

IN THE MATTER OF: The *Nova Scotia Human Rights Act* (the "*Act*")

AND IN THE MATTER OF: Board File No. 42000-30-H22-0038

BETWEEN:

Charla Dorrington
("Complainant")

- and -

A J Acheson Sales Ltd. o/a Canadian Tire
("Respondent")

- and -

The Nova Scotia Human Rights Commission
("NSHRC")

Board of Inquiry: Eric K. Slone, Chair

Heard: October 28, 2025

Counsel: Charla Dorrington, self-represented

Kymberly Franklin for the Commission

The Respondent did not participate

Date of Decision: November 6, 2025

DECISION OF THE BOARD OF INQUIRY

1. On October 7, 2024, at the request of the Nova Scotia Human Rights Commission, I was appointed by the Chief Judge of the Provincial Court of Nova Scotia as a one-member Board of Inquiry under the *Nova Scotia Human Rights Act*, R.S.N.S. 1989, c.214, to inquire into the February 16,

2022 complaint of Charla Dorrington against A J Acheson Sales Ltd. o/a Canadian Tire.

2. A J Acheson Sales Ltd. was a franchise operator of the Canadian Tire store in the Dartmouth Crossing commercial development in Dartmouth, Nova Scotia. That company sold the store in about 2023. The store still exists, carried on by another operator who is not in any way implicated in this case.
3. The Respondent company is owned and operated by Mr. Alan Acheson, who was made aware of the complaint, the investigation and all of the process leading up to the hearing. His participation was minimal or non-existent at various phases. For reasons only known to him, he has acted as if this were a matter that did not deserve any attention. As for the hearing itself, he was informed well in advance of the hearing date and was then sent the Notice of Hearing by various methods. He did not attend.
4. I was satisfied that the hearing should proceed in his absence, that there was no reason to believe that Mr. Acheson had any intention of participating in the process.
5. That made for a short hearing and will give rise to a simpler decision.
6. Only one witness was heard, the Complainant herself. She spoke eloquently and poignantly of her experience. She answered some questions from the Board and from Commission counsel, but she was not cross-examined to any extent. Nevertheless, I accept her testimony as a faithful account of what happened on December 9, 2021 at approximately 4:45 p.m.
7. On that date, the Complainant had just finished shopping at Mark's Work Warehouse, which is a retail outlet operated inside that Canadian Tire store. She had done a lot of shopping, given that it was the holiday season. She paid for her items, purchased two store reusable bags for the smaller items, which bags are held behind the cash counter, and proceeded to exit the store.

8. The Complainant was accompanied by her daughter Allie-Olivia as well as her four-year-old grandson Declan. On the way to the exit, she passed by the self checkout area, when a young Caucasian man, obviously a store employee, abruptly stopped them and said "I need to see your receipt". The Complainant questioned this, at which point he said, "I need to see it for that stuff in your cart". She responded, "do you really think I'm going to walk out stealing shit?" to which he replied, "well I need to see your receipt."
9. The Complainant showed him the receipt, he then said "okay," and she proceeded to leave the store without this employee even checking her bags against the receipt.
10. What is significant about this exchange was the fact that the customers ahead of the Complainant in the exit line were not stopped at all, and at least one customer behind the Complainant was also not stopped for a receipt check. All of these other customers were Caucasian. The Complainant herself, and her family, are of mixed Black and Indigenous ancestry.
11. The differential treatment that the Complainant received was noticed by a customer right behind the Complainant in the exit line, who remarked that he was sorry this had happened to her, that he couldn't believe what he was seeing, and he apologized to her "on behalf of all white people."
12. Beginning later that day, the Complainant made efforts to speak to management at the store but was mostly stonewalled. Efforts to obtain the name of the offending employee were unsuccessful. Nor was she able to speak to the owner.
13. The Complainant filed a Human Rights complaint after realizing that she was not going to achieve any resolution directly with the store.

