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Medallion Corporation, Respondent )) Kevin Kok, Counsel  
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## INTRODUCTION

[1] This is an Application filed under section 34 of Part IV of the [Human Rights Code, R.S.O. 1990, c. H.19](#), as amended (the “[Code](#)”) alleging discrimination based on their place of origin with respect to housing.

[2] Following a review of the Application, the Tribunal issued a Case Assessment Direction directing that a summary hearing take place. The summary hearing was held on September 8, 2022, by videoconference call and all parties participated.

[3] For the reasons that follow, I find that the Application has no reasonable prospect of success, and it is dismissed.

## THE SUMMARY HEARING PROCESS

[4] The summary hearing process is described in Rule 19A of the Tribunal’s Rules of Procedure as well as the Tribunal’s Practice Direction on Summary Hearing Requests. The purpose of a summary hearing is to consider, early in the proceeding, whether an application should be dismissed, in whole or in part, because there is no reasonable prospect that the application will succeed.

[5] At this stage, the Tribunal is not determining whether the applicant is telling the truth or assessing the impact of the treatment they allegedly experienced. The test of no reasonable prospect of success is determined by assuming the applicant’s version of events is true unless there is some clear evidence to the contrary.

[6] The Tribunal cannot address allegations of unfairness that are unrelated to the [Code](#). The Tribunal’s jurisdiction is limited to claims of discrimination that are linked to the protections set out in the [Code](#). As the Tribunal indicated in *Forde v. Elementary Teachers’ Federation of Ontario*, [2011 HRTO 1389](#), for an application to continue in the Tribunal’s process following a summary hearing, there must be a basis beyond mere speculation and accusations to believe that an applicant could show a breach of the [Code](#). As such, the burden at the summary hearing is on the applicant to explain what evidence they expect to be able to present at a merits hearing to prove that the alleged differential treatment was due, at least in part, to one or more prohibited grounds of discrimination.

## ANALYSIS

[7] In their Application, the applicant alleges that their landlord has refused to rent them the social room in the building or did not provide adequate protection for their vehicle. They allege that this is because they are Venezuelan.

[8] When the applicant held an event in the social room approximately two years before the application was filed, at that time the landlord entered the room and turned off the lights before addressing those in the room. There had been a noise complaint. Following that event, the applicant had difficulties renting the social room. The applicant tried to rent the room again in or about October 2019. They were not able to do so. The application is primarily concerning this incident.

[9] The applicant alleges that other tenants of the building can rent the social room. The applicant claims that tenants that the applicant identifies as Canadian, can rent the social room with ease. The applicant asserts that other people from the same country of origin as them, Venezuela, have not been able to rent the social room.

[10] The applicant alleges that the landlord does not try to understand them. Spanish is the first language of the applicant, and it is their feeling that the landlord does not take the time to understand them when they speak in English.

[11] The applicant also alleges that many amenities in the building do not work properly. For example, the applicant explained that the laundry room had broken laundry machines. This was very inconvenient for the applicant, because they had just given birth to a baby.

[12] There have been issues with electricity in the building. The applicant feels as though the landlord has not addressed the problem.

[13] Moreover, the applicant alleges that vehicle insurance for those that live in the building is very high because there are so many insurance claims. The applicant alleges that belongings were stolen from her vehicle and her husband's vehicle on at least three occasions. The applicant also allegedly once found a homeless person in her vehicle. The applicant feels as though the landlord has not addressed this issue and security concern.

[14] The respondent deny having discriminated against the applicant. They assert that the social event of the applicant that was disrupted was due to a noise complaint.

[15] The respondent also asserted that much of what was put forward during the hearing by the applicant were general grievances concerning inconveniences and unfairness that a tenant may at times have with respect to their landlord. The respondent insisted that the allegations of the applicant are unrelated to the [Code](#).

[16] At the summary hearing, the applicant was asked what evidence they expect to be able to present at a merit hearing to support a link between the respondent's actions regarding discrimination and the applicant's *Code*-enumerated ground, place of origin.

[17] In response, the applicant reiterated the allegations found in the Application, particularly, with respect to the renting of the social room, and other allegations that are not in the applications such as the laundry room not functioning properly and feeling generally unsafe and unheard regarding the building in which they live.

[18] I do not agree with the applicant that this is evidence from which I can draw an inference that the respondent was acting in a discriminatory manner. It appears that most of the allegations regarding this matter center on privately held views and assumptions concerning policies and maintenance of the building.

[19] While the test of no reasonable prospect of success is determined by assuming that the applicant's version of events is true, accepting the facts alleged by the applicant does not include accepting the applicant's assumptions about why they were allegedly treated unfairly. See *McMullen v. Maackon Corporation*, 2013 HRTO 233 at para. 7.

[20] It is not enough for the applicant to simply point to the fact that they have experienced discrimination based on a *Code*-enumerated ground and draw the conclusion that this must be why the respondent acted in the manner that they did. There must be something that links the respondent's actions to the applicant's place of origin. Absent this, the applicant's allegation that the treatment was owing to a *Code*-enumerated ground is nothing more than a bald assertion based on their own speculation and belief.

[21] The applicant is dissatisfied with the social room rental policies and other issues concerning their housing and feel as though those matters have not been adequately addressed by the respondent. However, it is not the role of this Tribunal to review the actions of the respondent regarding the general upkeep, security and maintenance of the building in which the applicant lives. The role of this Tribunal is to assess whether the actions of the respondent affected the housing of the applicant in a manner contrary to the *Code*.

[22] Having considered the matter, the materials submitted by the parties and the parties' oral submissions I find that this Application has no reasonable prospect of success. Beyond making general allegations of discrimination and unfairness and claiming they have a *Code*-enumerated ground, the applicant has not demonstrated that there is a reasonable prospect that evidence they have or that is reasonably available to them can show a link between the respondent's alleged actions or inaction and their place of origin with respect to housing.

## **ORDER**

[23] For the above reasons, the Application is dismissed.

Dated at Toronto, this 15<sup>th</sup> day of March, 2023.

*"Signed by"*

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William Luke  
Member