



Human Rights Tribunal of Ontario

Application under Section 34 of the *Human Rights Code* (Form 1)

(Disponible en français)

www.hrto.ca

How to Apply to the Human Rights Tribunal of Ontario

Before you start:

1. Read the questions and answers below to find out if the Human Rights Tribunal of Ontario (the Tribunal) has the ability to deal with your Application.
2. Download and read the **Applicant's Guide** from the Tribunal's website www.hrto.ca. If you need a paper copy or accessible format, contact us:

Human Rights Tribunal of Ontario
655 Bay Street, 14th floor
Toronto, Ontario
M7A 2A3

Phone: 416-326-1312 Toll-free: 1-866-598-0322
Fax: 416-326-2199 Toll-free: 1-866-355-6099
TTY: 416-326-2027 Toll-free: 1-866-607-1240
Email: hrto.registrar@ontario.ca
Website: www.hrto.ca

The Tribunal has other guides and practice directions to help all parties to an application understand the process. Download copies from the Tribunal's website at www.hrto.ca or contact us.

3. Complete each section of this Application form. As you fill out each section, refer to the instructions in the **Applicant's Guide**.

Getting help with your Application

For free legal assistance with the application process, contact the **Human Rights Legal Support Centre**.

Website: www.hrisc.on.ca. Mail: 180 Dundas Street West, 8th Floor, Toronto, Ontario M7A 0A1. Phone: 416-314-6266. Toll-free: 1-866-625-5179. Fax: 416-314-6202; Toll-free fax: 1-866-625-5180. TTY: 416-314-6651. Toll-free TTY: 1-866-612-8627.

Questions About Filing an Application with the Tribunal

The following questions and answers are provided for general information. They should not be taken as legal advice or a determination of how the Tribunal will decide any particular application. For legal advice and assistance, contact the **Human Rights Legal Support Centre**.

Who can file an Application with the Tribunal?

You can file an application if you believe you experienced discrimination or harassment in one of the five areas covered by the Ontario *Human Rights Code* (the *Code*). The *Code* lists a number of grounds for claiming discrimination and harassment. To find out if you have grounds for your complaint under the *Code*, read the **Applicant's Guide**.

What is the time limit for filing an Application?

You can file an application up to one year after you experienced discrimination or harassment. If there was a series of events, you can file up to one year after the last event. In some cases, the Tribunal may extend this time.

The discrimination happened outside Ontario. Can I still apply?

In most cases, no. To find out about exceptions, contact the **Human Rights Legal Support Centre**.



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My complaint is against a federal government department, agency, or a federally regulated business or service. Should I apply to the Tribunal?

No. Contact the Canadian Human Rights Commission. Website: www.chrc-ccdp.ca. Mail: 344 Slater Street, 8th Floor, Ottawa, Ontario K1A 1E1. Phone: (613) 995-1151. Toll-free: 1-888-214-1090. TTY: 1-888-643-3304. Fax: (613) 996-9661.

Should I use this form if I am applying because a previous human rights settlement has been breached?

No. If you settled a previous human rights application and the respondent did not comply with the settlement agreement, use the special application called **Application for Contravention of Settlement, Form 18**. For a paper copy, contact the Tribunal.

Can I file this Application if I am dealing with or have dealt with these facts or issues in another proceeding?

The *Code* has special rules depending on what the other proceeding is and at what stage the other proceeding is at. **Read the Applicant's Guide and get legal advice, if:**

1. You are currently involved in, or were previously involved in a civil court action based on the same facts and asked for a human rights remedy; or
2. You have ever filed a complaint with the Ontario Human Rights Commission based on the same subject matter; or
3. You are currently involved in, or were previously involved in another proceeding (for example, union grievance) based on the same facts.

How do I file an application on behalf of another person?

To file an application on behalf of another person, you must complete and file this Application (Form 1) as well as an Application on Behalf of Another Person (Form 4). When completing this Application, you must check the box in Question 1 that indicates you are filing an Application on Behalf of Another Person (Form 4). You must provide your name and contact information in Question 1.

