

CITATION: Trudel v. Meta Platforms Inc., 2026 ONSC 789
DIVISIONAL COURT FILE NO.: DC-25-00000556-00JR
DATE: 20260210

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

RE: GIGI TRUDEL, Applicant

AND:

META PLATFORMS INC, Respondent

BEFORE: Sachs, O’Brien and Kaufman JJ.

COUNSEL: *Gigi Trudel*, representing himself

Miranda Spence, Josh Suttner and Roula Khairalla, for the Respondent Meta Platforms Inc.

Valerie Crystal, for the Human Rights Tribunal of Ontario

HEARD at Toronto: January 26, 2026

ENDORSEMENT

[1] The applicant seeks judicial review of a decision of the Human Rights Tribunal of Ontario (HRTO) refusing to reconsider its earlier ruling that it lacked subject-matter jurisdiction over the applicant’s human rights complaint. The HRTO found the applicant was late in seeking reconsideration and refused to grant him an extension of time. The applicant has also brought a motion to admit new evidence on the judicial review. The respondent, Meta Platforms Inc. (Meta), opposes both the application and the motion.

Background

[2] On March 14, 2022, the applicant filed a complaint with the HRTO alleging that Meta improperly disabled his Facebook and Instagram accounts based on prohibited grounds under the *Human Rights Code* R.S.O. 1990, c. H.19 (the *Code*), namely his gender expression, gender identity, sex, and sexual orientation.

[3] On January 9, 2023, the HRTO issued a Notice of Intent to Dismiss. Among other things, the Tribunal stated that Meta appeared to be federally regulated and that, as a result, the complaint fell outside its jurisdiction. The HRTO invited the applicant to provide written submissions on this jurisdictional issue.

[4] On February 2, 2023, the applicant provided submissions. Those submissions addressed the merits of his complaint but did not respond to the jurisdictional question identified by the HRTO.

[5] On January 31, 2024, Meta filed a request that the complaint be dismissed for lack of jurisdiction. The following day, on February 1, 2024, the applicant responded that the HRTO had jurisdiction because Meta was a technology company rather than a telecommunications company.

[6] On November 8, 2024, the HRTO issued its decision dismissing the complaint for lack of jurisdiction (the jurisdiction decision). Relying on its prior jurisprudence, the HRTO concluded that Meta was subject to federal jurisdiction.

Canadian Human Rights Commission declines to inquire into the Applicant's complaint

[7] On January 7, 2025, the applicant contacted the Canadian Human Rights Commission (CHRC) by email, alleging that Meta had violated his rights under the *Canadian Human Rights Act*, R.S.C. 1985, c. H-6 (CHRA).

[8] On February 20, 2024, the CHRC's "complaint services" section responded by email. It advised that its jurisdiction extends to organizations under federal authority and that it "did not appear" that the matters the applicant raised concerned a federally regulated body. The CHRC concluded that it was not the appropriate forum for his complaint.

HRTO denies the applicant's request for reconsideration

[9] On February 21, 2024, the applicant requested reconsideration of the HRTO's jurisdictional decision, asserting that the CHRC's email constituted new evidence. He submitted that the CHRC's response confirmed that the HRTO had erred in declining jurisdiction over his complaint.

[10] Rule 25.5.1 of the HRTO's *Rules of Procedure* provides that a request for reconsideration filed more than 30 days after a decision will not be granted unless the delay was incurred in good faith and no substantial prejudice results. The applicant submitted to the HRTO that, after receiving the jurisdiction decision, he brought his complaint to the CHRC. He filed his reconsideration request promptly upon receiving the CHRC's unfavourable response. He argued that the delay was incurred in good faith and that Meta would not be prejudiced.

[11] On June 9, 2025, the HRTO refused to reconsider its jurisdictional decision. It noted that the applicant only contacted the CHRC on January 7, 2025, approximately sixty days after the HRTO issued its jurisdictional decision. The HRTO found that the applicant had been aware of the jurisdictional issue since at least January 31, 2024, and that he could have approached the CHRC earlier. It concluded that the applicant had not pursued the confirmation of jurisdiction with diligence and that it could not conclude that his delay in seeking reconsideration was incurred in good faith.

The motion to adduce fresh evidence

[12] The applicant brought a motion to adduce fresh evidence on the judicial review. The proposed evidence consists of a document asserting that Meta is not a telecommunications undertaking, the CHRC's February 20, 2024 email (already included in the HRTO record of proceedings), and materials relating to the merits of the underlying complaint

Jurisdiction

[13] The Divisional Court has jurisdiction to hear this application under ss. 2(1) and 6(1) of the *Judicial Review Procedure Act*, R.S.O. 1990, c. J.1.

Issues

[14] This application raises two issues:

- a) Was the HRTO's decision to refuse reconsideration reasonable?
- b) Should the applicant's motion to adduce fresh evidence be granted?

