

ENDORSEMENT ON THE RECORD

Ontario Superior Court of Justice, District of Thunder Bay

Court File No. DC-24-00000016-00JR

The Corporation of the Township of Emo et al. v. Borderland Pride et al.

Date:	Endorsement (corrected after given orally):
June 15, 2026	<p>A. McKittrick and C. Hilchuk, for the Applicant the Township of Emo P. Cassan and B. Hollingsworth, for the Applicant Harold McQuaker, and the Applicant, Harold McQuaker M. Anderson and K. Galldin, for the Respondent Borderland Pride T. Phelan and T. Rynard, for the Respondent Douglas Judson, and the Respondent, Douglas Judson M. Noble, for the Respondent Human Rights Tribunal of Ontario E. Chan, for the Intervenor Justice for Children and Youth J. Dehaas, for the Intervenor Canadian Constitution Foundation G. Ko, for the Intervenor Fierté Canada Pride</p> <p>This application for judicial review challenges a decision of the Human Rights Tribunal of Ontario dated Nov. 20, 2024, which found discrimination. The HRTO decision arose from a municipal council decision in May 2020. The application to the HRTO that alleged discrimination was brought in June 2020, but not decided at the HRTO until November 2024. Among other issues before us, the applicant complains about that delay. In this Court there was not a significant delay. The application was brought in December 2024 and was case managed. Ultimately, the hearing was scheduled for today.</p> <p>The applicants did not seek a reconsideration at the HRTO. The respondents did not raise that as an issue until very late in the process in this Court. The issues of prematurity, and whether this court should exercise its discretion to hear this application, were raised by the court at the outset of the hearing today.</p> <p>After considering the submissions on these preliminary issues, the court has decided to stay this application pending a request for reconsideration at the HRTO, without prejudice to this application being brought back before this Court once the HRTO proceedings are completed. The following terms apply:</p> <ol style="list-style-type: none">1. Within 30 days from today, the applicants shall seek a reconsideration at the HRTO, which includes the request for an extension of time, and all parties participating shall promptly take the steps needed to complete the process at the HRTO;2. This Court requests that the HRTO take the past delay into account and the late raising of the issue in its scheduling of all upcoming steps at the HRTO, along with this decision and its reasons for decision, to minimize further delays;3. Once the HRTO steps are complete, the applicants may reinstate their application in this court without requiring that any party re-serve or re-file their court documents in this application or pay any filing fees again – to do so, the applicants need only file a new intake

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form within 30 days of the end of the HRTO process, attaching this oral decision and the related reasons to follow, and request case management to get to a hearing with minimum steps;

4. If this application is reinstated, the prior decision regarding interveners shall continue to apply;
5. If this application is reinstated, the parties shall file supplementary materials about the intervening steps at the HRTO and they may, but are not obliged to, file updated versions of their existing materials;
6. The consent stay dated March 31, 2025, of the HRTO 2020 decision, shall continue until the reinstated application is decided, or the applicants do not reinstate it within the time set out above, subject to further order of this court.

This court will release reasons to follow. In that regard, if any party submits that further terms are needed they may write to the court (up to two pages) and upload their letters to the Case Center within one week from today. Within that same time, the parties may discuss costs of today and if any party wishes to pursue costs, they shall include that submission in the above letter.

This decision will be provided to you in writing by email from the court, with reasons to follow.

Signed by the court registrar, on behalf of the Honourable Justice Heeney, the Honourable Justice Matheson, and the Honourable Justice Jensen