

**CANADIAN
HUMAN RIGHTS
TRIBUNAL**



CANADA

**TRIBUNAL CANADIEN
DES DROITS
DE LA PERSONNE**

BETWEEN/ENTRE:

RICHARD WARMAN

Complainant

and/et

CANADIAN HUMAN RIGHTS COMMISSION

Commission

and/et

ALEXAN KULBASHIAN, JAMES SCOTT RICHARDSON,
TRI-CITY SKINS.COM, CANADIAN ETHNIC CLEANSING
TEAM and AFFORDABLESPACE.COM

Respondents

BEFORE/DEVANT:

ATHANASIOS HADJIS

THE CHAIRPERSON/
LE PRÉSIDENT

ROCH LEVAC

REGISTRY OFFICER/
L'AGENT DU GREFFE

FILE NO./N^o CAUSE.:

T869/11903

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CANADIAN HUMAN RIGHTS TRIBUNAL/TRIBUNAL CANADIEN
DES DROITS DE LA PERSONNE

TELECONFERENCE HELD IN THE BRONTE ROOM OF THE HILTON GARDEN INN
HOTEL, 2774 SOUTH SHERIDAN WAY, OAKVILLE, ONTARIO, ON
TUESDAY, NOVEMBER 16, 2004, AT 3:05 P.M. LOCAL TIME

CASE FOR HEARING/CAUSE DEVANT ÊTRE ENTENDUE

IN THE MATTER of a complaint filed by Richard Warman, dated February 5, 2002, pursuant to section 13, subsection 1 of the *Canadian Human Rights Act* against Alexan Kulbashian, James Scott Richardson, Tri-CitySkins.com, Canadian Ethnic Cleansing Team and AffordableSpace.com. The complainant alleges that the respondents have engaged in a discriminatory practice on the grounds of religion, race and national and ethnic origin in the matter related to the usage of a telecommunication undertaking.

APPEARANCES/COMPARUTIONS

Richard Warman	on his own behalf as Complainant
Monette Maillet Valerie Phillips	on behalf of the Canadian Human Rights Commission
Alexan Kulbashian	on his own behalf as Respondent
Vahe Kulbashian	on behalf of Alexan Kulbashian
James Scott Richardson	on his own behalf as Respondent

1 Teleconference

2 --- Upon commencing teleconference on Tuesday,
3 November 16, 2004, at 3:05 p.m.

4 THE CHAIRPERSON: Are we ready to
5 proceed?

6 MS MAILLET: And just for the record,
7 Valerie Phillips is also here.

8 THE CHAIRPERSON: That's right. The
9 usual team is here.

10 So, Mr. Kulbashian, have you had the
11 opportunity to review your material and do you have
12 anything you would like advise us on?

13 MR. ALEXAN KULBASHIAN: Well,
14 basically, my dad did most of the work on that last
15 night while I was preparing for school, however I did
16 e-mail Mr. Levac about the fact that we're just
17 basically to be going over just clarifying a few issues
18 and it shouldn't be more than an hour.

19 THE CHAIRPERSON: One hour. Okay.

20 MR. ALEXAN KULBASHIAN: Yeah, roughly
21 about that, yes. It's not going to be like -- we cut
22 out quite a bit, so--

23 THE CHAIRPERSON: Okay, great.

24 MR. ALEXAN KULBASHIAN: --there's no
25 repetition or anything like that.

1 THE CHAIRPERSON: Do you want to give
2 me some idea of some of the areas you wanted to go into
3 for any issues of relevance.

