

Alberta Human Rights Tribunal Practice Direction

Struck and dissolved respondents

Introduction

The Alberta Human Rights Tribunal is committed to a process that resolves matters in a fair, just, and expeditious manner. The Tribunal has developed the following approach regarding start, struck, or dissolved respondents and those with no assets. This practice direction may be varied where appropriate.

The Tribunal has authority to adjudicate human rights complaints even in situations where a respondent corporation is start, struck, or dissolved on the corporate registry (Section 227 of the *Business Corporations Act*).¹ However, a matter may proceed to a Tribunal hearing and be awarded a monetary remedy, which the complainant is unable to recover from the respondent.²

Procedure

Where a respondent has claimed the company is start, struck, dissolved or without assets, the Tribunal will request that the parties provide submissions on the following issues, within the deadlines identified. Each party must serve their submissions on the Tribunal at AHRCTribunal@gov.ab.ca and all other parties.

1. Within 21 days of receiving notice from the Tribunal, the **Director and/or complainant** are asked to provide submissions of whether they wish to:
 - a. continue with the Tribunal proceedings,
 - b. participate in a Tribunal Dispute Resolution (mediation), and/or
 - c. add any other respondent, including all material facts and any legal argument the party relies upon in support of this request.
2. Within 21 days of receiving the submissions from the Director or complainant, the **respondent** is asked to provide submissions on its position:
 - a. regarding participating in Tribunal proceedings and whether it will attend a Tribunal Dispute Resolution, and
 - b. in response to any request to add a respondent (if such a request was made in number 1).
3. Within 10 days of the receipt of the respondent's submissions in number 2, the **Director and/or complainant** may provide reply submissions.

¹ *Business Corporations Act*, RSA 2000, c B-9

² For instance, see *Bodnar v Jurassic Vac Ltd.*, 2020 AHRC 74

4. Where a respondent fails to participate in a Tribunal proceeding after being properly served, the Tribunal may proceed in that respondent's absence,³ and may, without further notice to that respondent, decide the matter based on the arguments and submissions of the Director and/or complainant. The Tribunal may determine any further information it requires in order to adjudicate the matter (e.g. a witness statement, arguments, etc.).
5. Where the Tribunal determines that a monetary remedy is awarded to the complainant, the complainant is responsible for collecting that remedy from the respondent including, if necessary, getting a writ of enforcement from the Court for collection of the debt.⁴

³ *Alberta Human Rights Act*, RSA 2000, section 30(3)

⁴ *Civil Enforcement Act*, RSA 2000, c C-15