



# HUMAN RIGHTS TRIBUNAL OF ONTARIO

---

**BETWEEN:**

**Galina Okouneva**

**Applicant**

**-and-**

**Ryerson University and Mohamed Lachemi**

**Respondents**

---

## INTERIM DECISION

---

**Adjudicator:** Ena Chadha  
**Date:** June 15, 2012  
**File Number:** 2012-11390-I  
**Citation:** 2012 HRTO 1191  
**Indexed as:** **Okouneva v. Ryerson University**

---

**WRITTEN SUBMISSIONS**

Galina Okouneva, Applicant                    )  
  )  
  )            Self-represented

[1] This Application was filed on April 24, 2012 under section 34 of Part IV of the *Human Rights Code*, R.S.O. 1990, c. H.19, as amended (the “Code”), alleging discrimination with respect to employment on the grounds of disability and sex.

[2] On May 10, 2012, the Tribunal issued a Notice of Intent to Dismiss, in which it directed the applicant to provide submissions explaining the incidents of discrimination and the delay in filing the Application as the Tribunal does not have the power to consider claims filed more than one year after the last incident of discrimination or the last in a series of incidents.

[3] The applicant filed written submissions on June 6, 2012. The applicant alleges that the steps and decisions that occurred over the past number of years as part of her tenure application process, which she impugns as discriminatory, culminated in her dismissal on May 3, 2011, which she claims is the last incident of discrimination.

[4] An application will only be dismissed at a preliminary stage before it is served on the respondents if it is “plain and obvious” on the face of the application that it does not fall within the Tribunal’s jurisdiction. This includes a decision to dismiss for delay. See *Battaglia v. Maplehurst Correctional Complex*, 2009 HRTO 1167.

[5] Section 34 of the Code provides:

(1) If a person believes that any of his or her rights under Part I have been infringed, the person may apply to the Tribunal for an order under section 45.2,

(a) within one year after the incident to which the application relates; or

(b) if there was a series of incidents, within one year after the last incident in the series.

(2) A person may apply under subsection (1) after the expiry of the time limit under that subsection if the Tribunal is satisfied that the delay was incurred in good faith and no substantial prejudice will result to any person affected by the delay.

[6] It appears, without making any findings in this regard, that the applicant is claiming that the alleged events constitute a series of discriminatory incidents.

[7] Based on the information provided by the applicant, and a review of the Application, it is not plain and obvious to me that the Application was filed more than a year after the last incident of discrimination or last incident in a series of incidents. Consequently the Tribunal will continue, at this point, to process the Application.

[8] I am satisfied that the Application should be delivered to the respondents and that the respondents should be given an opportunity to raise any preliminary concerns and address the allegations. The Tribunal shall serve the Application and a copy of this Interim Decision on the respondent. This is not a final decision with respect to the issue of whether some or all of the Application is barred by section 34 of the *Code*.

[9] I note that the applicant's submissions also refer to an on-going arbitration hearing. The respondents are directed to provide clarification with respect to this matter.

[10] As previously noted, this is not a final decision regarding the Tribunal's jurisdiction in respect of this Application, nor any indication of the merits of the Application. If the respondent takes the position that the Tribunal should not accept the Application or part of it because of delay or for any other reasons, the parties may be required to address those issues on a preliminary basis.

[11] I am not seized.

Dated at Toronto, this 15<sup>th</sup> day of June, 2012.

*\*Signed by\**

---

Ena Chadha  
Vice-chair