4 MR. ALEXAN KULBASHIAN: Okay.
5 Basically, issues of rele -- see, because that was
6 actually one thing I was going to ask you about, issue
7 of relevance, because she did state that in some of the
8 cases identification of certain individuals that she
9 commented on were made by information in the media and
10 information in some other books that she doesn't
11 remember entirelyly and --

12 THE CHAIRPERSON: Maybe you should
13 slow down. Hold on.

14 MR. KULBASHIAN: Oh, sorry.

15 THE CHAIRPERSON: I think you should
16 slow down.

17 Okay. So, identification of certain
18 individuals in the media.

19 MR. ALEXAN KULBASHIAN: Individuals.
20 She had stated that were -- like, for example,
21 Mr. Fromm and, you know, like, Dr. Pierce, et cetera,
22 were from things that she had heard from, either like,
23 you know -- she had seen in the media or from books.

24 And I was just going to clear up a
25 quick media issue.

1 THE CHAIRPERSON: I'll broadly call
2 that sources, then.

3 MR. ALEXAN KULBASHIAN: Excuse me?

4 THE CHAIRPERSON: Sources of her --

5 MR. ALEXAN KULBASHIAN: Oh yeah,
6 exactly. And I was going to clear up there that issue
7 by maybe making her read two paragraphs from three --
8 like, two paragraphs altogether from three articles,
9 which will be really brief.

10 THE CHAIRPERSON: I understand. I
11 don't want you to go into too much detail. I don't
12 want you to divulge your entire cross-examination.

13 MR. ALEXAN KULBASHIAN: Okay, okay.

14 THE CHAIRPERSON: I just wanted the
15 broad strokes of what topics you're dealing with. I'm
16 trying to limit the relevance issues that may --

17 MR. ALEXAN KULBASHIAN: Okay, I
18 understand.

19 And, other than that -- actually that
20 there, my dad would have done most of the stuff this
21 morning, so if he could just join in briefly and give
22 you some information, because I was at school this
23 morning, so...

24 THE CHAIRPERSON: Mr. Kulbashian,
25 Sr.?

1 MR. VAHE KULBASHIAN: I mean, I think
2 the first --

3 MR. ALEXAN KULBASHIAN: Talk about
4 the other points, the other points for Dr. Henry which
5 I was going to get into, pretty much it was from my
6 knowledge clarification.

7 MR. VAHE KULBASHIAN: There is
8 nothing here. I think that it's going to be very
9 short.

10 THE CHAIRPERSON: Okay then. You
11 know what, I don't think we need to explore it further.

12 If I have your comments here, your
13 undertakings even - if I can use the term - that it
14 won't be very long, then I don't think we need to get
15 into too much detail.

16 I'm somewhat hesitant here to have
17 you disclose your cross-examination, so...

18 MR. ALEXAN KULBASHIAN: Okay.

19 MR. VAHE KULBASHIAN: We should do
20 our best to finish it tomorrow at least tomorrow, I
21 think.

22 MR. ALEXAN KULBASHIAN: Well, like,
23 about an hour or two, like, basically.

24 THE CHAIRPERSON: Okay. So then --
25 that's fine, that's fine. We have until 5:00, but

1 let's try to hit that target in case we have any other
2 issues afterwards.

3 Now, what does that mean for the
4 remaining days now? Does that mean you think you're
5 available for your evidence beginning Thursday?

6 MR. ALEXAN KULBASHIAN: Actually, if
7 Mr. Richardson could reply on that issue first, that
8 would be good.

9 MR. RICHARDSON: Yeah. We've chosen
10 not to testify, and I think we should actually start in
11 to making arrangements to do the closings and --

12 THE CHAIRPERSON: So, neither you,
13 Mr. Richardson, nor you, Mr. Kulbashian, will be
14 testifying?

15 MR. ALEXAN KULBASHIAN: I don't think
16 I'll be testifying either. At this point we made the
17 decision not to testify and I believe that that's going
18 to be pretty much -- you know, I don't the situation
19 will change after asking a few questions ourselves,
20 so...

21 THE CHAIRPERSON: Okay. So, that
22 means -- so, we should turn our minds then to --

23 MR. ALEXAN KULBASHIAN: I mean, if
24 the Commission and complainant are done tomorrow, then
25 we should be done tomorrow with all the witnesses then.

