

ID 1  
JR

T-2470-23

FEDERAL COURT

F I L E D	FEDERAL COURT COUR FÉDÉRALE		R E C E I V E D
	NOV 22 2023		
SORAYA PREMJI			
VANCOUVER, BC			

BETWEEN:

WILLIAM STURGESS

Applicant

and

ELECTIONS CANADA

Respondent

**NOTICE OF APPLICATION**

TO THE RESPONDENT:

*Under section 18.1 of the Federal Courts Act  
WS*

A PROCEEDING HAS BEEN COMMENCED by the applicant. The relief claimed by the applicant appears on the following page.

THIS APPLICATION will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court orders otherwise, the place of hearing will be as requested by the applicant. The applicant requests that this application be heard at Vancouver, British Columbia.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or a solicitor acting for you must prepare a notice of appearance in Form 305 prescribed by the Federal Courts Rules and serve it on the applicant's solicitor, or where the applicant is self-represented, on the applicant, WITHIN 10 DAYS after being served with this notice of application.

Copies of the Federal Courts Rules information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO OPPOSE THIS APPLICATION, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

ORIGINAL SIGNED BY  
SORAYA PREMJI  
A SIGNÉ L'ORIGINAL

Date: NOV 22 2023

Issued by: \_\_\_\_\_  
(Registry Officer)

Address of local office:

Pacific Centre  
P.O. Box 10065  
701 West Georgia Street  
Vancouver, British Columbia  
V7Y 1B6

TO:

**Elections Canada**  
30 Victoria St.  
Gatineau, QC  
K1A 0M6

## APPLICATION

This is an application by William Sturgess (the “Applicant”) for judicial review in respect of the decision made by the Canadian Human Rights Commission (CHRC) to dismiss his complaint against Elections Canada (the “Respondent”).

The decision was communicated to the Applicant on October 24, 2023. On this date, the Applicant was notified by the CHRC that Commissioner Jose Ordonez had dismissed his complaint pursuant to subparagraph 44(3)(b)(i) of the *Canadian Human Rights Act* (CHRA). The reason provided was that the Applicant failed to establish a *prima facie* case by failing to:

1. Demonstrate that he has a disability which required accommodation.
2. Establish that he has a characteristic protected from discrimination under the CHRA.

The Applicant makes application for an order in the nature of *certiorari* referring the case to the Canadian Human Rights Tribunal for inquiry; alternatively, an order that the decision dismissing the complaint be overturned and remitted to the Commission for reconsideration with direction as the Court sees fit.

**The grounds for the application are:**

### **BACKGROUND**

1. The Applicant, William Sturgess, is a Canadian citizen residing in West Vancouver, British Columbia. He is filing this application on his own behalf. He suffers from clinical depression, attention deficit hyperactivity disorder (ADHD) and generalized anxiety disorder, as diagnosed by his physician and reflected in the provincial medical records that were produced by the Applicant for the Canadian Human Rights Commission.
2. The Respondent, the Office of the Chief Electoral Officer of Canada (commonly known as “Elections Canada”) is an independent Parliamentary agency responsible under the *Canada Elections Act* for administering and overseeing elections in Canada.
3. On November 5, 2020, British Columbia Human Rights Commissioner Kasari Govender published a guidance document titled “A human rights approach to mask-wearing during the COVID-19 pandemic.” This document was subsequently updated on several occasions to reflect changing circumstances, including one such update on July 22, 2021. The publication contained guidance on how to handle exemptions and accommodations to mask-wearing policies in British Columbia, including the responsibilities of employers in accommodating employees who are unable to wear a mask for reasons “such as disability or medical condition.”
4. The Applicant applied in August 2021 to work for the Respondent during the 2021 Canadian federal election, scheduled for September 20, 2021.
5. On September 2, 2021, British Columbia’s Provincial Health Officer, Dr. Bonnie Henry, issued an order under Sections 30, 31, 32, 39 (3), 53, 54 (1) (h), 67 (2) and 69 of the *Public Health Act*, S.B.C. 2008 (September 2, 2021 public health order) requiring the wearing of masks or face coverings in indoor public spaces. Sections 4 and 5 of the order exempted individuals unable to wear a mask for various reasons, including disability.
6. As a direct result of his persistent diagnosed health conditions listed in paragraph 1, the Applicant is unable to wear a mask or face covering without experiencing significant psychological and emotional distress and cognitive impairment. These conditions constitute a disability protected under the *Canadian Human Rights Act*.