Analysis

[15] The applicable standard of review for the HRTO's finding that the applicant's delay in seeking reconsideration was not incurred in good faith—a question of mixed fact and law—is reasonableness

[16] The applicant's submissions on this point have merit. After receiving the HRTO's jurisdictional ruling, it was reasonable for him to contact the CHRC to determine whether his complaint against Meta could proceed in that forum. There was no obligation to do so immediately. The 60-day period between the HRTO's jurisdiction decision and the contact with the CHRC does not demonstrate a failure to pursue his rights; rather, it reflects his acceptance of the HRTO's ruling at the time. Once the CHRC advised him on February 20, 2024 that it too lacked jurisdiction, the applicant promptly sought reconsideration from the HRTO.

[17] Despite the merit in this argument, we do not need to determine whether the HRTO's refusal to grant an extension of time was unreasonable. The application must be dismissed in any event because, even if an extension of time for reconsideration had been granted, we conclude that the HRTO's jurisdictional decision was correct.

[18] The standard of review on the question of whether the HRTO had jurisdiction is correctness for two reasons: First, the decision raises a question regarding the jurisdictional boundaries between two tribunals; second, the decision raises a constitutional question regarding the division of powers: *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65, at paras. 56, 63. The correctness standard applies to jurisdictional boundaries questions, even if the inquiry is fact-specific: *Northern Regional Authority v. Horrocks*, 2021 SCC 42, at para. 9.

[19] The applicant sought reconsideration of the jurisdiction decision after receiving the CHRC’s email of February 20, 2024, in which it was stated that “it did not appear” that the applicant had raised matters involving a federally regulated body. However, the email was unsigned and provided no analysis or authority beyond its conclusory assertion that Meta Platforms was not under federal jurisdiction.

[20] The HRTO may exercise only the powers conferred on it by the *Code*. Although the *Code* contains no express limitation restricting the HRTO’s jurisdiction to matters within provincial competence, it remains a provincial statute and cannot confer authority over matters that fall within Parliament’s exclusive jurisdiction. The constitutional doctrine of interjurisdictional immunity prevents one level of government from legislating in a way that impairs the core of the other’s legislative powers. This doctrine arises from the division of powers set out in the *Constitution Act, 1867: Bell Canada v. Quebec (Commission de la santé et de la sécurité du travail)*, [1988] 1 S.C.R. 749, at para. 255.

[21] Section 92(10)(a) of the *Constitution Act, 1867* grants provincial legislatures exclusive authority to make laws in relation to “Local Works and Undertakings,” *except* for specified classes, including “Lines of Steam or other Ships, Railways, Canals, Telegraphs, *and other Works and Undertakings connecting the Province with any other or others of the Provinces, or extending beyond the Limits of the Province.*”

[22] The Quebec Court of Appeal recently held that federal jurisdiction in matters of telecommunications, developed in cases involving the transmission of radio signals, images, or Hertzian or other waves must logically extend to the emission, reception and retransmission of Internet signals: *Procureur général du Québec v. Association canadienne des télécommunications sans fil*, 2021 QCCA 730, at paras 121-123. In *Society of Composers, Authors and Music Publishers of Canada v. Canadian Assn. of Internet Providers*, 2004 SCC 45 at para. 42, the Supreme Court held that information transmitted over the internet constitutes a telecommunication.

[23] Meta provides its services over the internet and is therefore an undertaking that extends beyond the limits of the Province of Ontario. This conclusion is consistent with prior decisions of the HRTO (*Liu v. Meta Platforms Inc. (o/a Facebook)*, 2022 HRTO 684; *Hutcheson v. Meta Platforms Inc.*, 2022 HRTO 698; *Libera v. Meta Platforms Inc. (o/a Facebook)*, 2022 HRTO 705) and of the British Columbia Human Rights Tribunal (*Elson v. Facebook, Inc.*, 2021 BCHRT 155).

[24] Finally, among the purposes of the *Canadian Human Rights Act*, R.S.C. 1985, c. H-6 (“CHRA”), as set out in s. 2, is the prevention of discrimination “within the purview of matters coming within the legislative authority of Parliament.” We note that Parliament has enacted, or sought to enact, legislation regulating social media companies, including the *Online News Act*, S.C. 2023, c. 23, and the proposed *Online Harms Act*, Bill C-63, which was tabled in the House of Commons on May 30, 2024 but died on the order paper following the prorogation of Parliament on January 6, 2025.

[25] In light of our conclusion on jurisdiction, it is unnecessary to address the applicant's motion to adduce fresh evidence.

[26] The application is dismissed. In the circumstances, we exercise our discretion not to make any order as to costs.

A. Kaufman J.

I agree

Sachs J.

I agree

O'Brien J.

Date: February 10, 2026