

Tribunal File No.:

**HUMAN RIGHTS TRIBUNAL  
OF ONTARIO**

BETWEEN:

[REDACTED]

Applicant

- and -

CITY OF GREATER SUDBURY, GARY COMN, DREW PELOQUIN, [REDACTED]  
KEVIN FOWKE, [REDACTED] and NICK BENKOVICH

Respondents

**RESPONSE TO AN APPLICATION**

Date: June 8, 2012

**HICKS MORLEY HAMILTON  
STEWART STORIE LLP**  
Barristers & Solicitors  
77 King Street West, 39th Floor  
Box 371, TD Centre  
Toronto, Ontario M5K 1K8

**Timothy P. Liznick**  
Tel: 416-864-7317 Fax: 416-362-9680  
LSUC No.: 33355U  
E-mail: [tim-liznick@hicksmorley.com](mailto:tim-liznick@hicksmorley.com)

**Mireille Khoraych**  
Tel: 416-864-7356 Fax: 416-362-9680  
LSUC No.: 55259E  
E-mail: [mireille-khoraych@hicksmorley.com](mailto:mireille-khoraych@hicksmorley.com)

Solicitors for the Respondents

discrimination, harassment or other conduct targeting the Applicant, under the Code or otherwise.

94. The fact that the Applicant is aware that the clearing requirement applies to all water operators is further evidenced through the petition that he started amongst his colleagues and which is attached to his application at Exhibit 146. The Applicant is fully aware that the requirement is in no way related to his race, place of origin, colour, ancestry or other protected ground under the Code and that he is in no way singled out or targeted by the clearing duty requirement.
95. Finally, with respect to the 1 day suspension received for making a sampling error, the Respondents again deny any connection whatsoever between the discipline issued and any protected grounds under the Code. The error made was serious and compromised the City's ability to properly monitor its drinking water and ensure its safety for the City's citizens. The error was also a direct breach of regulatory requirements. The one day suspension was not unreasonable, given the gravity of the error and the Applicant's prior disciplinary history. The discipline was in no way motivated or influenced by any protected ground under the Code.

96. The Respondents concede that there are significant workplace issues in W/WW involving the Applicant and which require resolution. However, the fact is that these

are not related to the application of the Code.

97. In addition, the Respondents state that the Applicant has filed the instant application in bad faith, in an attempt to further his course of vexatious conduct towards the Respondents. The instant application is frivolous and without any merit whatsoever.

#### ***Effect on Personal Respondents***

98. The instant application, in addition to the numerous other proceedings commenced by the Applicant have had a detrimental impact on each of the personal respondents and other employees in the workplace.
99. The Applicant has personally attacked each of the Personal Respondents who were all acting within the parameters of their employment positions. The Applicant's numerous proceedings have had a chilling effect on both his superiors and his peers. Those around him are now afraid to take any steps out of fear that they will be named in a complaint next. The City is also concerned about the evident impact on employee morale and productivity resulting from the Applicant's actions.