IN THE SUPREME COURT OF CANADA

B E T W E E N:

PAUL JAMES

Applicant/Appellant

- and -

YORK UNIVERSITY and ONTARIO HUMAN RIGHTS TRIBUNAL

Respondents

AFFIDAVIT OF PAUL JAMES

I, **Paul James**, of the City of Oakville in the Region of Halton, MAKE OATH AND AFFIRM:

1. I, Paul James, am a Self-Represented Applicant seeking a request for reconsideration on my application for leave to appeal at the Supreme Court of Canada on a claim of discrimination, harassment, unfair treatment and forced resignation from my former employer York University, the Respondent, as a consequence of their knowledge of my poor mental health.

2. I, like ALL Canadian citizens expect a Canadian judicial system which is honest, ethical, fair, equal, transparent, impartial, responsible, accessible, correct and JUST in the adjudication of matters before the court.

3. I assert to the honourable Supreme Court of Canada that my human rights application to the HRTO in 2012 and throughout the Canadian judicial system including the Supreme Court itself

has not been afforded equal and fair treatment and I as the Applicant have not been treated with the dignity and respect all Canadians deserve.

4. The dismissal of my claim at the HRTO, lower courts, and Supreme Court of Canada has not been based on truth, fairness, and integrity of the evidence before the court but instead on untruths, false facts, and improprieties which have recreated the discrimination, prejudice and poor treatment I sought relief and justice from at the outset of my human rights application to the HRTO in 2012.

5. The one-year time limitation for filing a human rights claim within the Canadian Tribunal system has proven to be a discriminatory systemic barrier for accessing fair justice in my case and for other Canadian citizens suffering poor mental health who have filed legitimate human rights claims after the one-year time limitation period.

6. On Monday May 9, 2016 the Supreme Court of Canada in its release of the Case Summary on my application for leave to appeal used and justified the highlighted false sentence in the summary below which prejudiced and discriminated against my leave to appeal claim. Without correction by the honourable court the damage to myself and other Canadians suffering from substance use disorders will remain in perpetuity through the ongoing justification and recreation of discrimination and discriminatory acts against those who bring forth legitimate claims to the honourable court who suffer substance addictions (Exhibit A).

At the completion of his soccer career, Mr. James was employed as the master soccer coach of the York University Varsity Soccer Program. Mr. James was a distinguished soccer player who represented Canada at the World Cup and the Olympics. ***Depression and other physical and medical consequences of an addiction to crack cocaine resulted in him resigning from his position at York University in December 2009.*** *In October 2012, Mr. James applied to the Ontario Human Rights Tribunal alleging that York University had discriminated against him on the basis of his addiction and that he had been forced to resign. The last incident of discrimination was alleged to have occurred in December 2009. Mr. James' application was dismissed on the basis*

of his failure to comply with the one-year limitation period under the Human Rights Code. Mr. James sought reconsideration of that decision, which was also denied. He then sought judicial review of both the initial decision denying his application and the request for reconsideration. His application for judicial review was dismissed. His subsequent motion to the Court of Appeal for leave to appeal was also dismissed.

7. The paragraph in full outlining the consecutive dismissals of my claim, deliberately and unfairly communicated a prejudicial false message to the Canadian public that my discrimination claim to the HRTO in 2012 was not legitimate and that my leave to appeal to the SCC would be dismissed. It also illuminated the extreme measures the Canadian Judicial system has taken in my regard including deceiving the Canadian public through non-transparency of evidence in Tribunal and lower court judgments/rationales permitting defamatory media reporting on the matter in order to protect the Respondent, York University, and others from liability and responsibility for their errors of conduct and negligence in the way they treated my poor mental health while I was employed at the public academic institution. The one-year limitation barrier has permitted this discrimination of my human right, as a Canadian, to be treated equally and fairly and with dignity and respect under section 15 of the Canadian Charter of Rights and Freedoms.

8. I assert to the honourable court that on the administration of my case file at the SCC alone that my case has not been treated or decided fairly by Canada's highest court. On the contrary the display of unfairness, unreasonableness and impropriety is significant. Use of the sentence, **"Depression and other physical and medical consequences as a result of an addiction to crack cocaine resulted in him resigning his position at York University in 2009",** established that:

a. The sentence prejudiced my application and claim before the honourable SCC judges and the public at large which clarifies succinctly the damage the inappropriate, unfair and incorrect ruling on the merits of the case by Justice Edwards at the Divisional Court of Ontario has had on my claim moving forward and without correction in perpetuity. There is not a shred of evidence in this case file before the court which supports the statement by Justice Edwards.

