

Canadian Human
Rights Tribunal



Tribunal canadien
des droits de la personne

BETWEEN:

ROBERT BALLANTYNE

Complainant

- and -

CANADIAN HUMAN RIGHTS COMMISSION

Commission

- and -

CANADIAN UNION OF POSTAL WORKERS

Respondent

DECISION

MEMBER: Edward P. Lustig

2010 CHRT 17
2010/06/11

[1] The hearing in this complaint was convened at 10:00 a.m. on Tuesday, June 1, 2010 at the Federal Court local office, located at 363 Broadway Avenue, 4th Floor, in Winnipeg, Manitoba. Before the commencement of the hearing, the Tribunal Registry Officer called for appearances and asked the parties to complete their records of appearance. Mr. Gord Fischer, National Director and representative for the Canadian Union of Postal Workers was in attendance with Mr. Myron May and Ms. Trish Masniuk. The Canadian Human Rights Commission had previously informed the Tribunal that it would not participate at the hearing.

[2] The complainant, Robert Ballantyne, did not appear and was not in attendance at the open of the hearing nor did anyone appear on his behalf.

[3] The Tribunal adjourned the hearing until 10:20 a.m. of that same day. Upon resumption, the Registry Officer read the case for hearing and again called for appearances. The representative of the Respondent was again in attendance but neither the Complainant nor anyone on his behalf was present.

[4] Documents were filed as Tribunal exhibit "T-1" confirming notification of this hearing to the complainant, including:

- a) Tribunal's directions letter dated November 30, 2009. Informing the parties of Rule 9 of the Canadian Human Rights Tribunal's Rules of Procedure. Electronic mail message dated November 30, 2009 - Confirmation of the Tribunal's November 30, 2009 directions letter;
- b) Tribunal's directions letter dated January 28, 2010. Referring the parties to the Tribunal's November 30, 2009 directions letter. Electronic mail message dated January 28, 2010 - Confirmation of the Tribunal's January 28, 2010 directions letter;
- c) Tribunal's letter dated May 18, 2010. Attaching the Notice of Hearing dated May 18, 2010 confirming the June 1, 2010 hearing dates in Winnipeg, Manitoba;

- d) Electronic mail message dated and delivered on May 19, 2010 - Confirmation of the Tribunal's May 18, 2010 letter and the Notice of Hearing dated May 18, 2010;
- e) Print out of the Canada Post Personal Results details for item TM 132511961CA indicating that the item that was sent out for delivery on May 20, 2010, to the Complainant's last known address, however, it was being returned to the sender. Recipient not located at address provided. The package contained the Tribunal's directions letter dated November 30, 2009, the Tribunal's directions letter dated January 28, 2010 and the Tribunal's Notice of Hearing dated May 18, 2010.

[5] No evidence was called or otherwise provided in support of Robert Ballantyne's complaint. Accordingly, I find that the complaint filed under section 14.1 of the Canadian Human Rights Act by Robert Ballantyne, dated February 10, 2007, against the Canadian Union of Postal Workers has not been substantiated and is hereby dismissed under section 53(1) of the *Canadian Human Rights Act*.

"I hereby certify that the foregoing is a true and accurate representation of my oral decision given from the bench on June 1, 2010."

"Signed by"

Edward P. Lustig

OTTAWA, Ontario
June 11, 2010

CANADIAN HUMAN RIGHTS TRIBUNAL

PARTIES OF RECORD

TRIBUNAL FILE: T1319/4908

STYLE OF CAUSE: Robert Ballantyne v. Canadian Union of Postal Workers

DATE AND PLACE OF HEARING: June 1, 2010
Winnipeg, Manitoba

DECISION OF THE TRIBUNAL DATED: June 11, 2010
(Oral decision rendered from the bench on June 1, 2010)

APPEARANCES:

No one appearing For the Complainant

No one appearing For the Canadian Human Rights Commission

Gord Fischer and Myron May For the Respondent