7. Throughout the COVID-19 pandemic, the Applicant continually apprised himself of the guidelines, laws and public health orders at the municipal, provincial and federal level so as to be prepared to request accommodation to mask wearing policies if and when required. Neither the September 2, 2021 public health order nor the guidance published by the BC Human Rights Commissioner on July 22, 2021 instructed, suggested, advised or otherwise indicated that the Applicant should seek a letter of exemption from his doctor or another health professional in order for his disability to be recognized and accommodated.

### **OFFER OF EMPLOYMENT**

8. On September 3, 2021, a recruitment officer working for the Respondent contacted the Applicant by phone and offered him a position working at the polls as a Deputy Returning Officer (DRO). The Applicant accepted the offer during the phone call. He informed the recruitment officer that he was unable to wear a face mask due to a medical condition.
9. The recruitment officer asked the Applicant to provide a letter of exemption signed by a doctor. The Applicant replied that such a letter was not required under the September 2, 2021 public health order, nor any existing law, in order for the Respondent to accommodate him. The recruitment officer indicated that the absence of the letter would not be a problem, and that his employment would proceed. The officer went on to discuss scheduling the Applicant to work at the polling station at Park Royal Shopping Centre in West Vancouver on election day.
10. On September 4, 2021, the Applicant received an email from the Respondent informing him he had been assigned to a training session and instructing him to familiarize himself with the training material for poll workers.
11. On September 7, 2021, the Applicant received an email from the recruitment officer stating that the Respondent had determined that a requirement of the position would be to wear a mask, and that as the Applicant had advised that he had a medical exemption, the Respondent would not be able to employ him on election day.
12. The Respondent did not at any time suggest or otherwise discuss any possibility of accommodation. The Respondent did not question the fact that the Applicant had a disability, nor that the disability prevented the Applicant from wearing a mask. Rather, the Respondent affirmed that the reason he was not employed was because of his disability and the need for accommodation.
13. On September 10, 2021, the Applicant received an email from a different recruitment officer identifying the Applicant as a DRO. The email requested that the Applicant confirm his attendance at one of several provided training sessions at Park Royal Shopping Centre. The email also instructed the Applicant to provide his Social Insurance Number and banking information via a "VOID check". The Applicant did not reply to this email or provide his financial information because he had been informed three days prior that the Respondent's offer of employment had been revoked.

### **THE COMPLAINT**

14. On October 6, 2021, the Applicant filed a complaint against the Respondent with the Canadian Human Rights Commission (CHRC), via a Complaint Form. The complaint asserted that the Respondent had discriminated against the Applicant on the basis of disability and genetics in contravention of the *Canadian Human Rights Act* (CHRA), and specifically that the Respondent had violated section 7 of the CHRA, which prohibits employers from refusing to employ or continue to employ any individual based on a prohibited ground of discrimination.

- a. The Respondent failed or refused to consider any accommodations to its mask policy in spite of the provisions of the CHRA and thereby violated their duty to accommodate altogether. Employers are required by law to accommodate disabilities of employees, and applicants under consideration for employment, unless and until the requisite accommodation causes “undue hardship” on the employer. This is described under section 15(2) of the CHRA.
  - b. In addition to contravening the duty to accommodate under the CHRA, the Respondent failed or refused to consider or adequately consider the clear and unambiguous accommodation provisions in sections 4 and 5 of the September 2, 2021 public health order. Section 5(a) of the order states that the exemption provisions apply “If the operator or worker is unable to wear a face covering because of (i) a psychological, behavioural or health condition, or (ii) a physical, cognitive or mental impairment”. Section 4(4) of the order states that “An operator or worker who does not wear a face covering due to the application of an exemption in section 5 must not provide a face to face service to a visitor unless there is a physical barrier between the operator or worker and the visitor.”
  - c. The Respondent did erect the physical barriers identified in the September 2, 2021 public health order at polling stations across Canada according to Elections Canada’s website on a webpage titled “Impact of COVID-19”, which lists “plexiglass barriers” among the health and safety measures to be implemented in all electoral districts. These barriers were installed at the Park Royal polling site where he had been hired to work as a DRO and where he cast his vote.
15. On February 10, 2022, the Applicant received an email from a representative of the Complaints Services Branch of the CHRC requesting “a copy of the medical exemption” he had received to support his complaint. In an email reply on February 14, 2022, the Applicant provided a complete copy of his medical records from British Columbia’s Health Gateway system containing a comprehensive summary of doctor’s appointments, hospital visits, prescriptions, lab work and telemedicine visits related to the disabilities referred to in paragraph 1. In addition to these records, the Applicant provided a highlighted copy of the September 2, 2021 public health order and its exemption clause. He explained the context and relevance of the records as related to the complaint. The Applicant also offered to provide, if necessary, additional details of how his medical conditions incapacitate or disable him from wearing a mask.
16. On April 14, 2022, the Applicant received an email from a different CHRC representative reiterating the request for a letter of medical exemption signed by a healthcare professional. In an email reply sent on April 20, 2022, the Applicant explained that he was not aware of any requirement or guideline articulated by provincial or federal health authorities, human rights bodies, or law that established a need to produce such a letter in order for his disability to be recognized and accommodated or for the CHRC to consider his complaint, since he had provided other documentation sufficiently establishing the existence of his disabilities. In the same email response, the Applicant provided a second set of detailed medical records obtained from Vancouver Coastal Health which contained specific information further confirming his disabilities.
17. On April 27, 2022, the CHRC representative informed the Applicant that the complaint and supporting documentation was referred to senior CHRC management for review.

