jurisdiction. C also accused an employee of R of committing perjury in his affidavit, accused Rs of misleading the Tribunal, refused to comply with the <i>Constitutional Question Act</i> as he was required, refused to comply with Tribunal <i>Rules</i> , and posted offensive remarks about Rs' counsel online.	\$2,500 against C
s. 37(4)	Costs	<i>Mahal v. Hartley</i> (No. 2), 2004 BCHRT 63	C failed to provide a Proceedings Scheduling Form, the particulars of remedy, and his documents and witness list in a timely fashion, only doing so after repeated requests from R and the Tribunal.	\$250 against C
s. 37(4)	Costs	<i>Bains v. Metro College Inc. and others</i> (No. 2), 2004 BCHRT 7	C was untruthful with respect to the fundamental facts of her complaint, namely the racial remark she alleged R made.	\$1,000 against C
s. 37(4)	Costs	<i>Fougere v. Rallis and Kalamata Greek Taverna</i> (No. 3), 2003 BCHRT 56 ; <i>Fougere v. Rallis and</i>	Individual R did not file a response to the complaint, instead contacting the Commission and yelling his assertions to various employees	\$5,000 against C

[Back to Top](#)

		<i>Kalamata Greek Taverna</i> , 2003 BCHRT 23	working there. R also made inflammatory, inappropriate, and disrespectful submissions about the Commission's investigative process. R also was disrespectful in a pre-hearing call, abusive of a Tribunal process server, rude and sarcastic towards the Panel at the hearing, ignored the Panel Chair, attempted to remove a tape of the proceedings being made by the Tribunal, ultimately resulting in his being cited for contempt.	
s. 37(4)	Costs	<i>Ghinis v. Crown Packaging Ltd. (No. 2)</i> , 2002 BCHRT 38	C repeatedly failed to provide her documents to R despite Tribunal directions and an order to do so, without reasonable excuse.	Costs against C, to be determined between the parties. If the parties cannot agree, the Tribunal will set the amount after submissions from both sides.
s. 37(4)	Costs	<i>Gichuru v. Vancouver Swing Society (No. 3)</i> , 2020 BCHRT 1	C alleged that R banned him from a non-profit society for filing a HR complaint. The HRT found that C had informed Rs of HR complaint strategically once he suspected he would be banned, so he could file a retaliation complaint.	Costs: \$10,000.00 against C An order that C cannot file a complaint alleging a breach of s. 43 of the Code without leave of the Tribunal.
s. 43 - Retaliation				
s. 43	Retaliation	<i>Beckett and Kuan v. The Owners, Strata Plan NW 2603</i> , 2016 BCHRT 27 s. 8 complaint dismissed	Strata retaliated against Cs by imposing fines.	I2D: \$1,000 against R to each C
s. 43	Retaliation	<i>PN v. FR and another (No.</i>	C, from Philippines, was working as	I2D: \$50,000 (retaliation

[Back to Top](#)

		2), 2015 BCHRT 60	a nanny for R, a Hong Kong family living in Canada. R threatened legal action in Hong Kong after C filed a s. 13 complaint (sex; family status; age; race; ancestry; colour; place of origin). The Tribunal found C's complaint justified and R's threats to be retaliatory.	and discrimination combined)
s. 43	Retaliation	<i>Steele v. Aishwarya Investments and another</i> , 2014 BCHRT 192 s. 10 complaint dismissed	R retaliated when it filed a civil action for damages based on breach of tenancy agreement. Individual R and corporate R order to pay I2D for the stress.	I2D: \$2,500 against corporate R I2D: \$1,000 against individual R
s. 43	Retaliation	<i>Macklem v. Cambie Malone's</i> , 2014 BCHRT 56	R breached s. 43 of the Code when it terminated her with two months working notice by letter dated June 30, 2011, and when it terminated her for cause on August 4, 2011 (s. 13 complaint dismissed).	I2D: \$1,000 LW: \$3,000
s. 43	Retaliation	<i>Pathak v. City of Vancouver and another</i> , 2012 BCHRT 195	C filed a s.13 (race) complaint and was subject to a retaliatory suspension (s.13 complaint dismissed).	I2D: \$5,000 Order that R remove letter of suspension from C's file
s. 43	Retaliation	<i>Q v. Leonard Walker and Wild Log Homes Inc.</i> , 2012 BCHRT 135	Retaliation was found when R sought civil damages for C filing her human rights complaint. s. 13 complaint (sex – harassment) was justified.	I2D: \$8,000
s. 43	Retaliation	<i>Cartwright v. Rona and another</i> , 2011 BCHRT 65	R discriminated against C by refusing to allow him to return to his job after he injured his back because they perceived him to have a disability (a weak back potentially susceptible to re-injury). S. 13	I2D: \$4,000 for discrimination I2D: \$8,000 for retaliation LW: \$1,600