The completed Form 4 can be attached to your Application or sent to the Tribunal separately by mail, fax or email. If sent separately, it must be sent within **five (5) days** following the filing of your Application.

For more information on applications on behalf of another person, please see the Tribunal's Practice Direction.

Note: If you are a lawyer or other legal representative assisting an applicant with their Application do not use the Application on Behalf of Another Person (Form 4) to provide your details. A lawyer's or other legal representative's details should be provided in section 3, "Representative Contact Information," of this Application (Form 1).

Learn more

To find out more about human rights in Ontario, visit www.ohrc.on.ca or phone 1-800-387-9080.



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Instructions: Complete all parts of this form, using the **Applicant's Guide** for help. If your form is not complete, the Tribunal may return it to you. This will slow down the application process. If you are filling this out on paper, please print and ensure that the information you include is legible. At the end of this form, you will be required to read and agree to a declaration that the information in your Application is complete and accurate (if you are a lawyer or legal representative assisting an applicant with this Form 1, please see the **Practice Direction On Electronic Filing of Applications and Responses By Licensed Representatives**).

Contact Information for the Applicant

1. Personal Contact Information

Check here if you are filing an Application on Behalf of Another Person. **Note:** you must also complete a Form 4.

Please give us your personal contact information. This information will be shared with the respondent(s) and all correspondence from the Tribunal and the respondent(s) will go here. **If you do not want the Tribunal to share this contact information, you should complete section 2, below, but you must still provide your personal contact information for the Tribunal's records.**

First (or Given) Name	Middle Name	Last (or Family) Name
Frank		Fowlie

Street #	Street Name	Apt/Suite
140	McCutcheon Place	

City/Town	Province	Postal Code	Email
Richmond	BC	V7A 4Z2	frank@fowlie.ca

Daytime Phone	Cell Phone	Fax	TTY
604-644-3308	604-644-3308		

What is the best way to send information to you?
 (if you check email, you are consenting to the delivery of documents by email) Mail Email Fax

2. Alternative Contact Information

If you want the Tribunal and respondent(s) to contact you through another person, you must provide contact information for that person below. You should fill this section out if it will be difficult for the Tribunal to reach you at the address above or if you want the Tribunal to keep your contact information private. **If you complete this section, all of your correspondence will be sent to you in care of your Alternative Contact.**

First (or Given) Name	Middle Name	Last (or Family) Name

Street #	Street Name	Apt/Suite

City/Town	Province	Postal Code	Email

Daytime Phone	Cell Phone	Fax	TTY



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What is the best way to send information to you at your alternative contact? Mail Email Fax
(if you check email, you are consenting to the delivery of documents by email)

3. Representative Contact Information

Complete this Section only if you are authorizing a lawyer or other Representative to act for you.

I authorize the organization and/or person named below to represent me.

First (or Given) Name Last (or Family) Name

Organization (if applicable):

Street # Street Name Apt/Suite

City/Town Province Postal Code Email

Daytime Phone Cell Phone Fax TTY

LSUC No. (if applicable):

What is the best way to send information to your representative? Mail Email Fax
(if you check email, you are consenting to the delivery of documents by email)

4. Respondent Contact Information

Provide the name and contact information for any respondent against which you are filing this Application. If there is more than one respondent and you are filling this out on paper, please attach a separate sheet of paper with the information for each respondent. Number each page.

a) Organization Respondent

Name the organization you believe discriminated against you. You should also indicate the contact person from the organization to whom correspondence can be addressed.

Full Name of Organization

Name of Contact Person from the Organization

First (or Given) Name Last (or Family) Name Title

Street # Street Name Apt/Suite

City/Town Province Postal Code Email

Daytime Phone Cell Phone Fax TTY



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b) Individual Respondent

If you believe that an individual should be a respondent, provide their name and contact information below. Prior to naming individuals, you should consult the Tribunal's **Practice Direction on Naming Respondents** available on our website at www.hrto.ca.