1 THE CHAIRPERSON: Unless the
2 Commission or the complainant wish to --

3 MR. ALEXAN KULBASHIAN: What I mean,
4 like, basically, like they may have up to two hours, if
5 they're done tomorrow with their expert witness.

6 THE CHAIRPERSON: Right, of course.
7 There's --

8 MS MAILLET: But the
9 re-examination --

10 MR. ALEXAN KULBASHIAN: Re-direct,
11 yes.

12 THE CHAIRPERSON: Yes. One second.

13 MS MAILLET: The re-examination, I
14 don't anticipate being much more than an hour.

15 MR. ALEXAN KULBASHIAN: Okay. In
16 that case we'd most likely be done with the witnesses
17 tomorrow.

18 THE CHAIRPERSON: With this witness.
19 Okay.

20 MR. ALEXAN KULBASHIAN: There will be
21 no respondent witnesses called.

22 THE CHAIRPERSON: There will be no
23 respondent witnesses.

24 Then, of course, I can't imagine -- I
25 was turning my evidence to saying whether there is

1 going to be rebuttal evidence, but there is no evidence
2 to rebut because they won't be leading any evidence.

3 MR. RICHARDSON: The only request we
4 have, and we'll be totally flexible on how we can
5 accommodate this, is we don't really care when
6 Mr. Warman and Ms Monette want to do their closing, but
7 we actually wouldn't mind requesting the time to get
8 the transcripts in and prepare, you know, since we're
9 not testifying, prepare the best one we possibly can.

10 THE CHAIRPERSON: I understand.

11 MR. ALEXAN KULBASHIAN: We still have
12 to do some research on how we're going to be, I guess,
13 structuring our closing statements.

14 And for that what we have is, we just
15 put a proposal that maybe we come down to Ottawa if we
16 do it at a later date, come down to Ottawa...

17 THE CHAIRPERSON: I appreciate your
18 offer.

19 My concern with that is that, if I
20 understood your suggestion there, it would be a one day
21 scenario and it seems, from my experience, unlikely
22 that we would be able to -- I mean, if you're going to
23 drive, it's five hours to get to Ottawa, if we're
24 fortunate the arguments finish between 9:00 and 5:00 -
25 I don't know if that's -- I mean, there is four of you,

1 there will be four of you making legal submissions.

2 MR. RICHARDSON: But, would it be
3 possible for their side to do their closing this week--

4 THE CHAIRPERSON: I will put that to
5 the Commission.

6 MR. RICHARDSON: --and then Alex and
7 I could be done in one day.

8 MS MAILLET: No, I would prefer to
9 have the closings heard at the same time. I'm
10 uncomfortable with us doing ours now and then having
11 theirs two weeks from now.

12 THE CHAIRPERSON: Yes. It's logical.

13 You know what, in a perfect world, I
14 always prefer to have the parties' counsel, or the
15 parties themselves, make their legal submissions after
16 they have had the opportunity to prepare themselves.

17 And, possible, if it's possible - and
18 this applies to all sides - if some document could be
19 prepared, called it an outline or a table of contents
20 or all your submissions, if you wish, in writing.

21 MR. ALEXAN KULBASHIAN: Okay.

22 THE CHAIRPERSON: Hand it up to the
23 Tribunal so that I can follow you.

24 I really find that it helps you
25 organize your thoughts - and I'm now speaking to

1 everyone, those on the phone and those that are here in
2 the room with me - as well as allowing me to follow
3 better.

4 MR. VAHE KULBASHIAN: Exactly. This
5 is what I'm trying to do.

6 THE CHAIRPERSON: No, I think I would
7 appreciate that too.

8 MR. VAHE KULBASHIAN: Yes, we will
9 write it, you know, everything with the things, the
10 tabs, everything and we will hand you a copy so that,
11 you know, later on also you can follow our thing,
12 logic.

