



HUMAN RIGHTS TRIBUNAL OF ONTARIO

BETWEEN:

Edwin Banghart

Applicant

-and-

Elgin Condominium Corporation No. 1

Respondent

INTERIM DECISION

Adjudicator: Alison Renton

Date: January 7, 2009

File Number: 2008-00785-I

Citation: 2009 HRTO 13

Indexed as: **Banghart v. Elgin Condominium Corporation No. 1**

[1] This Interim Decision addresses a Request by the applicant to expedite the hearing of this matter pursuant to Rule 21 of the Tribunal's Rules of Procedure (the "Rules"). Rule 21.1 provides an applicant may request "that the Tribunal deal with an Application on an expedited basis in circumstances which require an urgent resolution of the issues in dispute".

[2] The applicant filed an Application with the Tribunal pursuant to s. 34 of the *Human Rights Code*, R.S.O. 1990, c. H.19, as amended (the "Code"), on November 21, 2008 alleging discrimination in the area of housing on the basis of disability and age. The essence of the Application is that the respondent has refused to allow the applicant to use a patio door that he installed, without the respondent's approval, in his condominium unit as a safe egress. In support of his Request to Expedite, the applicant stated that he will be 88 years of age in February 2009 and his companion is 84 years of age. Further, the applicant identified "life expectancy" as the harm that would result if his request is denied.

[3] The respondent filed a Response to the Request to Expedite. The respondent did not necessarily oppose the applicant's request, but submitted, among other points, that the age of the applicant and his companion do not in and of themselves create an urgency that warrants expedited proceedings. Further, "life expectancy" was too vague an alleged harm to permit the respondent to effectively respond.

[4] A request to expedite proceedings must describe urgent circumstances that may affect the fair and just resolution of the merits of the application and the harm that would result if the request is denied. Further, in *Weerawardane v. 2152458 Ontario Ltd.*, 2008 HRTO 53 (CanLII), at paragraph 9, the Tribunal held as follows:

For a request to expedite to be granted, the applicant must demonstrate that the circumstances are truly urgent, requiring the resolution of the human rights dispute in a particularly rapid manner as compared with the time required to complete the Tribunal's regular process.

[5] The Request to Expedite is denied. While the applicant has identified his age and the age of his companion, he has not provided any explanation as to why their ages create an urgency that warrants expedited proceedings. Further, he has not provided explanation or support for the claim that a refusal to expedite would adversely affect his life expectancy. This decision does not prevent the applicant from making a further Request to Expedite if his circumstances change.

[6] While the Request to Expedite is denied, the applicant will soon be 88 years of age. Accordingly, the Registrar will work with the parties to schedule mutually convenient early hearing dates

[7] I am not seized of this matter.

Dated at Toronto, this 7th day of January, 2009.

“Signed by”

Alison Renton
Vice-Chair