First (or Given) Name	Middle	Last (or Family Name)	
George		Kirikos	
Street #	Street Name	Apt/Suite	
34	Burnfield Ave		
City/Town	Province	Postal Code	Email
Toronto	ON	M6G1Y5	george@kirikos.com
Daytime Phone	Cell Phone	Fax	TTY
416-588-0269		416-588-5641	

Grounds of Discrimination

Grounds Claimed

The Ontario *Human Rights Code* lists the following grounds of discrimination or harassment. Put an "X" in the box beside each ground that you believe applies to your Application. You can check more than one box.

- Race
- Colour
- Ancestry
- Place of Origin
- Citizenship
- Ethnic Origin
- Disability
- Creed
- Sex, Including Sexual Harassment, Pregnancy, And Gender Identity
- Sexual Solicitation or Advances
- Sexual Orientation
- Family Status
- Marital Status
- Age
- Receipt of public assistance (Note: This ground applies only to claims about Housing)
- Record of offences (Note: This ground applies only to claims about Employment)
- Association with a Person Identified by a Ground Listed Above
- Reprisal or Threat of Reprisal



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Application under Section 34 of the Human Rights Code (Form 1) Areas of Discrimination under the Code

6. Area of Alleged Discrimination

The Ontario *Human Rights Code* prohibits discrimination in five areas. Put an "X" in the box beside the area where you believe you have experienced discrimination (choose one). See **Applicant's Guide** for more information on each area.

- Employment (Complete and attach Form 1-A)
- Housing (Complete and attach Form 1-B)
- Goods, Services, and Facilities (Complete and attach Form 1-C)
- Contracts (Complete and attach Form 1-D)
- Membership in a Vocational Association (Complete and attach Form 1-E)

Does your Application involve discrimination in any other areas? Yes No

Put an "X" in the box beside any other areas where you believe you experienced discrimination:

Employment Housing Goods, Services, and Facilities Contracts Membership in a Vocational Association

acts that Support Your Application

7. Location and Date (See Applicant's Guide)

Please answer the following questions.

a) Did these events happen in Ontario?	<input checked="" type="radio"/> Yes <input type="radio"/> No
b) In what city/town?	Toronto
c) What was the date of the last event? (dd/mm/yyyy)	05/02/2011
d) If you are applying more than one year from the last event, please explain why:	

8. What Happened

In the space below, describe each event you believe was discriminatory. Add more pages if you need to. Number each page.

For each event, be sure to say:

- **What** happened
- **Who** was involved
- **When** it happened (day, month, year)
- **Where** it happened

Be as complete and accurate as possible. Be sure to give details of every incident of discrimination you want to raise in the hearing.

My name is Dr. Frank Fowlie. I am the President of 6315941 Canada Limited, a privately held company based in



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Richmond, BC. My company has acted under a contract with the Internet Corporation for Assigned Names and Numbers (ICANN) since November 2004, up to and including January 31, 2011. I presently am engaged with ICANN to provide training and orientation to my replacement as Ombudsman, once that person or entity is hired by the agency.

ICANN is the international body which administers the domain name system which serves as the addressing backbone for the Internet. It is based on a multi-stakeholder model which comprises many pillars of participation; including national governments, educational institutions, internet registries and registrars, businesses, not for profit and non commercial internet users, and individual users of the internet. (Please see, for example: <http://www.icann.org/en/participate/what-icann-do.html> .)

Mr. George Kirikos, the respondent, is a stakeholder in ICANN and over the years he has participated in a number of groups, such as the Business Constituency, and the General Assembly discussion group. During this period of time, Mr. Kirikos has been a regular critic of me, and my Office as the Ombudsman.

