

Court dismisses Emo's judicial review application in human rights case

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/ *Borderland Pride*

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EMO – A discrimination ruling still stands against Emo and its mayor.

The Ontario Divisional Court has dismissed the Township of Emo and Mayor Harold McQuaker's application for judicial review to overturn the decision that they had violated the Human Rights Code by refusing to declare June in 2020 as Pride Month.

In 2024, the [Ontario Human Rights Tribunal \(HRT\) ruled](#) that Emo and McQuaker had discriminated against Borderland Pride and ordered that they pay a collective \$15,000 in

damages.

The Divisional Court consisted of Justices Thomas Heeney, Wendy Matheson and Karen Jensen, who found on June 15 that the township and its mayor failed to pursue the tribunal's reconsideration process, deeming the judicial review application premature.

The reconsideration process involves asking the tribunal for a review of its decision by an internal individual not involved in the original decision.

Counsel for the township, Allan McKittrick, said that it would be a waste of time and money to request reconsideration from the tribunal because they would not have any new points to bring forth, the idea to pursue reconsideration had not been suggested by any party, and because the tribunal does not often grant reconsiderations.

The divisional court panel noted that they are being asked by the applicants to assume that the tribunal would decline the request for reconsideration, and said that they needed to speak amongst themselves to reach a decision on whether to continue.

The panel granted the township 30 days to seek reconsideration from the tribunal and said the case could be revisited after the outcome of the reconsideration request was determined.

Borderland Pride said in a news release that the dismissal marks another setback in the township's years-long effort to resist accountability for its discriminatory treatment of the local 2SLGBTQIA+ community.

"After years of litigation and an adverse Human Rights Tribunal ruling, they now find themselves back at square one because they failed to follow the proper process," director of Borderland Pride, Douglas Judson, said.

Borderland Pride has an appeal before the Information and Privacy Commissioner of Ontario concerning the township's refusal to disclose how much taxpayer money has been spent since 2020 on legal fees to thwart the recognition of Pride and the 2SLGBTQIA+ community.

"Taxpayers deserve to know how much money has been spent pursuing this campaign, and why the township continues to fight so hard against equality, inclusion, and basic human dignity," Judson said.

Newswatch reached out to the Township of Emo and Mayor McQuaker for comment but did not receive a response.

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