



# HUMAN RIGHTS TRIBUNAL OF ONTARIO

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**BETWEEN:**

**Brenda Everall**

**Applicant**

**-and-**

**Highland Shores Children's Aid Society, Michael Evans and Lisa Mascherin**

**Respondents**

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## DECISION

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**Adjudicator:** Denise Ghanam

**Date:** October 24, 2023

**File Number:** 2022-49223-1

**Citation:** 2023 HRTO 1550

**Indexed as:** **Everall v. Highland Shores Children's Aid Society**

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**WRITTEN SUBMISSIONS**

Brenda Overall, Applicant	)	
	)	Self-represented
	)	

[1] The applicant filed an Application alleging discrimination based on family status and disability in goods and services, contrary to the *Human Rights Code*, R.S.O. 1990, c. H. 19, as amended (the “Code”). Specifically, the applicant alleged that the respondents discriminated against them by not approving their application for benefits.

[2] The Tribunal sent the applicant a Notice of Intent to Dismiss the Application (the “Notice”) dated August 3, 2022, advising that the Application appeared to be outside of the Tribunal’s jurisdiction because the narrative setting out the incidents of alleged discrimination failed to identify any specific acts of discrimination within the meaning of the *Code* allegedly committed by the respondents. Further, it appears that the events described in the Application are untimely, falling outside the Tribunal’s one year limit.

[3] The applicant filed submissions in response to the Notice which I have carefully considered.

[4] This decision was made following a hearing in writing. As noted by the Divisional Court in *Iyirhiaro v. Human Rights Tribunal of Ontario and TTC*, 2012 ONSC 3015, the Tribunal is not required to hold an oral hearing on the issue of its jurisdiction.

## **ANALYSIS AND DECISION**

[5] To proceed in the Tribunal’s process, an Application must fall within the Tribunal’s jurisdiction. An adjudicative body either has jurisdiction or it does not. See *G.-L. v. OHIP (General Manager)*, 2014 ONSC 5392.

[6] The Tribunal’s jurisdiction is limited to enforcement of the *Code*. The *Code* only prohibits actions that discriminate against people based on their enumerated ground(s) in a protected social area. This means that the Tribunal does not have jurisdiction over general allegations of unfairness unrelated to the *Code*. See *Hay v. Ontario (Human Rights Tribunal)*, 2014 ONSC 2858 (“*Hay*”) and *Bello v. Toronto Transit Commission*, 2014 ONSC 5535 and *Groblicki v. Watts Water*, 2021 HRTO 461 (“*Groblicki*”).

[7] By virtue of their humanity, everyone will identify with at least one Code-enumerated ground and, over the course of their lifetime, most people will suffer some form of adverse treatment which may or may not be connected to the Code. Because of this, the Code does not assume that all adverse treatment is discriminatory.

[8] To fall within the Tribunal's jurisdiction, an applicant must provide some factual basis beyond a bald assertion which links their ground(s) to the respondents' actions and explains why they think that these actions are discriminatory in nature. See *Hay and Bello*, above and also *Mehedi v Mondalez Bakery*, 2023 ONSC 1737 ("Mehedi") and *Heath-Engel v. Seneca College*, 2023 ONSC 5441. Both of those rulings of the Divisional Court upheld the Tribunal's right to dismiss an Application that makes no clear connection between alleged adverse treatment and the enumerated grounds cited, other than a bald assertion by the applicant.

[9] In this Application, the applicant states that they requested the respondents to provide child welfare services to a child in their care. The applicant alleges that the respondents investigated the situation but decided not to provide any financial assistance or benefits. They allege they received this poor service because the respondents discriminated against them on the basis of their disability and family status. However, they do not clearly explain why.

[10] In response to the Notice, the applicant indicated again that they were denied services by the respondents stating that:

a specific act of discrimination occurred on May 13, 2021 when Michael Evans, Lisa Mascherin and the HSCAS denied fair and prompt service to me and a child in my care, subsequently closing my service file, leaving me and a child in need of protection in an extremely vulnerable position, at risk of physical [sic] and emotional harm and significant financial demise. That discriminatory action occurred after I specifically requested accommodation for my disability and my unconventional family status. The CAS cannot lawfully deny service to a child in need of protection. In breaking the law, and attempting to evade accountability, Michael Evans and the HSCAS simultaneously breached my human rights!

[11] The applicant asserted that the respondents discriminated against them because they have a disability and because their family status is outside the usual norm, but they provided no details of what their disability was, what actual accommodations they required beyond demanding supports from the CAS, or how the respondents treated them differently based on either their disability or their family status.

[12] The denial of service could be related to a long and difficult history that the applicant has with the respondent organization and with other publically funded government agencies (“Crown”) organizations they believe are systematically denying their rights. They wrote a letter to this Tribunal recently regarding this file and another outstanding complaint:

I’m a targeted individual and I need to protect myself from bad faith actors within the Crown system of Canada. As such, I seriously intend to file complaints with the United Nations at this point and I have no problem, whatsoever, adding the HRTO and its administrators to my list of alleged colonial oppressors if that’s what all of this is actually going to come to!

[13] With respect to the “Crown system” they wrote the following in their Application:

The Crown regime has taken over world governments while performing a global reset via the alleged Covid-19 pandemic. The life, liberty and security of the people of Canada is under direct threat by the Crown regime that is currently operating in Canada and most other countries throughout the world.

[14] With respect to the respondent organization in this Application, they wrote the following:

The Children’s Aid Society operating in Ontario, Canada is a terrorist agency. I have been exposing this fact since the early 2000’s. As a result of my advocacy against the CAS, my family and I have been targeted by CAS for outright harassment and discrimination for over two decades... I believe that the harassment and discrimination is an extension of historical oppression levied against me and my attempts to expose a human trafficking and sexual abuse network that the CAS is operating and colluding with other professional organizations to cover up.

[15] While there is a possible temporal link between the applicant's alleged request for accommodation on the basis of their disability and family status and the respondents' closure of the file, that alone is not sufficient to determine that the denial of service was due to their enumerated grounds. Many other factors are considered when determining what supports are provided to a child in need of care. Again, the applicant failed to provide any alleged factual basis, or even anything from which I could draw an inference, to link their assertions about enumerated grounds to the alleged adverse treatment.

[16] As noted above, and confirmed by *Mehedi*, it is not enough for an applicant to assert that they have an enumerated ground(s) and have received adverse treatment at the hands of the respondents. To come within the Tribunal's jurisdiction, the applicant must provide some factual basis to link the respondents' conduct to their *Code*-enumerated ground(s). A bald assertion that the adverse treatment they received was owing to their enumerated ground(s) is not enough to provide the required factual basis.

[17] In the circumstances of this case, I find that the applicant has failed to provide a factual basis beyond a bald assertion which links their ground(s) to the respondents's actions. Accordingly, the Application does not fall within the Tribunal's jurisdiction.

## **ORDER**

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

Dated at Toronto, this 24<sup>th</sup> day of October, 2023



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Denise Ghanam  
Member