13 THE CHAIRPERSON: Thank you for that.
14 Yes, that makes a lot of sense.

15 Now, let me look at other options
16 then.

17 As I say, you could drive up, but I
18 just do not see us doing it one day. Can you envisage
19 the possibility of staying overnight?

20 The Tribunal could advise you of some
21 hotels that are of reasonable cost. Many of our people
22 who come from out of town stay in hotels that are like
23 hotel apartments, you know, where four or five people
24 can stay in one room and the price is, generally
25 speaking, the same.

1 MR. VAHE KULBASHIAN: I would say
2 that, you know, this is not the issue for the moment.

3 MR. RICHARDSON: Well, it is for me.
4 Money is definitely an issue. That would be a refusal
5 at all, I wouldn't be able to afford that.

6 MR. ALEXAN KULBASHIAN: We haven't --
7 Mr. Richardson brought up an issue, like, actually the
8 proposal yesterday if it's possible to do it through
9 video conferencing maybe.

10 THE CHAIRPERSON: Well, I will
11 examine that but I am going to leave it perhaps to the
12 parties ultimately to get back to me on this.

13 One option of video conferencing -
14 and I am going to look at the people in the room here -
15 the Tribunal, of course, is prepared to go anywhere the
16 case has to go, and I don't know if the Commission is
17 in the same position.

18 I'm mindful Mr. Warman, though, is
19 working with his own means.

20 Would you be opposed, Mr. Warman, if
21 we were to set ourselves up in a facility - this is
22 just for legal argument, no examination - in a facility
23 where everyone else, including Ms. Maillet, would be in
24 the same facility and you would be in our offices in
25 Ottawa at our video conferencing facility -- our

1 conference room at the Canadian Human Rights Tribunal?

2 MR. WARMAN: Sorry, is the suggestion
3 that everyone else would decamp to Toronto or Oakville?

4 THE CHAIRPERSON: Well, everyone else
5 would be this Tribunal and, I'm thinking Commission
6 counsel, they already - the other respondents - reside
7 in the area.

8 MR. WARMAN: Right.

9 THE CHAIRPERSON: So, but the concern
10 is for you in terms of the expenses that you would have
11 to lay out.

12 It's argument. I have used video
13 conferencing facilities, I have used them for evidence.
14 I am very satisfied with the usage of video conference
15 facilities, in fact, sometimes I find it easier on
16 occasion.

17 I mean, some places that we conduct
18 hearings, it is more difficult to hear and see the
19 witness than it is when using the video conference
20 facility where it takes up the entire screen of a large
21 television.

22 So, it would be one person speaking
23 at a time and we all have all the exhibits in our
24 possession, it's not one of those situations where we
25 can't sort of get an exhibit to the other end.

1 So, if cost is a factor for you,
2 Mr. Warman, that can be accommodated from the Tribunal.
3 I would prepared to recommend to the Tribunal that we
4 take up the cost of the video conferencing facility.
5 We have the equipment at the Tribunal.

6 So, I don't know. That's an option I
7 put to you. It may be an accommodation, I know we have
8 all been accommodating left and right here on all
9 sides, but it might be a simple solution in terms of --
10 and you wouldn't have to displace yourself at all
11 through your work even, it would be just the hours that
12 we would need to do the hearing.

13 MR. WARMAN: Response now?

14 THE CHAIRPERSON: Response.

15 MR. WARMAN: Okay. I guess, well, my
16 preferences in order would be the first, that the
17 hearings take place -- be completed in Ottawa for the
18 closing arguments, and I think that's based on a number
19 of points.

20 The first one being, of course, that
21 we've now spent two and a half, almost three weeks here
22 in Oakville and, you know, the clearly considerable
23 expense that that has entailed on my part, including
24 disruption of my work life and personal life as well.