**PROCESS AND CONCILIATION**

18. On May 13, 2022, the CHRC served notice of the complaint on the Respondent by email.
19. On June 13, 2022, the Respondent provided their Response to the Complaint by email. The Respondent admitted that the allegations of discrimination based on disability did occur, but that the Respondent relied on a *bona fide* occupational requirement based on a rule that all poll

workers in the 2021 general election be required to wear masks. The Respondent asserted that it could not accommodate the Applicant's medical exemption because doing so would have created undue hardship. The grounds relied on were statements, unsubstantiated by evidence, that:

- a. Allowing a DRO to work without a mask could have jeopardized the health and safety of other poll workers at that location and of electors assigned to vote there.
  - b. The risk of COVID-19 transmission at the polls created undue hardship.
  - c. The presence of an unmasked poll worker increased the risk that other workers might feel unsafe and refuse to work, which could jeopardize the Respondent's ability to conduct the election.
  - d. The above noted rule aimed to minimize the subjective perception of risk among individuals and workers.
  - e. Accommodating unmasked poll workers would have unduly limited the right to vote by making some electors feel that they had to choose between exercising their right and risking contracting COVID-19.
  - f. Unmasked voters could be accommodated, but not workers.
20. The Applicant provided his Reply to the Response by email on July 13, 2022. His arguments in response were that:
- a. The September 2, 2021 public health order and the guidance published by the Office of the Human Rights Commissioner provided the Respondent with the necessary information on how to accommodate the Applicant and others unable to wear a mask.
  - b. The Respondent relied on speculation and subjective statements to justify its refusal to accommodate.
  - c. The Respondent applied a nationwide policy to all applicants and employees that failed to account for the relevant legal and human rights framework in place in British Columbia.
  - d. Considering the impact of accommodating an unmasked poll worker, the Respondent argued that an individual's subjective perception of increased risk is sufficient to pose an undue hardship. On this basis, it could be argued that any discrimination is "justified" so long as at least one person subjectively believes there is an increased risk due to the presence of an individual with a protected characteristic, without any evidence to support the claim.
21. On December 12, 2022, the CHRC moved the complaint into mandatory conciliation, subject to an Agreement to Conciliate which included a confidentiality provision prohibiting the Applicant and the Respondent from disclosing to any third party any information obtained during the conciliation. Additionally, paragraph 9 of said Agreement stated that the parties were subject to "minimum standards of participation" including a requirement to sign the Agreement prior to conciliation. The Applicant signed his copy of the Agreement on January 18, 2023 in the belief that the Respondent would also sign and participate in conciliation in good faith.
22. Conciliation took place on February 1, 2023.
23. On February 20, 2023, the Applicant submitted a proposed offer of settlement, the details of which are protected under the non-disclosure provision of the Agreement to Conciliate. The Respondent rejected the offer and declined to participate in further settlement discussions.

24. On March 31, 2023, the CHRC assigned an investigator to the case who conducted a phone interview with the Applicant on May 15, 2023.

