

**Ontario Human
Rights Commission
Office of the Registrar**
180 Dundas St. West, 9th Floor
Toronto, Ontario
M7A 2R9

**Commission ontarienne des
droits de la personne
Bureau de Registrar**
180, rue Dundas ouest, 9^e étage
Toronto, Ontario
M7A 2R9

1-416-314-4555
Fax: 1-416-325-2004
Web Address: www.ohrc.on.ca



Personal and Confidential

Date of mailing: **MAR 24 2004**

Ms. Kathy Laird
Advocacy Centre for Tenants Ontario
425 Adelaide Street West
5Th Floor
Toronto, Ontario
M5V 3C1

RECEIVED

MAR 25 2004

Dear Ms. Laird,

**RE: Candice Beale
and
Her Majesty the Queen in Right of Ontario as Represented by the
Minister of Community Family and Children's Services
File No: JWIS-5JUR3L**

Please be advised that the Commission has reached its decision concerning the above-noted file. The reasons for this decision are enclosed along with an information sheet outlining the procedures for appealing Commission decisions. Please note that the Complainant has **15 calendar days** of the date posted above for filing an application for reconsideration.

Yours sincerely,

Roxanne Kalimootoo
Roxanne Kalimootoo
Registrar

enclosures

Ontario Human
Rights Commission

Commission ontarienne des
droits de la personne



Candice C. Beale

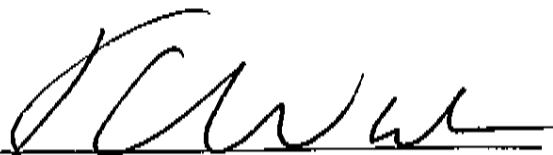
v

***Her Majesty the Queen in right of Ontario as represented by the
Minister of Community, Family and Children's Services
File No. JWIS-5JUR3L***

The Commission has exercised its discretion under subsections 34(1)(b) and (c) of the **Code** and has decided to not deal with this complaint which alleges discrimination in accommodation because of family status, marital status, receipt of public assistance and sex for the following reasons:

1. The evidence indicates that the complainant has withdrawn her allegations with respect to family status, marital status and sex, and now relies only on the ground of receipt of public assistance.
2. The evidence indicates that the respondent creates the regulations that set out the formula for the levels of shelter allowance that will be received by persons who receive public assistance under the **Ontario Works Act, 1997 ("OWA")**. The respondent applies this formula to the complainant in the same way that it does to all other persons who receive public assistance pursuant to the **OWA**.
3. The evidence further indicates that the complainant has failed to establish a social area with respect to the allegations against the respondent. The respondent does not itself provide accommodation to the complainant, but instead provides her with financial assistance. As a result, the complaint cannot be said to be "with respect to the occupancy of accommodation" within the meaning of the **Code**. Therefore the complaint is not within the jurisdiction of the Commission.
4. Given the totality of the evidence, in the particular circumstances of this case, the complaint can be characterized as vexatious.

For the above reasons, the Commission considers that the complaint falls within the provisions of subsections 34(1)(b) and (c) of the **Code**.

Approved: 
Keith G. Norton, Q.C., B.A., LL.B.
Chief Commissioner

Date: March 17, 2004

NOTICE TO COMPLAINANTS

Where the Commission has made a decision

- a) not to deal with a complaint under Section 34 of the *Code*, or
- b) not to refer the subject matter of the complaint to the Human Rights Tribunal of Ontario under Section 36 of the *Code*,

you have the right to make an application "request" for reconsideration of the Commission's original decision.

Your request must reach the Commission's office within ***15 calendar days*** of the ***date of mailing*** of this notice and the enclosed decision.

If your request arrives at the Commission's office ***past*** the 15 day time limit, it ***must*** contain the special reasons why you believe the Commissioners should allow a late request. The Commissioners will then decide, in their discretion, if the extension will be granted. Failure to submit any or sufficient special reasons may result in the Commissioners not granting an extension or dismissing the request on that basis alone. ***Extensions are not automatic.***

All requests for reconsideration must be in writing and must contain a ***concise statement of the material facts*** upon which the request is based.

If you are relying on documents to support your application please provide copies.

The request for reconsideration or the request for an extension of time should be sent directly to:

Office of the Registrar
Ontario Human Rights Commission
180 Dundas Street West, 7th Floor
Toronto, Ontario M7A 2R9
Fax No.: (416) 325-2004

Please note that when you apply for reconsideration, the Commission will send a copy of your request to the respondent(s).

When the Commissioners have made their decision, you and the respondent(s) will be notified in writing of the decision. This decision will be final.