25 If that were not the case and the

1 Tribunal did choose to hold the hearings in Oakville,
2 then I would attend in person.

3 THE CHAIRPERSON: You would?

4 MR. WARMAN: Yes, yes.

5 MR. ALEXAN KULBASHIAN: This is
6 Mr. Kulbashian.

7 Well, basically, having a video
8 conferencing option would give you the option -- would
9 give Mr. Warman the option of being in Ottawa,
10 obviously, and we could -- both me and my co-respondent
11 could either be in Hamilton or Toronto in order, so
12 that we wouldn't have any displacement.

13 THE CHAIRPERSON: I think in order to
14 simplify things, I would probably seek to find one
15 place here. See, I'm trying to -- there is some
16 inconvenience in the video conferencing, so at the
17 minimum I would try to gather as many people who are
18 within one geographic region in one room with the video
19 conference machine and try to minimize the number of
20 people who are at a distance.

21 So, I don't think I would do a
22 Hamilton, Toronto, Ottawa thing. I think it would be
23 one location, maybe there is one out here in the middle
24 areas of Mississauga or Oakville.

25 MR. RICHARDSON: I would be willing

1 to come to Toronto, like.

2 THE CHAIRPERSON: That's what I'm
3 saying. I mean, we know the drive is not enormous,
4 Mr. Richardson, I mean, it is a couple of hours in
5 early morning.

6 MR. RICHARDSON: It's a three and a
7 half hour drive home.

8 THE CHAIRPERSON: Oh, because of
9 traffic?

10 MR. RICHARDSON: Oh yeah, it's a
11 three and a half our drive home every night.

12 THE CHAIRPERSON: Anyway --

13 MR. RICHARDSON: It's not easy.

14 THE CHAIRPERSON: But it is my
15 preference.

16 MR. RICHARDSON: I mean, I'd take the
17 bus into Toronto if that was the easiest and that's
18 where we needed to be.

19 MR. ALEXAN KULBASHIAN: The GO Train.

20 THE CHAIRPERSON: The GO Train.

21 MR. RICHARDSON: Whatever.

22 THE CHAIRPERSON: One suggestion is
23 being made the Torontonians head opposite the traffic
24 towards Hamilton to do the next one.

25 Anyway that is one. We can continue

1 to examine the option.

2 You know, it would probably be easier
3 for all concerned in terms of setting down dates as
4 well to do it in Ottawa. I mean, if it were possible
5 for everyone to come -- for the Torontonians to come to
6 Ottawa for -- I can't see it being more than two days.

7 If we, for instance, to schedule a
8 Monday and Tuesday, all right. You know, if you were
9 to drive up either early morning Monday or possibly
10 Sunday night and, as I say, we would make those
11 arrangements. We're not talking about huge amounts of
12 money for the hotels, so, it's about \$130 a night maybe
13 at one of these places we're talking about. I've
14 stayed many times at these hotels in Ottawa in the
15 past.

16 MR. RICHARDSON: Well, my problem is
17 is that I live on a fixed income, I'm on disability
18 and, like, there's just no extra money, even if I could
19 find the money to stay up there for the night I
20 wouldn't have any money to eat or anything. And then,
21 there's always the chance that if I get sick - which
22 happens quite frequently - you know, I'd need to be,
23 you know, near my doctors and stuff. I wouldn't be too
24 comfortable leaving too far away with no money, I think
25 is the issue with me.

1 THE CHAIRPERSON: How about
2 Mr. Kulbashian? Maybe we would do the reverse
3 situation of what we have spoken about?

4 What if you, Misters Kulbashian, were
5 to come up as you have suggested and conduct the
6 hearing in Ottawa and just do a video hook-up for
7 Mr. Richardson in Hamilton?

