

NOVA SCOTIA HUMAN RIGHTS COMMISSION
BOARD OF INQUIRY

**IN THE MATTER OF:
Board File No. H08-0983
and
Board File No. H09-1227**

BETWEEN:

Michael Craig, Complainant

-and-

Tammy Robertson, Complainant

-and-

Halifax Regional Municipality and Metro Transit

-and-

THE NOVA SCOTIA HUMAN RIGHTS COMMISSION

Final Decision of the Board of Inquiry

1. By appointment dated November 18, 2010, I was mandated to enquire into allegations of discrimination made on March 16, 2009 by Michael Craig, and on April 12, 2010 by Tammy Robertson, under s.5(1)(a)(o) of the *Human Rights Act*, R.S.N.S.1989, c.214, as amended. Both complaints alleged discrimination on the grounds of physical disability in relation to access to municipal transportation services in Halifax, Nova Scotia. Dates for hearing were scheduled for July 2011.

2. After several pre-hearing conferences, the parties found themselves able to develop a common Memorandum of Understanding, and a Consent Order, both of which were presented this Board of Inquiry on the morning of June 29, 2011. I also heard the parties on the issues of the nature of the resolution, and their request for me to retain jurisdiction, on that date. On June 30, 2011, I delivered a decision finding jurisdictional discrimination pursuant to s.34(7) of the *Act*, and made the six proposed orders that had been enumerated in the draft "Consent Order" of the parties. At that time, I also retained jurisdiction, as requested, in relation to the implementation of my order.

3. On November 28, 2011, I was advised, by correspondence from counsel for the Nova Scotia Human Rights Commission, that all six components of the June order have been completed by Metro Transit to the satisfaction of all the parties. I

further understand that the parties have recognized the response of Metro Transit to the June order as impressive. Metro Transit has performed its undertakings with an acknowledged abundance of good faith. Metro Transit has conveyed to the parties that it will encourage and consider ways to facilitate continuing and effective dialogue with the complainants and others who are affected by transit access issues. This is the positive outcome that was anticipated from the orders that the parties recommended to this Board of Inquiry in June.

4. Based on the foregoing, and for the reasons already expressed in the decision I made in June, I have decided that it is appropriate to now conclude my inquiry pursuant to s.34(5) of the *Act*.

5. A hand-signed copy of this decision will be delivered to the Commission. An electronically signed copy has been distributed to the parties in pdf format.

DATED at Halifax, Nova Scotia, this 29th day of November, 2011.

A handwritten signature in black ink, appearing to read "Donald C. Murray", with a long horizontal flourish extending to the right.

Donald C. Murray, Q.C.
Board of Inquiry