[Back to Top](#)

			(physical disability) justified. Retaliation occurred when manager yelled at C and had him escorted off the property and threatened to call police when C tried to deliver list of witnesses prior to hearing.	Expenses: \$475 for security guard training
s. 43	Retaliation	<i>Stewart v. Habitat for Humanity Victoria</i> , 2010 BCHRT 322	C claimed R's removed them from membership for filing complaint, which was found to be retaliation.	I2D: \$3,000 Order that C receive reinstatement of membership
s. 43	Retaliation	<i>C.S.W.U. Local 1611 v. SELI Canada and others</i> (No. 3), 2007 BCHRT 423	Employer R drew up a petition, stating that those who signed it did not wish to have the Union C represent them in the human rights complaint. The employer R asked individual Cs to sign the petition in circumstances indicating there was a connection between signing the petition and being hired by the employer in the future, which would have had an intimidating and coercive effect.	Costs: unspecified quantum equal to one half of the Union C's actual costs of the hearing until the date submissions closed on the employer R's application to reopen this application Further instructions on costs issued in <i>C.S.W.U. Local 1611 v. SELI Canada and others</i> (No. 9), 2009 BCHRT 161
s. 43	Retaliation	<i>McGuire v. Peacock</i> , 2007 BCHRT 264	Both before and after C was successful in establishing discrimination in <i>McGuire v. Better Image Property Maintenance and others</i> , 2006 BCHRT 544 , one R contacted her via telephone numerous times and called her names.	Order that R cease and desist the contravention only (C sought no particular remedy)
s. 43	Retaliation	<i>Clarke v. Frenchies Montreal Smoked Meats and Blais</i>	R persistently visited C's new workplace to mock and harass her	I2D: \$7,500

[Back to Top](#)

		(No. 2), 2007 BCHRT 153	after filing complaint.	
s. 43	Retaliation	<i>Descoteau v. Pare and Wakeside Restaurant</i> , 2005 BCHRT 19	R retracted letter of reference after a s.13 complaint filed (sex - pregnancy)	I2D: \$5,500 for both discrimination and retaliation
s. 43	Retaliation	<i>Chauhan v. Norkam Seniors Housing Cooperative Assn.</i> , 2004 BCHRT 262	C was told by R to stop preparing ethnic food in her rented property. The retaliation occurred after Ms. Chauhan filed her complaint (s. 8 – ancestry; race; colour; place of origin) in the form of threat to terminate her sub-lease.	I2D: \$2,500 (for both complaint and retaliation) Expenses: \$1,925 for legal fees; \$572.45 for fees paid to an engineering firm; \$73.97 for photocopying, courier, postage, and other costs
s. 43	Retaliation	<i>Robb v. St. Margaret's School</i> , 2003 BCHRT 4	C, a child with a severe learning disability, attended R, a school. She was refused re-enrollment for Grade 5 because of her mental disability. Rs retaliated against C by refusing to meet with parents after complaint was filed. Rs also wrote an letter to parents about C and C's family during complaint process.	I2D: \$5,000 for discrimination I2D: \$1,000 for retaliation
s. 43	Retaliation	<i>Day v. Poon</i> , 2000 BCHRT 4	R called and wrote to C to urge them to drop human rights complaint (s. 13 – sex) if C wanted to keep their job.	I2D: \$1,000 I2D: \$1,000 for retaliation
s. 43	Retaliation	<i>Honey v. Board of School Trustees, School District #43 (Coquitlam)</i> , 1999 BCHRT 18	Retaliation occurred when R's lawyers wrote to C to recover expenses related to human rights complaint (s. 13 – physical disability).	I2D: \$2,000