8 MR. ALEXAN KULBASHIAN: That would be
9 an option, but if we can arrange that situation, then
10 why don't we -- like, the respondents stay in one
11 location for a video conference and the complainant and
12 Ms Maillet would be at another location, so I mean, if
13 we already have a video conferencing link going then me
14 and James could be -- me and Mr. Richardson could be in
15 the same location, that way we don't have to have three
16 locations, if we -- if we were to have video
17 conferencing going we might as well just, you know,
18 keep people in their general areas, if that's the case.

19 THE CHAIRPERSON: All right. Well,
20 hmm...

21 MR. ALEXAN KULBASHIAN: Hello?

22 THE CHAIRPERSON: Yes, I'm just
23 thinking.

24 MR. ALEXAN KULBASHIAN: Oh sorry.
25 I'm on a cell phone, so I'm not sure, so...

1 THE CHAIRPERSON: I don't know
2 whether we have to make this decision right now,
3 whether everyone would like to consider options.

4 Mr. Warman, I hear you and I don't
5 want you to displace yourself to come down from Ottawa.

6 MR. WARMAN: I understand.

7 THE CHAIRPERSON: But you want to be
8 at the hearing.

9 MR. WARMAN: Yes.

10 THE CHAIRPERSON: Because I don't
11 know, what am I supposed to base it on?

12 I mean, I have Mr. Richardson tell me
13 he is on financial aid and so on, so it's difficult for
14 him, it's difficult for you.

15 Is it just to balance the
16 inconvenience that I should require the respondents to
17 come to Ottawa as opposed to looking for something with
18 a video facility? I mean, it would not be an
19 inconvenience if we use video facilities.

20 MR. WARMAN: If all parties are
21 appearing by video conference, then obviously I'm
22 comfortable with appearing by video conference.

23 THE CHAIRPERSON: It's the imbalance,
24 then, that you're concerned with--

25 MR. WARMAN: Yes.

1 THE CHAIRPERSON: --in terms of
2 how...

3 MR. ALEXAN KULBASHIAN: This is
4 Mr. Kulbashian. Actually, my issue is the fact that my
5 son, so, if I sleep over in Ottawa then I pretty much
6 can't be away from him overnight, you know, for two
7 days because then we have a problem with having him
8 picked up, taken care of and et cetera, so...

9 THE CHAIRPERSON: And I'm sure
10 everyone has children...

11 MR. ALEXAN KULBASHIAN: That creates
12 a problem for me too.

13 THE CHAIRPERSON: Everyone here has
14 children that need to be taken care of, I'm sure.

15 MR. ALEXAN KULBASHIAN: Yeah,

16 MR. VAHE KULBASHIAN: I'm sorry, now,
17 I don't understand regarding this closing thing,
18 argument.

19 THE CHAIRPERSON: Yes?

20 MR. VAHE KULBASHIAN: Is it going
21 just to be a reading or it's going to be a discussion
22 again?

23 THE CHAIRPERSON: Inevitably there's
24 a discussion, Mr. Kulbashian.

25 MR. VAHE KULBASHIAN: Yes.

1 THE CHAIRPERSON: There always is
2 some discussion. I ask questions to further understand
3 submissions.

4 The other side has to be able to,
5 well, reply, although that's done in an orderly
6 fashion. One person -- each person or each party has
7 his turn.

8 MR. VAHE KULBASHIAN: I understand.

9 THE CHAIRPERSON: So, it's just back
10 and forth basically, not interjecting, but I interject.

11 MR. VAHE KULBASHIAN: I understand.

12 MR. ALEXAN KULBASHIAN: Okay. In
13 that case, Mr. Chair, just a question, is there
14 anywhere I could go to get, I guess, an example or an
15 idea of how it's done, because that would obviously be
16 different than how it's done in criminal courts and,
17 so...

