

Completing and Filing an HRTO Application

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This guide is general information only. It is not legal advice about your situation. This guide is not a substitute for a lawyer's research, analysis and judgment. This guide is reliable as of the date of publication (June 2023). You should be aware that the law and procedures under the Human Rights Code (Code) and at the Human Rights Tribunal of Ontario (HRTO) are subject to change without notice.

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The Application Process

How to Obtain an Application Form

It is recommended that you complete and file the form electronically using the HRTO SmartForm, as set out below. [Contact the HRTO](#) if you need a paper copy or accessible format.

HRLSC Human Rights Legal Support Centre CAJDP Centre d'assistance juridique en matière de droits de la personne	180 Dundas Street West, 8th Floor Toronto, Ontario M7A 0A1 180, rue Dundas Ouest, 8e étage Toronto (Ontario) M7A 0A1	Telephone/Téléphone (866) 625-5179 (416) 597-4900 Fax/Télécopieur (866) 625-5180 (416) 597-4901	TTY/ATS (866) 612-8627 (416) 597-4903 www.hrlsc.on.ca

1. Go to the HRTO's [website](#) to find the appropriate form.

Use [Form 1](#) if:

- you are filing an application on your own behalf (under section 34(1) of the *Code*), or
- you are a litigation guardian filing an application on behalf of another person, i.e., a minor or a person who does not have the mental capacity to make decisions in an HRTO proceeding (under section 34(1) of the [Human Rights Code](#) or “Code”).

Use [Form 1G](#) if:

- you are a person or organization filing an application on behalf of one or more other persons (under section 34(5) of the *Code*).
 - in this situation, the person or organization filing the application would be considered the “applicant” and the person who experienced the discrimination would be considered the “claimant”.
 - a completed [Form 27](#) is needed for each claimant listed in the Form 1G.
2. Download the appropriate form and save it to your computer. Even if you receive a message which states “your PDF viewer may not be able to display this type of document” while on the HRTO website, you will be able to open and read the PDF file that you save on your computer.
 3. Review the HRTO's [Applicant's Guide to filing an Application \(Form 1 or 1G\) with the Human Rights Tribunal of Ontario](#) and this guide for detailed information on how to complete the Form before starting to fill it out.

Section 1 – Applicant Information

Form 1

In this section, you must first identify whether:

- you are filing for yourself and representing yourself;
- you are filing for yourself and designating someone to represent you; or,
- you are filing on behalf of someone else, as either a **Representative** or **Litigation Guardian**.

Form 1G

In this section, you must first identify whether:

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- you are filing as an individual applicant on behalf of a claimant;
- you are filing for an organization on behalf of a claimant and you have the authority to bind the organization; or,
- you are filing as a **Representative** of an individual or organization applicant on behalf of a claimant.

You must then provide the HRTO with the contact information requested in this section. The HRTO will send all materials **by email** unless you do not have an email address. **It is important to ensure the HRTO has current contact information as it could dismiss your Application if it cannot contact you or your Representative.**

Representatives

An Applicant can either represent themselves or they can authorize someone else to represent them before the HRTO. If you designate someone as a Representative, the HRTO will send all correspondence to your Representative instead of you.

A Representative can either be a lawyer or paralegal licensed by the Law Society of Ontario (LSO) or an unlicensed person that is exempt from LSO licensing requirements, which include:

- an unpaid friend or family member;
- an employee or volunteer from a trade union; or
- students, volunteers and employees of Legal Aid clinics

A person who is not licensed, whose license is suspended or who is not in a exempted category will not be permitted to act as a representative in an HRTO proceeding. See [Practice Direction on Representation before Social Justice Tribunals Ontario](#).

Litigation Guardians

A Litigation Guardian is a person who files an application on behalf of someone who is not legally able to file on their own. See [Practice Direction on Litigation Guardians before Social Justice Tribunals Ontario](#).

There are two situations where a Litigation Guardian is needed:

1. Where the person who has been discriminated against is a minor (under 18 years of age):
 - the application must be filed by an adult (usually a parent or legal guardian) on behalf of the Applicant

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- the person filing the Application must complete and file a [Form 4A](#) requesting to be appointed as a Litigation Guardian. If using the SmartForm, the Form 4A will automatically be attached to the Form 1 once you select this option.
2. Where the person who has been discriminated against does not have the mental capacity to file on their own:
- “mental incapacity” means that a person cannot understand information needed to make decisions about the case or cannot understand the consequences of such a decision
 - the person filing the Application must complete and file a [Form 4B](#) requesting to be appointed as Litigation Guardian. If using the SmartForm, the Form 4B will automatically be attached to the Form 1 once you select this option.

Section 2 – Respondent Information

You must provide the correct contact information for every organization or individual you wish to name as a Respondent.

It is important to name the correct parties as Respondents to ensure that all who are potentially liable for the discrimination are included in the proceeding from the beginning. The HRTO discourages the unnecessary naming of Respondents, however. See [Practice Direction on Naming Respondents](#).

Organization

You must use the correct legal name of an organization:

- employment—check name on ROE, paystub, or T4 slip;
- housing—check name on lease or rent receipts; or
- goods, services and facilities—check name on invoices or other paperwork.

Individual

It is usually not necessary to name an individual as a Respondent, as an organization is liable for the actions of its employees that are performed in the course of their duties.

One exception is in cases involving harassment, where an employer may not be held liable – in such cases, it is important to name the harassing person individually.