b. Any reader of the aforementioned sentence via the SCC website Case Summary, decision rationale or in any other forum would be unfairly influenced to conclude that I did not leave York University because of the accumulative discrimination, poor treatment and lack of support. Yet the overwhelming evidence I provided through the judicial process confirmed I left York because of discrimination which was unreasonably ignored by the SCC law branch.

c. In light of the fact the SCC judges do not give explanations as to why they dismiss leave to appeal applications, the case summary in this particular claim identifies that the system can be and was used (tacitly) to unfairly and improperly communicate a false "explanation" of why an application was dismissed.

d. Deflects attention away from the real issue before the court concerning the adjudication of the one-year time limitation by the original adjudicator in this matter at the HRTO where purposeful "errors" and deceit were used to dismiss the claim and prejudice it moving forward through the judicial system which discriminated against my claim and myself as a person.

e. Grants immunity to those who have discriminated against my health and application and those who have inappropriately and deceitfully ruled on the merits of the case and/or unfairly disseminated the prejudicial ruling including the national post news outlet.

9. In preventing an access to justice for the legitimate discrimination claim I submitted in 2012, the Respondent, York University, the lower courts and now the Supreme Court of Canada have caused further unnecessary pain and suffering to myself and those closest to me.

10. My reputation, my soccer career and my life living as a Canadian citizen has been ruined because of the nature of my poor mental health; the failure of the "recovery system" purported to assist and help those persons in need of support; the irresponsible and negligent management of Sport York and York University once I sought help and support in 2008; the egregious deceit and collusion in covering up errors of conduct once the institution were confronted with the reality of their improprieties and the Canadian Judicial system itself, in unreasonably and unfairly dismiss-

ing my claim at each level of the process inflicting further humiliation on myself as a Self-Represented Applicant while appeasing the power and wealth of the Respondent and Respondent counsel. The one-year time limitation law is a harmful systemic barrier which has facilitated the discriminatory and prejudicial actions of the Respondent and Canadian judicial system against the legitimate human rights claim I presented.

11. I submit to the Supreme Court of Canada that the only reasonable, fair way for the Canadian Public and I as the Applicant to know my application has been adjudicated and judged equally and fairly is for the honourable court to grant my request for reconsideration and my leave to appeal to the Supreme Court of Canada and in doing so to address the merits of the case which have illegitimately been judged, determined and disseminated to the Canadian public which has violated on my right to be treated equally and fairly under Section 15 of the Canadian Charter of Rights and Freedoms.

Background to "exceedingly rare circumstances"

12. On May 17, 2016 I received an email note from the SCC Registrar stating the sentence I "objected to" in the case summary had been removed. However, the damage had already been done including dismissal of my application for leave to appeal by the Supreme Court of Canada. The removal of the sentence was not just because I objected to it. Succinctly, the removal was a result of the sentence being patently unreasonable which discriminated and prejudiced against my application to the SCC which is a violation of my human right to be treated equally and fairly under Section 15 of the Canadian Charter of Rights and Freedoms (Exhibit B).

13. I submit to the honourable court that any right minded Canadian citizen privy to the facts before the court would conclude the Canadian Judicial system rather than correct the clear injustice I have presented to the Tribunal and courts since 2012 – including the unequivocal evidence that York University Athletic Director Jenn Myers knew of my poor mental health and then lied about it – have instead stereotyped, prejudiced and discriminated against the nature of my ill mental health and in doing so have inappropriately, incorrectly and unreasonably dismissed my

claim, through bad faith, facilitated through the systemic barrier of the one-year time limitation period.

14. Since April 2008 when I sought help and support for my poor mental health I have faced stigmatization, marginalization, ongoing and accumulative discrimination, gross humiliation, overt ridicule, disrespect, prejudice, intimidation, excommunication, scapegoating, complete loss of personal privacy, national scale defamation from, not limited to, the National Post newspaper and a reputation which has been deceitfully and unfairly maligned and ridiculed to the point I have no social status, I am unemployable and more isolated than I have ever been.

15. During the process I held faith in the Canadian justice system to, at the SCC level, honourably seek out truth and apply justice because of the industry's communicated ethos based on integrity, transparency, impartiality, non-bias, correctness and truth seeking for all Canadians, irrespective of social class, self-representation or disadvantaged minority status based on mental disability.

16. My human right to be protected under Section 15 of the Canadian Charter of Rights and Freedoms however, has been repeatedly violated and infringed upon through the Canadian judicial process as a consequence of submitting my human rights discrimination claim after the one-year limitation period.