18 THE CHAIRPERSON: Not entirely
19 different than how it would be done in criminal courts.

20 But let me ask, do we have any case
21 scheduled to take place in the Toronto area in the next
22 while?

23 MR. ALEXAN KULBASHIAN: Hello?

24 THE CHAIRPERSON: Mr. Kulbashian, I'm
25 just asking Mr. Levac if there are any cases in the

1 Toronto area.

2 No. But it's like any civil case,
3 there is no distinction, Mr. Kulbashian. The lawyers
4 get up, they submit their arguments, it's in the way
5 that I've been telling you all along in terms of how
6 you organize the evidence that's been presented and
7 make a logical conclusion for each point that you want
8 to make.

9 MR. ALEXAN KULBASHIAN: Sorry.

10 THE CHAIRPERSON: And you should be
11 referring to the Statute and to the jurisprudence, the
12 other decisions from the Tribunal and courts that are
13 pertinent to the case.

14 MR. ALEXAN KULBASHIAN: Okay. And,
15 however, the discussion would be just when you,
16 Mr. Chair, interject and then there would be a question
17 posed--

18 THE CHAIRPERSON: Yes.

19 MR. ALEXAN KULBASHIAN: --which we
20 would be, like, to respond. Okay, I understand.

21 THE CHAIRPERSON: Not too dissimilar
22 than what we've doing until now. Do you know how
23 sometimes I will ask you questions if I don't
24 understand the point you're trying to make or so on,
25 similar to that.

1 If you make a submission and I
2 perhaps see an issue with what you've said, I'll bring
3 it up with you at that moment so that we can have a
4 sort of debate.

5 I will recommend something to you. I
6 will recommend you watch on CPAC - I don't know if it's
7 happening right now - like the Supreme Court -- legal
8 submissions that are made to the Supreme Court.

9 MR. ALEXAN KULBASHIAN: Okay.

10 THE CHAIRPERSON: They're shown on
11 television on CPAC on Saturdays.

12 MR. ALEXAN KULBASHIAN: All right.

13 THE CHAIRPERSON: Usually. I don't
14 know if it's happening this week or the following week.
15 It's not that different. I mean, we deal with
16 evidence, which the Supreme Court, they tend to just
17 deal with the legal issues.

18 MR. ALEXAN KULBASHIAN: Okay.

19 THE CHAIRPERSON: But it's not that
20 much different. You will see how the judges will pose
21 questions from time to time.

22 MR. ALEXAN KULBASHIAN: All right.

23 THE CHAIRPERSON: And those are the
24 types of questions. That's a good recommendation.

25 Now, have there been any discussions

1 amongst you? Nothing? No.

2 So, I think what I am going to do is
3 then -- you were going to make, Mr. Warman, a specific
4 request in writing?

5 MR. WARMAN: No, that was pending
6 these discussions. Now, that we're having these
7 discussions now then I won't, unless you move to have
8 all parties submit written submissions, then...

9 THE CHAIRPERSON: Okay, I understand
10 your position.

11 It's just I'm hesitant at this time
12 to just set down dates and I really am in a difficult
13 position to set down dates at this time.

14 I have received sort of a guideline,
15 if you will, from the Registrar that I shouldn't be
16 setting down dates myself because they may conflict
17 with other dates of which I'm not aware that they've
18 set aside for me or for the Tribunal. So, we may have
19 to do this through Mr. Levac later on.

20 And maybe as a consequence of the
21 dates, because if I'm not very available and it's
22 difficult for me to displace myself, maybe I'll look
23 into this video conferencing from Ottawa, where I would
24 stay in Ottawa with the Ottawa participants and have
25 the other parties in Toronto, or vice versa. I don't

1 know.

2 I just want to be certain of this,
3 Mr. Warman. There is no way that you would allow us to
4 proceed without you being -- I mean, you won't be there
5 but the Commission would be there.

6 MR. WARMAN: No, I understand that.
7 It's that I have some desire to inconvenience anything,
8 it's just that as the complainant I wish to be present.
9 So, if the cost is to come and attend, then...

