

Sample Statements of Particulars

Sample: Respondent (*Jamie Larose v. Company XYZ*)

Tribunal File No.: T1234/5678

CANADIAN HUMAN RIGHTS TRIBUNAL

BETWEEN:

Jamie Larose

Complainant

and

CANADIA HUMAN RIGHTS COMMISSION

Commission

and

COMPANY XYZ

Respondent

STATEMENT OF PARTICULARS OF THE RESPONDENT

Facts

1. Company XYZ has offered its services for over 20 years and prides itself on offering superior customer service and accommodating its customers to the best of its abilities.
2. The Respondent does not deny the facts as stated by the Complainant at paragraphs 1-4 of his Statement of Particulars.
3. On January 3, 2012, the Complainant called the Respondent and spoke to Customer Service Representative Casey Martin. The Complainant was quite agitated on the phone and verbally abusive to Casey. Casey asked the Complainant to calm down and to stop being abusive. The Complainant continued his tirade, at which point, Casey told him that the call was being ended.
4. Company XYZ did not hear from the Complainant again until this complaint was filed.

Legal Issues

5. Company XYZ submits that it did not deny the Complainant its services.
6. While its services are usually only offered in person, at its office building, Company XYZ has provided accommodation to disabled people in the past who could not access the building. Some accommodation measures include providing the services over the phone or sending a representative to meet with the client. Company XYZ has a *Customer Accommodation Policy* in this regard.
7. Due to the Complainant's abusive behaviour with Casey Martin, Company XYZ was not able to explore these accommodation measures with the Complainant. Company XYZ has a *Customer Service Representative Policy* that states that such representatives can hang up on individuals who are verbally abusive.
8. Under section 15(1)(g) of the *Canadian Human Rights Act*, Company XYZ also asserts that it has a *bona fide* justification for not having wheelchair access to its office building.
9. Company XYZ is a small business and cannot afford to install a wheelchair ramp.
10. In 2011, Company XYZ explored the option of installing a wheelchair ramp. A report prepared in this regard indicated that the cost would seriously impact the financial situation of the company. As a result, and pursuant to section 15(2) of the *Act*, it would cause undue hardship to Company XYZ to install a wheelchair ramp.

Remedy

11. The Respondent denies that any discrimination has occurred, therefore, it believes the complaint should be dismissed.
12. In the event the Tribunal finds the complaint substantiated, the following is the Respondent's position on the remedies sought by the Complainant.
13. Forcing Company XYZ to install a wheelchair ramp would seriously impact the financial situation of the company. Therefore, this remedy is inappropriate and would cause the Respondent undue hardship.
14. The other company that the Complainant consulted offers a variety of additional services that Company XYZ does not offer. Examining the invoice produced by the Complainant, it is clear that the additional \$1,000 the Complainant spent was due to premium services not offered by the Respondent.
15. Given the Complainant's behaviour with Casey Martin, the Respondent submits

that his alleged pain and suffering was caused by his own actions. Had the Complainant been willing to engage the Respondent in a dialogue regarding the accommodation of his disability, Company XYZ may have been able to resolve the issue. As a result, the Respondent submits that there should no compensation for pain and suffering.

List of Documents

Non-Privileged Documents		
Document #	Description	Date
1	Company XYZ's <i>Customer Accommodation Policy</i>	August 1, 2011
2	Recording of telephone conversation between Jamie Larose and Casey Martin	January 3, 2012
3	Transcript of recording of telephone conversation between Jamie Larose and Casey Martin	January 3, 2012
4	Company XYZ's <i>Customer Service Representative Policy</i>	March 11, 2008
5	Report Re installing wheelchair ramp at Company XYZ's office building	February 22, 2011
6	Company's XYZ's financial reports for the years 2011-2012.	March 31, 2011-2012

Privileged Documents			
Document #	Description	Date	Privilege
1	Letter from Mr. Coco, counsel for Company XYZ, to Terry Ford, President of Company XYZ, Re: CHRT complaint	June 1, 2012	Solicitor-client privilege
2	Legal opinion from Mr. Coco, counsel for Company XYZ, to Terry Ford, President of Company XYZ, Re: CHRT complaint	July 1, 2012	Litigation privilege

List of Witnesses

NAME	SUMMARY OF ANTICIPATED TESTIMONY
Casey Martin	Customer Service Representative of

	Company XYZ. Will testify about the phone conversation with Jamie Larose and the <i>Customer Service Representative Policy</i>
Terry Ford	President of Company XYZ. Will testify as to the services offered by Company XYZ; its <i>Customer Accommodation Policy</i> ; the Report regarding the installation of a wheelchair ramp at its office building; and, the company's financial status.