

**CITATION:** Ovwodorume v. Human Rights Tribunal of Ontario, 2025 ONSC 710  
**DIVISIONAL COURT FILE NO.:** 509/24  
**DATE:** 20250203

**SUPERIOR COURT OF JUSTICE – ONTARIO  
DIVISIONAL COURT**

**RE:** Prince Ovwodorume, Applicant

**AND:**

Human Rights Tribunal of Ontario, Kelly Barker, Vita Community Living Services and Mens Sana Families for Mental Health and Silvana Rosa, Respondents

**BEFORE:** Sachs, Matheson and O’Brien JJ.

**COUNSEL:** *Prince Ovwodorume*, Self-Represented

*Jenna Bontorin and Graeme Watt*, for Vita Community Living Services and Mens Sana Families for Mental Health and Silvana Rosa

*Mindy Noble*, for the Human Rights Tribunal of Ontario

**HEARD at Toronto:** January 30, 2025

**ENDORSEMENT**

[1] Mr. Ovwodorume applies for judicial review of a reconsideration decision of the Human Rights Tribunal of Ontario dated July 26, 2024, following a summary hearing decision dated July 2, 2024. Mr. Ovwodorume’s application to the Tribunal alleged discrimination and reprisal with respect to employment because of disability contrary to the *Human Rights Code*, R.S.O. 1990, c. H. 19 (the Code).

[2] Mr. Ovwodorume was an employee of the respondent, Vita Community Living Services and Mens Sana Families for Mental Health (Vita), which encompasses two organizations that provide services to support adults with developmental disabilities, dual diagnoses, and chronic mental illness. Mr. Ovwodorume was an overnight personal support worker at Vita. On June 30, 2020, he was terminated from his employment.

[3] Leading up to his termination, Mr. Ovwodorume had been removed from his shift and told to isolate and test for COVID-19 after it came to his supervisor’s attention that he had been exposed to COVID-19 by another employee. Mr. Ovwodorume’s spouse was also an employee of Vita. She continued coming to work. Vita alleged that Mr. Ovwodorume did not inform her that he had been exposed to COVID-19.

[4] Mr. Ovwodorume’s application to the Tribunal alleged he was terminated due to the perception he had COVID-19 and that this constituted discrimination due to disability. The Tribunal dismissed Mr. Ovwodorume’s application at a summary hearing. The Tribunal concluded it was clear the reason for his termination was because Mr. Ovwodorume did not follow his employer’s policies, rather than because he had COVID-19. The Tribunal found Mr. Ovwodorume’s other arguments also did not link his treatment to a ground under the Code. The Tribunal dismissed the application as having no reasonable prospect of success.

[5] In response to the request for reconsideration, the Tribunal dismissed Mr. Ovwodorume’s argument that the Tribunal should have demanded copies of Vita’s COVID-19 policies. The Tribunal was not persuaded the policies constituted new facts or evidence that would potentially be determinative of the case and that could not reasonably have been obtained earlier. The Tribunal also dismissed the argument that the Tribunal’s decision conflicted with established jurisprudence.

[6] The standard of review for decisions of the Tribunal is reasonableness: *Ontario (Health) v. Association of Ontario Midwives*, 2022 ONCA 458. For allegations of breach of procedural fairness, the court will apply the factors in *Baker v. Canada (Minster of Citizenship and Immigration)*, [1999] 2 S.C.R. 817. For the following reasons, Mr. Ovwodorume has not shown the Tribunal’s decisions in this case were unreasonable or procedurally unfair.

[7] Mr. Ovwodorume submits the Tribunal misapplied the law by ignoring that he was terminated for the perceived disability of having COVID-19. We disagree. It was reasonable for the Tribunal to conclude Mr. Ovwodorume’s termination was based on the contravention of workplace policies and procedures rather than a perceived disability. The Tribunal relied on the portion of the termination letter stating Mr. Ovwodorume was being terminated “for serious violations of Vita’s policies and procedures.” The letter stated it was a violation of policy and procedure for Mr. Ovwodorume not to inform his wife that he was removed from his shift because he was in contact with staff who had tested positive for COVID-19. It stated this resulted in his wife continuing to work and that he had thereby put Vita members and staff at a severe potential health risk. In the circumstances of this evidence, it was reasonable to conclude the termination was not due to a perceived disability.

[8] It was also reasonable for the Tribunal to reach its decision without requiring copies of the policies Vita was relying on to justify the termination. The Tribunal proceeded by way of summary hearing, which does not require disclosure of all relevant documents. The Tribunal is authorized under its *Rules of Procedure* to hold a summary hearing on whether the application should be dismissed because there is no reasonable prospect of success. The Tribunal may give directions about steps to be taken before the summary hearing, including for the disclosure of documents, but the parties are not otherwise required to produce all relevant documents.

[9] To the extent Mr. Ovwodorume is concerned the summary hearing process raises procedural fairness concerns, this court has stated that litigants before the Tribunal “do not have an absolute right to a full merits hearing on every HRTO application.” The Tribunal’s summary hearing process is an important method for it to direct its resources to those cases that fall within

its jurisdiction, promoting fairness, effectiveness, and efficiency: *Xia v. Board of Governors of Lakehead University*, 2020 ONSC 6150, at paras. 21-22.

[10] In the context of the summary hearing process here, it was reasonable for the Tribunal to rely on the termination letter and the underlying factual context of Mr Ovwodorume's termination, as set out in his application, to conclude his termination was unrelated to a ground protected by the Code. Mr. Ovwodorume suggests that Vita may not have had written policies for employees exposed to COVID-19 when he was fired in June 2020. This may have been relevant to challenging Mr. Ovwodorume's termination for employment law reasons. It did not render the Tribunal's conclusion about the absence of Code grounds unreasonable.

[11] Mr. Ovwodorume also submits the Tribunal failed to address his allegation that he suffered discrimination on the basis of association. Mr. Ovwodorume alleges that his spouse's colleague complained about her, with repercussions for him. The colleague complained to Vita that his spouse was still coming to work despite living with Mr. Ovwodorume, who had been exposed to COVID-19.

[12] However, the Tribunal dismissed this argument on the basis that Mr. Ovwodorume had not linked his concern to a ground under the Code. This was reasonable. Mr. Ovwodorume appears to be essentially alleging discrimination on the basis of marital or family status. Considering the facts leading up to his termination and the termination letter itself, it was reasonable for the Tribunal to conclude his termination was caused by breaches of policies and procedures, not because of his association with or status of being married to his spouse.

[13] The application therefore is dismissed. We refuse the Tribunal's request to amend the title of proceeding remove the adjudicator, Ms. Barker, as a respondent. Although we were referred to authority where the court granted such an order on consent, in this case, the request was not timely and was not made on consent.

[14] The respondent does not seek costs of the application, and none are ordered.

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Sachs J.

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Matheson J.

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O'Brien J.

**Date: February 3, 2025**