10 THE CHAIRPERSON: For me, you being
11 at the other end of a TV camera, is being present.

12 MR. WARMAN: I understand.

13 THE CHAIRPERSON: And I think from
14 your perspective it would be the same -- I don't know
15 if you've ever participated in a video conference.

16 MR. WARMAN: I have.

17 THE CHAIRPERSON: So you're aware
18 then--

19 MR. WARMAN: Yes.

20 THE CHAIRPERSON: --of how live it
21 is. It's not as if you're out of the picture,
22 particularly since we're dealing with exhibits that
23 basically are in two volumes, it's not as if we'd be
24 looking at big texts.

25 What I'm going to do is the good old

1 Canadian thing and put it off for a while. Let me
2 think it through and see what's the best option. We'll
3 be in touch with you.

4 Anyway, we may even talk about
5 tomorrow again, if we have some time.

6 I guess that covers off all the
7 issues that we had outstanding, since it appears that
8 we will be finished with this witness and we know there
9 won't be any other witnesses to speak.

10 MR. ALEXAN KULBASHIAN: Hello?

11 THE CHAIRPERSON: Yes.

12 MR. ALEXAN KULBASHIAN: The audio
13 isn't like quality one, I can barely hear what's being
14 said, it fades in and out, I think it's a speaker phone
15 if I'm not mistaken.

16 THE CHAIRPERSON: It is a speaker
17 phone, yes, and it's nothing special, it's just a
18 regular telephone.

19 So, what portions -- what was the
20 last thing you heard me say?

21 MR. ALEXAN KULBASHIAN: That you're
22 right after, like, exploring the issue further and then
23 it just faded away.

24 THE CHAIRPERSON: Okay. I will
25 explore the issue further and we may even discuss it

1 tomorrow some more, after I've given it some thought,
2 and in fact what I will do is I will call the office as
3 well to get a more definite handle on what my
4 availabilities are.

5 Right now January does not look good
6 for me, I mean, I'm very busy in January and December
7 is the same.

8 MR. ALEXAN KULBASHIAN: Mr. Chair, I
9 submit that we all go home and get all our dates
10 together and then deal with this issue maybe tomorrow.

11 THE CHAIRPERSON: I'll try. I will
12 try and communicate with my office and see if I can get
13 better details on that.

14 MR. ALEXAN KULBASHIAN: Yeah, because
15 on my cell phone, the battery either heats up too fast
16 or it starts draining too fast as the conversation goes
17 along.

18 THE CHAIRPERSON: I was concerned
19 when you mentioned you were on a cell phone for that
20 reason.

21 Okay. So, since there's nothing
22 really more to discuss we'll discuss it tomorrow.

23 MR. VAHE KULBASHIAN: So at two
24 tomorrow; right?

25 THE CHAIRPERSON: Yes, tomorrow --

1 what time, we said two o'clock; right?

2 MR. VAHE KULBASHIAN: At two o'clock.
3 And then, after tomorrow, then everyone is free until
4 we decide, it is going to be the last day tomorrow
5 then?

6 THE CHAIRPERSON: Yeah, that would be
7 the last day tomorrow.

8 MR. VAHE KULBASHIAN: That's fine.

9 THE CHAIRPERSON: Okay.

10 MR. ALEXAN KULBASHIAN: Thank you,
11 Mr. Chair.

12 THE CHAIRPERSON: Thanks.

13 MR. VAHE KULBASHIAN: Thank you,
14 Mr. Chair.

15 THE CHAIRPERSON: Yes.

16 MR. RICHARDSON: Thank you.

17 THE CHAIRPERSON: See you all
18 tomorrow.

19 MR. VAHE KULBASHIAN: Bye-bye.

20 MR. ALEXAN KULBASHIAN: Okay,
21 good-bye.

22 --- Whereupon the teleconference concluded at 3:45 p.m.

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I HEREBY CERTIFY THAT the
foregoing is a true and accurate
transcript of the proceedings to
the best of my skill and
ability.

Beverley Dillabough, C.S.R.