17. The "exceedingly rare circumstances" I present to the SCC Registrar and Court encompass three areas:

a. Administration on Application for Leave to Appeal at the Supreme Court of Canada.

b. Patently Unreasonable adjudication throughout the Canadian Judicial process.

c. Punishing Consequences of Societal Discrimination and Stigma

Administration on Application for Leave to Appeal at the SSC

18. After navigating three and a half years of the judicial process in this matter including: extensive deceit from Respondent submissions; HRTO adjudicator unfairly dismissing my claim in 2013 and 2014 through patently unreasonable adjudication and blatant deceit; Justice Edwards' inappropriate, incorrect prejudicial stereotyping on the nature of my health, along with his patently unreasonable ruling on the merits of the case at the Divisional Court; the Ontario Court of Appeal's unjustified and callous awarding of $1,000 costs to Respondent York University inspite of their knowledge of my dire socioeconomic circumstances and Respondents declaration of "no costs"; along with institutional systemic barriers, displayed through, not limited to, non-transparency of the evidence I provided on the discrimination I experienced at York University and beyond; in spite of all this, I still held belief that truth and justice would be sought and provided at the SCC.

19. I had been strengthened by Prime Minister Justin Trudeau's statement in 2015, that, 'All Canadians should trust and have faith in the Canadian judicial system'. And upon reading and hearing the honourable Chief Justice Beverly McLachlin's platform speeches across Canada emphasizing the immediate need to improve access to justice for Canadian citizens who cannot afford to retain legal counsel; her concern on how disadvantaged persons with poor mental health and substance addictions are poorly treated by the judicial system and the urgent need for this to be improved; and her pride in stating that Canada has, a "just", non-corrupt legal system highly regarded on a global basis, I believed, in spite of the horrific experience of living the past eight years in unnecessary incremental humiliation, that access to justice based on the values of integrity, transparency, non-bias, correctness, and rigorous truth seeking that justice would finally be served.

20. On January 4 (electronic copy) and 5 (hard copy) 2016, I submitted my leave for appeal application to the Supreme Court of Canada. In doing so my partner Ashley and I requested, through phone calls to the administrative branch of the court if my Application was deficient in any way. The court (Pascal) ***unfairly*** stated no and announced on January 5, 2016 through SCC website that certificate had been approved followed by written confirmation that application had been completed on January 6/7, 2016 as communicated via the SCC website.

21. Two months later, I was informed by the court (Pascal) that my application was in fact deficient, delaying the application process by two months which now required an amended application and a motion for an extension of time. In providing further humiliating documentation to the court, the privacy on my health was once again infringed upon as a consequent of the inappropriate actions of the administrative branch of the SCC who knew of the applications deficiency on January 4/5 because the error of applying for leave from the Divisional Court of Ontario instead of the Ontario Court of Appeal appeared in the incorrect writing of six capitalized words not only on the front cover of my submitted documents but also on pages 1, 3, 7 and 9. It is patently unreasonable for any Canadian citizen to conclude this was merely an innocent error by the administration of the SCC.

22. On May 9, 2016, the law branch of the Supreme Court of Canada in their dissemination of their Case Summary on my file (#36795) via their website, inappropriately used the following sentence,

"*Depression and other physical and medical consequences of such an addiction resulted in Mr. James resigning from his position at York in December 2009."*

This patently unreasonable statement severely prejudiced my claim to the Canadian public and to the honourable judges of the Supreme Court of Canada. It was a statement I contested in my submissions to the Ontario Court of Appeal; to the Supreme Court of Canada and directly to the chief editor of the National Post newspaper Ms. Anne Marie Owens. The law branch of the SCC should have known that the statement was inappropriate. Based on reasonableness the law branch would have been able to ascertain that it was an inappropriate ruling on the merits of the case which required debate and correction by the SCC judges not the law branch or administration arm of the institution to willfully ignore its inappropriateness and significance in prejudicing the matter before the court and in the public eye.

23. As a consequence of this inappropriate decision to include and forward the false statement, and upon careful review of my claim throughout the Canadian judicial process from 2013 on-

wards the appearance of impropriety and collusion in order to dismiss my legitimate discrimination claim against the Respondent, York University, to any reasonably minded person is beyond significant. To conclude otherwise is patently unreasonable.

24. As a former Canadian international soccer player and coach who on the international stage represented Canada with dignity, integrity, courage, relentless effort, great pride and total belief in the values Canada "holds dear," I have never been so discouraged and shamed than at this moment when recognition that what we communicate to the world on who we are as Canadians, represented by our "justice, equality, and fairness", is an illusion.

25. I sent the following email to the Supreme Court of Canada administrative law branch on May 9, 2016 followed by an excerpt from my Memorandum of Argument submitted to the Supreme Court of Canada (Exhibit B).

To the Administrative Law Branch of the Supreme Court of Canada:

There are no words to describe the COMPLETE AND UTTER RAGE I feel towards the inclusion of the following unnecessary sentence in your summary.

