

June 3, 2022

BY EMAIL

Human Rights Tribunal
1270 – 605 Robson Street
Vancouver, BC
V6B 5J3

Attention: Daniel Varnals, Case Manager

Dear Mesdames/Sirs:

**RE: Kirchmeier obo others v. University of British Columbia
HRT Case No. CS-001093 (14965)**

We write with respect to Member Cousineau's letter of May 31, 2022 advising of the revised hearing dates in this matter.

We understand that this matter has been scheduled for January and February 2023 and we understand the Tribunal's direction that this matter will complete in 5 weeks.

We write out of concern that this process not lose sight of the extra-ordinary burden on Ms. Kirchmeier in bringing this complaint. Ms. Kirchmeier is an individual bringing a complex multi-party case against a very well funded public institution. To do so, she has had to arrange time off work that exceeds her holiday time. She has also had to arrange for a family member to come from India to care for her baby so that she can participate fully in the hearing. With the original hearing dates, Ms. Kirchmeier had been able to get time off work and arrange a family member to come in October 2022 and remain through February 2023. It was a comfort to Ms. Kirchmeier to have these plans in place.

We remain of the view that, despite everyone's good intentions, there is significant risk that this hearing will not complete in 5 weeks. We have numerous witnesses and counsel. We are still operating in pandemic times and may have unexpected illnesses to contend with. In a different lengthy hearing this year, we faced separate illnesses of both counsel and the Tribunal member, experiencing delays and the need to schedule additional days as a result which has resulted in delay of many months.

This matter was filed in 2016. It has already been subject to a number of delays due to the Tribunal's resourcing issues, including a wait for a year on our application for documents. In our respectful submission, given the serious delays to which this matter has already been subject, delays which now mean that Ms. Kirchmeier has parental responsibilities that she did not originally have, some dates should be scheduled now on a contingency basis so that Ms. Kirchmeier can

make appropriate plans. While it would have been best, in our view, to start in November and use the February dates for this purpose, we say that, at least, some dates should be identified now that all sides will keep available if they are needed. These dates should be as close as possible to our current dates. In our submission, it is a reasonable compromise for the Tribunal to take this precautionary step to ensure this hearing proceeds efficiently. In our submission, these dates can be set aside without compromising the Tribunal's instruction to us to complete the hearing in 5 weeks.

It is also our respectful view that conversations about how evidence will be admitted at the hearing must take place with the member who will be conducting the hearing. We are not comfortable making arrangements that may not suit the chair to be assigned. We are concerned that this will compromise either our preparation, or how our evidence goes in. We therefore respectfully request that the Tribunal assign a chair to the hearing on the merits at this time so that the most efficient possible decision-making about the hearing can take place.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

Yours truly,
CLEA F. PARFITT, LAWYER


Clea Parfitt

cc. Client