

IN THE MATTER OF a Complaint
Pursuant to section 14 of the *Human
Rights Act 2010*.

File No. 2683

BETWEEN:

RODNEY TRAHEY

COMPLAINANT

AND:

CANSOLAIR INC.

RESPONDENT

Glenda C. Best, Q.C. (Adjudicator)

Heard: July 5, 2010

Decision: February 25, 2011

Appearances:

On Behalf of the Complainant:	Did not appear
On behalf of the Commission:	Kimberley Pochini
On Behalf of the Respondent:	James Meaney

DECISION OF THE ADJUDICATOR

INTRODUCTION

1. The Complainant, Rodney Trahey, filed a complaint with the Human Rights Commission on December 2, 2005, alleging he was discriminated against by the Respondent in the context of his employment on the basis of a physical disability, contrary to section 9 of the *Human Rights Code*, now section 14 of the *Human Rights Act 2010*.

2. On April 2, 2009, the matter was referred to a Board of Inquiry. The matter was scheduled to be heard in the Fall of 2009, but was later postponed with the consent of the parties.

3. With the parties in agreement, the hearing was rescheduled for July 5th-7th, 2010.

4. The Complainant did not appear for the hearing date, despite several notifications of the date and time and a previous agreement to attend. Attempts to contact him on the day of the hearing were unsuccessful. Due to the absence of the Complainant the Commission called no evidence.

CONCLUSION

5. Given the non-appearance of the Complainant, the absence of any evidence being called before me, and the motion of the Commission that the complaint be dismissed, I hereby order that this complaint be dismissed.

DATED AT St. John's, Newfoundland and Labrador, this 25th day of February, 2011.


GLEND A C. BEST, Q.C.
ADJUDICATOR