

**BEFORE THE YUKON HUMAN RIGHTS  
BOARD OF ADJUDICATION**

IN THE MATTER OF THE YUKON *HUMAN RIGHTS ACT*  
AND  
IN THE MATTER OF

Les Carpenter

**COMPLAINANT**

**AND:**

Town of Faro

**RESPONDENT**

**AND:**

Yukon Human Rights Commission

**Appearances:**

**Susan Roothman  
Gary Whittle**

**For the Yukon Human Rights Commission  
For the Town of Faro, Respondent**

**Before the Yukon Human Rights Board of Adjudication:**

Michael Dougherty, Acting Chief Adjudicator  
Laura MacFeeters, Adjudicator  
Donna Mercier, Adjudicator

**Decision regarding the timeframe  
of “proceedings” in  
Section 25 of the Yukon *Human Rights Act***

On August 25, 2009, the Board invited Counsel for the Parties to make submissions as to the timeframe of “proceedings” referred to in Section 25 of the *Yukon Human Rights Act (Act)*.

The Board considered submissions from the Respondent and the Human Rights Commission and the reply to the Respondent’s submission put forward by the Human Rights Commission on August 28, 2009.

The Board notes that both the Respondent and Human Rights Commission support the concept of a broad rather than narrow interpretation of the word “proceedings” in Section 25 of the Act. In particular, the Board notes the Human

Rights Commission's point that the "plural form of the word indicates a broader meaning than just the Board's proceeding commencing at referral of the complaint."

Therefore, the Board determines that the ambit of the word "proceedings" in this case refers to the date from which Mr. Les Carpenter filed his complaint with the Human Rights Commission — i.e. June 22, 2004 — to the conclusion of this Human Rights Board of Adjudication hearing.

The Board is cognizant of the submission by the Human Rights Commission regarding the Supreme Court decision of Madam Justice Kent entered April 11, 2008. If and when counsel make submissions under Section 25 with respect to the proceedings having been frivolously or vexatiously prolonged, the Board will expect to receive full argument as to the import of this Supreme Court decision on any determination under Section 25 regarding costs between June 2004 and July 2008.



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Michael Dougherty  
Acting Chief Adjudicator  
On behalf of the Yukon Human Rights Board of Adjudication