## **THE REPORT**

25. On June 23, 2023, the CHRC sent the investigator's Report for Decision (the "Report") to both parties by email. The Report recommended that if conciliation was unsuccessful, the complaint be referred to the Canadian Human Rights Tribunal (CHRT) for a hearing and further inquiry to determine whether the Respondent was required to accommodate the Applicant given the circumstances, and whether the Respondent's decision not to accommodate the Applicant is supported by a *bona fide* occupational requirement.
26. Both parties were provided the opportunity to deliver a Submission in response to the Report. The parties were instructed to respond to the information in the Report, or to the other party's Submission; to "stick to the issues" covered in the Report; and not to mention any confidential settlement information.
27. On June 27, 2023, the Applicant delivered his Submission in which he agreed with the investigator's recommendation to refer the complaint to the CHRT for a hearing and further inquiry.
28. On August 17, 2023, an officer of the CHRC sent an email to the Applicant asking that he "provide medical information that confirms that" he "had a medical exemption at the material time of the complaint". The CHRC officer additionally inquired whether the Applicant had provided this information to the Respondent, and if he had not, his reasons for failing to do so. In an email reply on August 22, 2023, the Applicant provided the officer with copies of the medical records he had previously provided on February 14, 2022 and April 10, 2022, and referred the officer to the relevant provisions of the September 2, 2021 public health order and guidance published by BC's Office of the Human Rights Commissioner. The Applicant informed the CHRC officer that he had not provided this medical information to the Respondent because the Respondent had not asked for it, and because there was no requirement for the Applicant to disclose this medical information to the Respondent in this context.
29. On September 19, 2023, the CHRC sent an email to the Applicant providing him with a copy of the Respondent's Submission to the Report and advised that the CHRC would conduct its review based on the materials it had before it. Specifically, the CHRC was to review "the complaint form, the report, the submissions, and the comments to those submissions." The Applicant was denied the opportunity to provide comments to the Respondent's Submission.
30. The Applicant immediately notified the CHRC that he had identified significant concerns with the Respondent's Submission. These concerns included four categories of new allegations prejudicial to a fair hearing of the Complaint:
- a. The Respondent's Submission included a paragraph containing new allegations that had not been previously presented and to which the Applicant had not been given an opportunity to respond. Some of the new allegations wrongly included in the Respondent's submission were false, while others were misleading or irrelevant. These new allegations not only contaminated the record before the CHRC, but also risked unfairly undermining previously uncontested facts and the Applicant's credibility.
  - b. The irrelevant allegations referred to the Applicant's contributions to two written works, both published in 2022, and his participation in a web series in 2022-2023, all of which took place months and years after the material time of the complaint. None of these allegations referencing the Applicant's work experience had ever been raised before, nor were they relevant to the nature of the Applicant's employment with the Respondent or

the Applicant's disability. Rather, the new allegations appear to have been included to establish without foundation that the Applicant was engaged in work that the Respondent sought to characterize as "disinformation," with clear and well-articulated intent to discredit the credibility of the Applicant and prejudice the determination of the complaint.

- c. Additionally, the Respondent introduced an entirely new defence based on the argument that the Applicant had failed to demonstrate a *prima facie* case of discrimination.
  - d. Finally, the Respondent disclosed confidential settlement details from the conciliation process, including the Applicant's proposed offer of settlement. In so doing, the Respondent violated the signed Agreement to Conciliate, as well as the submission instructions.
31. The Applicant immediately sent an email to the manager of CHRC's Complaints Assessment Division, communicating his concerns about the Respondent's Submission and the associated risk to his credibility in the eyes of the CHRC. The Applicant asked the manager what options were available to him to address the issue.
  32. On September 21, 2023, the manager sent an email reply indicating the CHRC would not accept any further comments from the Applicant, asserting that this was consistent with the Complaint Rules. He advised the Applicant to wait for the CHRC to render its decision, and if the Applicant disagreed with the decision, he would be provided with information on how to challenge the decision at the Federal Court.

## **THE DECISION**

33. On October 24, 2023, the CHRC notified the Applicant by email that the Commissioner had dismissed the complaint on October 20, 2023 pursuant to section 44(3)(b)(i) of the CHRA, asserting that having regard to all the circumstances, an inquiry by the Canadian Human Rights Tribunal is not warranted.
34. The Commissioner cited the Respondent's final Submission, to which the Applicant had objected, as the basis for its decision to dismiss the complaint, deferring to the Respondent's assertions rather than an objective review of the totality of evidence before him. In particular, the Commissioner wrote:
  - a. "The Commission's Complaint Services asked the Complainant to provide an exemption letter on February 10, 2022 and on April 14, 2022. He failed to provide such document [sic]. In its submissions, the Respondent states that the Complainant failed to provide such documentation and therefore failed to establish a *prima facie* case."
  - b. "The Report for Decision wrongly concludes that the Respondent does not challenge 'the fact that the Complainant has a disability and because of his disability had a mask exemption that required accommodation.' Furthermore, it wrongly concluded that the evidence indicates that the Respondent accepted that the Complainant had a disability that prevented him from wearing a face mask. The Respondent makes it clear in its submissions that it did not need to challenge the Complainant's disability because it is his duty to establish a *prima facie* case. It also states in its submissions that it never accepted that the Complainant had a disability that prevented him from wearing a face mask."
35. The Respondent's assertions cited by the Commissioner are contradicted by the Respondent's own prior statements. In its Response form, the Respondent asserted:

- a. "Elections Canada does not dispute that William Sturgess applied for the position of Deputy Returning Officer in the 2021 general election. We also do not dispute that he was qualified for this position or that the refusal to appoint him was linked to his need for a medical exemption from mask requirements." (page 9 of the Response form)
  - b. "Elections Canada admits that William Sturgess applied to work at the polls in the 2021 general election and met the qualifications for that work, and we admit that the reason he was not appointed was linked to a disability." (page 18 of the Response form)
36. The Commissioner also wrongly states that "The Complainant had another opportunity to provide cross-submissions and provide an exemption letter." When the Applicant asked the CHRC for an opportunity to address the Respondent's statements in its Submission immediately after it was sent to him, he was told no further comments would be accepted.
37. This suggests a lack of procedural fairness and an arbitrary deference to the Respondent over both the Applicant and the Commission's own Report for Decision, which had already established the existence of a *prima facie* case based on the totality of the record and having regard to all the circumstances.
38. The Commissioner's finding that the absence of an "exemption letter" constituted a failure on the Applicant's part to establish a *prima facie* case is arbitrary and unsupported by the evidence before him. The Commissioner stated that the Applicant "may have" established a *prima facie* case by providing a "medical exemption letter." However, he failed to consider whether a *prima facie* case was established by the documentation the Applicant did provide, particularly given the Respondent's admission that its decision not to appoint the Applicant was linked to a disability and his need for accommodation, rather than his failure to produce an exemption letter.
39. The Commissioner dismissed the complaint based solely on the ground that the Applicant failed to produce a particular form of documentation, namely an exemption letter. However, the guidance available to the Applicant at the material time of the complaint clearly stated that an exemption letter was not required (BC's Office of the Human Rights Commissioner) and did not indicate a requirement for any documentation whatsoever in order for the Applicant to be accommodated (September 2, 2021 public health order). To insist that this was the only acceptable form of documentation to establish a *prima facie* case is plainly unreasonable, and contrary to a logical analysis of the facts and circumstances.
40. In making this decision, the Commissioner erred in fact and law by:
- a. Dismissing the complaint on the basis that the Applicant had failed to make a *prima facie* case establishing the link between his disability and the accommodation required.
  - b. Failing to properly consider, with respect to establishment of a *prima facie* case, that the Respondent did not contest that:
    - i. The Respondent was aware that the Applicant has a disability that prevented him from wearing a mask or face covering during the prospective employment, and that the Applicant declined to produce a letter of exemption signed by his doctor.
    - ii. Knowing these facts, the Respondent offered employment to the Applicant.
    - iii. The Applicant accepted the Respondent's offer of employment as a DRO.
    - iv. The Respondent admits that the subsequent refusal to employ the Applicant was "linked to his need for a medical exemption from mask requirements" and "linked to a disability."