14. The Complainant felt humiliated and embarrassed, particularly in the presence of her four-year-old grandson who couldn't understand why someone might think that they were stealing from the store.
15. The employee in question was young but apparently behaved in an arrogant and smug manner. Given the differential treatment that he afforded the complainant, and in the absence of any other explanation, I conclude that he harboured a bias, whether conscious or unconscious, against people of colour such that he singled them out for differential treatment.
16. This appears to have been a classic example of racial profiling, which is “the practice of targeting a consumer for discriminatory treatment based on the consumer’s race, or ethnicity, or both. This practice may or may not be intentional.”¹
17. This constitutes a breach of the *Human Rights Act*, RSNS 1989, c. 214 (“the *Act*”). Section 4 of the *Act* defines “discrimination” as follows:

For the purpose of this Act, a person discriminates where the person makes a distinction, whether intentional or not, based on a characteristic, or perceived characteristic, referred to in clauses (h) to (v) of subsection (1) of Section 5 that has the effect of imposing burdens, obligations or disadvantages on an individual or a class of individuals not imposed upon others or which withholds or limits access to opportunities, benefits and advantages available to other individuals or classes of individuals in society.
18. Paragraph 5(a) of the *Act* prohibits discrimination in the “provision of or access to services or facilities.”

¹May, 2013 Nova Scotia Human Rights Commission Report on Consumer Racial Profiling in Nova Scotia entitled *Working Together to Better Serve All Nova Scotians* at p.17

19. The Board of Inquiry in *Symonds v Halifax Regional Municipality (Halifax Regional Police Department) (Re)*, 2021 CanLII 37128 (NS HRC) set out the test for establishing discrimination in this context:

[107] There is a two-part test for establishing discrimination in the provision of services under human rights legislation (*Moore v British Columbia (Education)*, 2012 SCC 61 at para 33) [Moore].

[108] First, a complainant must first prove, on a balance of probabilities (which is the same as saying “more likely than not”):

- i) that they have a characteristic protected from discrimination under the Act;
- ii) that they experienced an adverse impact with respect to the service; and
- iii) that the protected characteristic was a factor in the adverse impact (*Canadian Elevator Industry Welfare Trust Fund v Skinner*, 2018 NSCA 31 at paras 33–37 [Canadian Elevator]).

[109] Second, if each of these factors are proven, the burden shifts to the respondent to justify its conduct within the exceptions outlined in the *Act* (*Canadian Elevator* at para 37). If a respondent cannot justify its conduct, discrimination is established in contravention of the *Act*.

20. The Complainant has clearly met the first part of the test, and the Respondent has not come forward to attempt to justify the offending conduct.

Remedy

21. Counsel for the Commission concedes that this is not a case that calls for any non-monetary remedies such as diversity training or education, given that the business has closed and there are no identified employees to educate.

22. As such, a purely monetary remedy is appropriate. The Complainant has not put forward any special damages, so my award will be for general damages only.
23. In her post-hearing submission, the Complainant asked for \$40,000.00. She did not cite any authority to support that number.
24. Counsel for the Commission cited the *Symonds* case (above) where the Complainant was awarded approximately \$15,000.00 for his treatment by police. That treatment resulted in Mr. Symonds being singled out for jaywalking charges
25. In *David v. Sobeys Group Inc. (No. 2)*, 2016 CanLII 153836 (NS HRC), a consumer who was falsely accused of shoplifting was awarded \$21,000.00 in general damages.
26. The Complainant in each of these cases, objectively, was treated more egregiously than the Complainant in this case. Mr. Symonds was detained and charged with a quasi-criminal offence. Ms. David was singled out in a waiting line and accused of being a past shoplifter.
27. I have also looked at other cases helpfully reviewed by the Chair in *Symonds*. I am inclined not to stray too far from these precedents.
28. I consider it an aggravating factor that the Respondent has flouted this process and has denied the Complainant any opportunity for a constructive resolution of the incident.
29. I am also mindful that an award of general damages is intended to be remedial and not punitive.

30. I believe an award of \$20,000.00 in general damages is appropriate in this case, and I hereby order the Respondent A J Acheson Sales Ltd. to pay this amount to the Complainant.

Eric K. Slone
Chair Board of Inquiry