On February 5, 2011, Mr. Kirikos apparently ran my name through the Canadian Legal Information Institute (CANLII) to find if there was any information about me, or any legal proceeding in which I may have been involved. The Federal Court of Canada database is not accessible through web browsers, and can only be accessed by a search through CANLII or the Federal Court webpages.

was a plaintiff in a 1998 request for judicial review concerning funding to take an educational program. The funding was refused, and I applied for a judicial review. Paragraph 2 of the Reasons for Judgment indicated that I was suffering from Bi-Polar disorder; a disability, or perceived disability within the scope of the authority of the Tribunal as defined in Section 10:

Definitions re: Parts I and II

10. (1) In Part I and in this Part,
"disability" means, ...
(d) a mental disorder,

The Ontario Human Rights Commission states the following about mental illness:

Mental disability

Although mental disability is a form of non-evident disability, it raises particular issues that merit independent consideration. Over the years, many employers have expressed the need for specific guidance on the issue of mental disability. Section 10 of the Code expressly includes mental disabilities. Persons with mental disabilities face a high degree of stigmatization and significant barriers to employment opportunities. Stigmatization can foster a climate that exacerbates stress, and may trigger or worsen the person's condition. It may also mean that someone who has a problem and needs help may not seek it, for fear of being labelled.

The Supreme Court of Canada has recognized the distinct disadvantage and negative stereotyping faced by persons with mental disabilities, and has held that discrimination against individuals with mental disabilities is unlawful. In *Gibbs*

Battlefords, the Court struck down an insurance plan for employees with disabilities that limited benefits for mental disabilities to a lower level than for physical disabilities. It is therefore the OHRC's position that such distinctions are prima facie discriminatory.



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Mr. Kirikos made the following Tweets:

GeorgeKirikos George Kirikos

From <http://goo.gl/VtYfi> about Frank Fowlie (yes, of #ICANN) "a diagnosis in 1997 that he was suffering from severe Bi-Polar II Disorder"

5 Feb

GeorgeKirikos George Kirikos

Frank Fowlie v. Her Majesty The Queen <http://goo.gl/VtYfi> I found a copy on CanLII database, and it was definitely the #ICANN Fowlie.

5 Feb

GeorgeKirikos George Kirikos

Frank Fowlie v. Her Majesty The Queen <http://goo.gl/K1gIS> Is this the #ICANN Fowlie, or a different one? Wonder what got deleted in 2002?

7 Feb

In each tweet Mr. Kirikos purposefully provided a reference to the complete decision, and also included a reference to my employment. There can be no doubt that while each of these is harassing in and of itself, that the post which "outs" me as a person having a disability is discriminatory, and is a violation of Section 5 (2) of the Ontario Human Rights Code:

Employment

5. (1) Every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status or disability. R.S.O. 1990, c. H.19, s. 5 (1); 1999, c. 6, s. 28 (5); 2001, c. 32, s. 27 (1); 2005, c. 5, s. 32 (5).

Harassment in employment

(2) Every person who is an employee has a right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, record of offences, marital status, family status or disability. R.S.O. 1990, c. H.19, s. 5 (2); 1999, c. 6, s. 28 (6); 2001, c. 32, s. 27 (1); 2005, c. 5, s. 32 (6).

There can be no reasonable explanation for Mr. Kirikos making the offending tweet, other than to "out" me as a person with a disability; and by doing so to stigmatize, defame, belittle, tarnish my reputation, to impact my ability to fully participate in Canadian society, and finally to impugn my ability to find or continue employment or contractual opportunities; the whole of which is harassment due to a disability, which is therefore discrimination, and thus unlawful. Mr. Kirikos' actions are deliberate and mean-spirited.

The Effect On You



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9. How the Events You Described Affected You

Tell us how the events you described affected you (e.g. were there financial, social, emotional or mental health, or other effects)? Add more pages if you need to. Number each page.

This harassment and discrimination has had an impact upon me. I feel stigmatized and defamed by Mr. Kirikos. He has tarnished and put at risk my reputation as an internationally recognized expert on dispute resolution. Mr. Kirikos has put me at risk for finding continuing employment and contractual opportunities as I transition out of ICANN to private practice consulting.