- v. The Applicant produced medical records affirming diagnoses and ongoing treatment of clinical depression, generalized anxiety disorder, and ADHD.
  - vi. The Respondent did not require the Applicant to produce a letter of exemption as a condition of employment.
  - vii. The Respondent failed or refused to consider any accommodation for the Applicant's disability and did not discuss possible solutions with the Applicant.
- c. Allowing, accepting and/or considering allegations included in the Respondent's submission that should have been excluded for one or more of the following reasons:
- i. The allegations had not been raised or introduced by the Respondent until its final submission.
  - ii. The Applicant had not had any opportunity to respond to these new allegations.
  - iii. The Applicant was denied the opportunity to respond after receiving the Respondent's submission and raising the issue with the CHRC.
  - iv. Some of the new allegations were false.
  - v. Some of the new allegations were irrelevant.
  - vi. All of the new allegations were prejudicial to a fair hearing of the Applicant's Complaint.
  - vii. The Commissioner failed to exercise his discretion to invite the Applicant to provide a cross-submission addressing the new allegations.
- d. Failing to properly consider evidence that the Respondent's failure or refusal to consider accommodation was a blanket or automatic refusal based on a rule or policy to prevent the hiring and employment for the September 2021 election of any person with any disability that prevented the person from masking.
- e. Failing to consider the relevant provisions of applicable provincial orders and guidelines, all of which the Applicant complied with, including:
- i. Sections 4 and 5 of the September 2, 2021 public health order regarding exemption and accommodation.
  - ii. The BC Human Rights Commissioner guidance that provides, "where the relationship is brief...duty bearers accommodate those who are unable to wear masks without requiring them to provide medical information," and "inability to access or use a mask...must not lead to automatic negative consequences such as employee discipline or termination."
- f. Requiring a doctor's letter of exemption as the sole acceptable prerequisite for his complaint to be considered, at the exclusion of all other suitable forms of medical evidence of disability.
- g. Failing to require the Respondent to provide evidence to support its conjectures of hardship that could result from accommodating the Applicant's disability.

- h. Failing to exercise its discretionary authority to refer the complaint to the CHRT due to the unique circumstances of the complaint, the relevant questions of credibility and access to recourse, and the unique legal questions and matters of public interest that it raises.

**The Applicant relies on the following statutes and rules:**

41. *Canadian Human Rights Act*, R.S.C., 1985, c. H-6
42. *Canadian Human Rights Commission Complaint Rules*, 2022
43. *Canadian Charter of Rights and Freedoms*, Part 1 of the *Constitution Act*, 1982, being Schedule B to the *Canada Act 1982 (UK)*, 1982, c. 11
44. *Federal Courts Act*, R.S.C., 1985, c. F-7
45. *Federal Courts Rules*, SOR/98-106
46. *Convention on Persons with Disabilities*, Adopted by the General Assembly, 24 January 2007, A/RES/61/106, Annex I
47. *Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities*, 133 December 2006, A/RES/61/106, Annex II
48. *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171
49. *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3
50. Such further and other grounds as this Honourable Court may permit.

**This Application will be supported by the following material:**

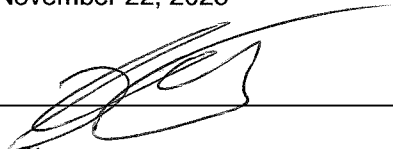
51. Affidavit of William Sturgess, to be filed;
52. The Complaint Form;
53. The Response Form;
54. The Reply Form;
55. The Conciliation Instructions;
56. The Agreement to Conciliate;
57. The Report for Decision;
58. The Information Sheet on how to prepare a submission;
59. Respondent's Submission to the Report;
60. Record of Decision;

- 61. "FACE COVERINGS (COVID-19) – SEPTEMBER 2, 2021" (public health order);
- 62. "A human rights approach to mask-wearing during the COVID-19 pandemic";
- 63. Such further and other evidence as this Honourable Court may permit.

**Pursuant to Rule 317 of the *Federal Court Rules*, the Applicant requests the Canadian Human Rights Commission to send a certified copy of the following material that is not in the possession of the applicant, but in the possession of the Canadian Human Rights Commission, to the Applicant and the Registry:**

- 64. The record of all documents and other materials before the Canadian Human Rights Commission informing the decision;
- 65. All instructions, procedures, guidelines or memoranda of best practices related to the processing and/or consideration of mask-related complaints issued to or within the CHRC in 2020, 2021 and 2022;
- 66. Such further and other material that may be in the possession, power or control of the Respondent and which may be relevant to these proceedings.

Date: November 22, 2023



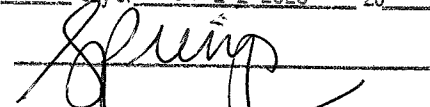
William Sturgess  
 1430 Tyrol Rd.  
 West Vancouver, BC  
 V7S 2L6  
 Canada

778-512-4174  
 liam@sturgessprime.com

I HEREBY CERTIFY that the above document is a true copy of the original Issued out of / Filed in the Court on the \_\_\_\_\_

day of NOV 22 2023 A.D. 20 \_\_\_\_\_

Dated this \_\_\_\_\_ day of NOV 22 2023 20 \_\_\_\_\_



**ORIGINAL SIGNED BY  
 SORAYA PREMJI  
 A SIGNÉ L'ORIGINAL**

**SORAYA PREMJI  
 REGISTRY OFFICER  
 AGENTE DU GREFFE**