[Additional information on Section 2 \(Respondents\)](#)

Section 3 – Location and Date

You must indicate whether:

- the events happened in Ontario and in what city or town;
- the date of the last event; and
- if you are applying more than one year from the last event, you must explain the delay in filing your application.

Limitation Period

Are you filing within one (1) year of the date of the last event in your Application? If you are not, then you must provide a good explanation for filing late. It must be a very compelling reason, such as a serious medical illness.

NOTE: The HRTO can be very strict with this deadline. You must determine when your limitation period will run out and file before that date.

For more information, review our guide on [Limitation Periods](#).

Section 4 – Areas of Alleged Discrimination in the Code

You must indicate which social area you believe the discrimination occurred in. The *Code* prohibits discrimination in five areas:

- employment;
- housing;
- goods, services and facilities;
- contracts; and
- membership in a vocational association (e.g. trade union, trade or occupational association or self-governing profession).

Section 5 – Grounds of Discrimination under the Code

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You must indicate what *Code*-protected grounds of discrimination you believe are relevant to the Applicant's experience of discrimination and/or harassment. You can select more than one ground, if necessary:

- Race
- Ancestry
- Place of origin
- Colour
- Ethnic Origin
- Citizenship
- Creed (religion)
- Disability
- Sex (including pregnancy)
- Sexual harassment, solicitation or advances
- Sexual orientation
- Gender identity and/or expression
- Family status
- Marital status
- Age
- Receipt of public assistance (housing only)
- Record of offences (employment only, must have been pardoned)
- Association with a person identified by a ground listed above
- Reprisal or threat of reprisal

Section 6 – Facts that Support Your Application

6.1 What Happened

You must set out ALL the allegations of discrimination in as much detail as possible:

- respondents are entitled to notice of the allegations against them and would be unfairly disadvantaged by a lack of detail and clarity in the Application
- you could be unable to proceed with an allegation that is not properly described in the Application. A new allegation may be added later by requesting an amendment, but this requires permission from the HRTO

You can use the space provided in the SmartForm or you can submit an additional document to explain what happened. The additional document should be named "Schedule A" and will only

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be accepted if it is **5 pages or less single or double spaced in at least Arial size 12 font** (or the handwritten equivalent).

Additional Information—Section 6.1 (What Happened)

6.2 Connection to Grounds and Discrimination Claimed

In this section, you must explain to the HRTO how you believe you were discriminated against because of the grounds you identified in Section 5. The questions listed in this section will be dependent on the grounds you selected in Section 5.

To prove discrimination, you must show there is a nexus (also referred to as a connection or a link) between the negative treatment you experienced and at least one of the personal characteristics in the *Code*. In section 6.2, the HRTO is asking you to explain the nexus between the events you detailed in Section 6.1 and the *Code* ground(s) you are claiming discrimination under.

Even if your personal characteristic is only a part of the reason (as opposed to the only reason) for the negative treatment you experienced, this is enough to prove discrimination under the *Code*.

For more information, review the section on “**What is the test for proving discrimination?**” in our guide on [Understanding Discrimination and Harassment](#).

Additional information on Section 6 (The Facts)

Section 7 – Other Legal Proceedings

You must indicate whether:

- The events happened in Ontario and in what city or town;
- The date of the last event; and
- If you are applying more than one year from the last event, you must explain the delay in filing your application

You must indicate in this section if there is any other legal proceeding, ongoing or completed, that deals with the same facts as those you have set out in the Application. For example, this

would include a union grievance, a worker’s compensation claim under the *Workplace Safety Insurance Act*, a Ministry of Labour proceeding, or a civil claim in the courts.

If you click “yes” in this section, you will be asked to provide information about the other legal proceeding and must include with your Application a copy of the document that started the other proceeding and any decision issued by a court or tribunal related to the proceeding.

Section 8 – Remedy

Section 8 has three subsections, to match the three provisions in section 45.2(1) of the *Code*:

1. **Monetary Compensation s.45.2(1):** “pay monetary compensation... for loss arising out of the infringement, including compensation for injury to dignity, feelings and self-respect”
2. **Non-Monetary Remedies s.45.2(2):** “make restitution... other than through monetary compensation, for loss arising out of the infringement, including restitution for injury to dignity, feelings and self-respect”
3. **Remedies for Future Compliance s.45.2(3):** “do anything that, in the opinion of the Tribunal, the party ought to do to promote compliance with this Act”

[Additional Information—Section 8 \(Remedy\)](#)

Section 9 – Mediation

Mediation at the HRTO is voluntary. Both parties must consent before a mediation (or settlement conference) will be scheduled. The Applicant must indicate in this section if they are willing to attempt mediation.

Section 10 – Declaration and Signature

You must date and sign the Application before submitting it to the HRTO. If you are submitting the Application electronically, you must check the box under the signature line to electronically sign the document. A Representative can sign an Application on an Applicant’s behalf.

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Submitting Your Application

- If submitting your Application electronically, you can email it, along with all necessary attachments, to HRT0.Efile@ontario.ca.
- Review the HRT0's [Instructions to Submit an Human Rights Tribunal of Ontario \(HRT0\) Application OR a Response Form Online](#) for more information on filing your application electronically.

Submitting by mail or courier may result in processing delays. The address for delivery is:

Human Rights Tribunal of Ontario
15 Grosvenor Street, Ground Floor
Toronto, ON M7A 2G6