The Remedy

10. The Remedy You are Asking for (See Applicant's Guide)

Put an "X" in the box beside each type of remedy you are asking that the Tribunal order. Explain why you want it in the space below.

Monetary Compensation

Enter the Total Amount \$10,000.00

Explain below how you calculated this amount:

While the impact of Mr. Kirikos' discrimination on my continuing or future employment or contracts is impossible to quantify, some portion of this quantum remedies that; the amount also acts as a deterrent for Mr. Kirikos to continue such discrimination in the future.

Non-monetary Remedy – Explain below:

That the Tribunal order Mr. Kirikos to delete or remove the offending and all other posts concerning Dr. Fowlie from Twitter, ICANN discussion groups, or any other websites.

Remedy for Future Compliance (Public Interest Remedy) – Explain below:

The the Tribunal order Mr. Kirikos to be bound by a Section 810 Criminal Code of Canada Peace Bond, and that Mr. Kirikos refrain from discriminating against or harassing Dr. Fowlie in the future.

Mediation

11. Choosing Mediation to Resolve your Application

Mediation is one of the ways the Tribunal tries to resolve disputes. It is a less formal process than a hearing. Mediation can only happen if both parties agree to it. A Tribunal Member will be assigned to mediate your Application. The Member will meet with you to talk about your Application. The Member will also meet with the respondent(s) and will try to work out a solution that both sides can accept. If mediation does not settle all the issues, a hearing will still take place and a different Member will be assigned to hear the case. Mediation is confidential.

Do you agree to try mediation?

Yes

Other Legal Proceedings

12. Civil Court Action (see Applicant's Guide)

Note: If you answer "Yes" to any of these questions, you must send a copy of the statement of claim that started the



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court action.

a) Has there been a court action based on the same facts as this Application?	<input type="radio"/> Yes (Answer 12b) <input checked="" type="radio"/> No (Go to 13)
b) Did you ask the court for a remedy based on the discrimination?	<input type="radio"/> Yes (Answer 12c) <input type="radio"/> No (Answer 12g)
c) Is the court action still going on?	<input type="radio"/> Yes (Answer 13) <input type="radio"/> No (Answer 12d)
d) Was the court action settled?	<input type="radio"/> Yes (Answer 13) <input type="radio"/> No (Answer 12e)
e) Has the court action been decided?	<input type="radio"/> Yes (Answer 13) <input type="radio"/> No (Answer 12f)
f) Was the court action withdrawn?	<input type="radio"/> Yes (Answer 13) <input type="radio"/> No (Answer 12g)
g) If the court action does not ask for a remedy based on the discrimination, are you asking the Tribunal to defer (postpone) your Application until the court action is completed?	<input type="radio"/> Yes <input type="radio"/> No

13. Complaint Filed with the Ontario Human Rights Commission (see Applicant's Guide)

Note: If you answer "Yes", you must attach a copy of the complaint.

Have you ever filed a complaint with the Commission based on the same facts as this Application?	<input type="radio"/> Yes <input checked="" type="radio"/> No
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14. Other Proceeding - in Progress (see Applicant's Guide)

Note: If you answer "Yes" to Question "14a", you must attach a copy of the document that started the other proceeding.

a) Are the facts of this Application part of another proceeding that is still in progress?	<input type="radio"/> Yes (Answer 14b) <input checked="" type="radio"/> No (Go to 15)
b) Describe the other proceeding:	
<input type="checkbox"/> A union grievance	Name of union:
<input type="checkbox"/> A claim before another board, tribunal or agency	Name of board, tribunal, or agency:
<input type="checkbox"/> Other	Explain what the other proceeding is:
c) Are you asking the Tribunal to defer (postpone) your Application until the other proceeding is completed?	<input type="radio"/> Yes <input checked="" type="radio"/> No

15. Other Proceeding - Completed (see Applicant's Guide)

Note: If you answer "Yes" to Question "15a", you must attach a copy of the document that started the other proceeding and a copy of the decision from the other proceeding.



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a) Were the facts of this Application part of some other proceeding that is now completed? Yes (Answer 15b) No (Go to 16)

b) Describe the other proceeding:

<input type="checkbox"/> A union grievance	Name of union:	
<input type="checkbox"/> A claim before another board, tribunal or agency	Name of board, tribunal, or agency:	
<input type="checkbox"/> Other	Explain what the other proceeding is:	

c) Explain why you believe the other proceeding did not appropriately deal with the substance of this Application.

Documents that Support this Application

16. Important Documents You Have

if you have documents that are important to your Application, list them here. List only the most important. Indicate whether the document is privileged. See the Applicant's Guide.

Note: You are not required to send copies of these documents at this time. However, if you decide to attach copies of the documents you list below to your Application they will be sent to the other parties to the Application along with your Application.

Document Name	Why It Is Important To My Application
Twitter Feeds	Kirikos' discriminatory posting, and other recent harrasing posts comcerning the Plaintiff
CANLII	Reasons for Judgment cited by Kirikos

17. Important Documents the Respondent(s) Have

If you believe the respondent(s) have documents that you do not have that are important to your Application, list them here. List only the most important.

Document Name	Why It Is Important To My Application	Name of Respondent Who Has It



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18. Important Documents Another Person or Organization Has

If you believe another person or organization has documents that you do not have that are important to your Application, list them here. List only the most important.

Document name	Why it is important to my Application	Name of Person or Organization Who Has It

Confidential List of Witnesses

19. Witnesses

Please list the witnesses that you intend to rely on in the hearing. **Note:** The Tribunal will not send this list to the respondent(s). See the Applicant's Guide.

Name of Witness	Why This Witness Is Important To My Application

Other Important Information



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20. Other Important Information the Tribunal Should Know

Is there any other important information you would like to share with the Tribunal?

Application under Section 34 of the *Human Rights Code* (Form 1) Checklist of Required Documents

21. Area of Discrimination from Question 6

Attach a form for each area you checked in Question 6

- Employment (Form 1-A)
- Housing (Form 1-B)
- Good, Services, and Facilities (Form 1-C)
- Contracts (Form 1-D)
- Membership in Vocational Association (Form 1-E)

22. Other Documents, from Question 12 to 15

Confirm whether you are sending the Tribunal any of the following documents:

- A copy of a statement of claim (from Question 12)
- A copy of a complaint filed with the Ontario Human Rights Commission (from Question 13)
- A copy of a document that started another proceeding based on these facts (from Question 14 or 15)
- A copy of a decision from another proceeding based on these facts (from Question 15)

23. Declaration and Signature

Instructions: Do not sign your Application until you are sure that you understand what you are declaring here.

Declaration:

To the best of my knowledge, the information in my Application is complete and accurate.

I understand that information about my Application can become public at a hearing, in a written decision, or in other ways determined by Tribunal policies.

I understand that the Tribunal must provide a copy of my Application to the Ontario Human Rights Commission on request.

I understand that the Tribunal may be required to release information requested under the Freedom of Information and Protection of Privacy Act (FIPPA).

Frank Fowle
Name



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24/02/2011

Date (dd/mm/yyyy)

Applicant's Signature

Please check this box if you are filing your Application electronically. This represents your signature. You must fill out the date, above.

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Accommodation Required

If you require accommodation of *Code*-related needs please contact the Registrar at:

Email: HRTO.Registrar@ontario.ca
Phone: 416-326-1519 Toll-free: 1-866-598-0322
Fax: 416-326-2199 Toll-free: 1-866-355-6099
TTY: 416-326-2027 Toll-free: 1-866-607-1240

Where to Send your Application

Note: Only file your Application once. If the Tribunal receives this Application more than once, it will only accept the first Application form received.

Send your completed Application form and any attachments to:

Human Rights Tribunal of Ontario
55 Bay Street, 14th floor
Toronto, Ontario
M7A 2A3
Fax: 416-326-2199 Toll-free: 1-866-355-6099
Email: HRTO.Registrar@ontario.ca