"Depression and other physical and medical consequences as a result of an addiction to crack cocaine resulted in him resigning his position at York University in 2009".

This is a BRUTALLY FALSE, DEFAMATORY STATEMENT whose lone author, the honourable Justice Edwards from the Divisional Court of Ontario, wrote in his decision rationale with NOT ONE shred of evidence to support his conclusion. This sentence of "fact" alone corruptly rules on the merits of the case because it is a closed statement with no room for interpretation and argument beyond what it states. The dissemination once again of this false targeted sentence by the SCC and the laser beam precision in extracting it from all the information and evidence before the court illuminates an extraordinary level of impropriety the consequence of which perpetuates the false message given by the judicial system throughout this process. Without immediate correction, the actions of the SCC administrative arm in purposely using this ONE sentence

substantiate unequivocally, my case will be dismissed. An ethical statement from the SCC Case Summary should give appropriate context and ownership of the statement you have included and not as a lone statement of fact. "Judge Edwards from the Ontario Divisional Court, concluded, that Depression and other physical and medical consequences as a result of an addiction to crack cocaine resulted in Mr. James resigning his position at York University in 2009". Irrespective of whether the claim is granted, the numbness from recognizing that our most treasured Canadian institution, the Supreme Court of Canada, engages in such egregious, unethical behaviour is as disturbing, as it is wrong, as it is infuriating. Without hesitation and with complete conviction I can now categorically state I am ashamed to be living as a Canadian citizen.

Taken from Statement of Memorandum

Judicial Review, May 28, 2014

* *The Applicant applied for Judicial Review on May 28, 2014. The Divisional Court held the Tribunal's decisions and dismissed the Application for Judicial Review on June 23, 2015.*

* *In doing so the honourable Justice Edwards stereotyped Applicants circumstances, presented inaccurate facts and errors, discriminated against Applicants health condition and similar to the HRTO adjudicator 'painted a picture of the claim' which was not transparent of the true reality of the case, solidified through an inappropriate, deceitful and damaging ruling on the merits of the claim when the argument was not before the court.*

* *In his decision rationale Justice Edwards states the following in Point 3,*

"Tragically, for Mr. James, with such an outstanding soccer pedigree, he succumbed to the vicious grip of an addiction to crack cocaine. Eventually, the depression and other physical and medical consequences of such an addiction resulted in Mr. James resigning from his position at York in December 2009." This was not an open ended statement it was a closed statement with no room for interpretation hence the defamation committed by the National Post whose title

reads, "Former Olympian who resigned from York University over crack use, fails to prove he was discriminated against."

** Justice Edwards has incorrectly and inappropriately ruled on the merits of the case because: (i) the legal issue before the court centred on the one year delay for filing a claim (ii) no valid evidence existed to support York University's denials of the specific acts of discrimination Applicant faced during his tenure at York juxtaposed with overwhelming evidence from Applicant which categorically established he was discriminated against and treated inappropriately once his ill health was exposed to others at York University. The dissemination of incorrect information on a national scale is extremely damaging to the Applicant and to the public as it stereotypes substance dependent people as "criminal", with no hope for the future ("Tragically") who must leave their employment to get well when this is the antithesis of the reality. This is of significant Public Importance because it lets the Respondent, York University, other organizations and society off the hook for intervening, supporting, and accommodating persons with legitimate bona-fide mental disabilities.*

** Applicant after reading the National Post article sent a passionate email to the chief editor of the National Post newspaper, Ms. Anne Marie Owens, requesting that the article be removed because it was defamatory, targeted, and excruciatingly painful and harmful to the Applicant's future. While the public comments have been removed the article remains online.*

26. I received a reply from the SCC Registry on May 10, 2016

May 10, 2016, at 8:51 AM, Registry-Greffe Registry-Greffe@SCC-CSC.CA wrote

Dear Mr. James,

Further to your e-mail of May 9, 2016, I wish to inform you that your views have been noted. I also wish to inform you that the summaries are prepared for information purposes only. They are not sent to the Judges. In this case, the summary is consistent with the lower court decisions.

27. I replied on Wednesday, May 11, 2016, Paul James <pjjames.09@gmail.com> wrote:

To Administrative Law Branch of the Supreme Court of Canada Thank you for your response to my email dated May 9, 2016.

Concerns to Your Reply are as Follows:

** Your explanation of the case summary being consistent with lower court rulings is unreasonable justification for disseminating the following false statement, the consequences of which continue to be devastating,*

"Depression and other physical and medical consequences as a result of an addiction to crack cocaine resulted in him resigning his position at York University in 2009".

** The statement rules on the merits of the case which is the responsibility of the SCC judges to address and not the administrative branch of the SCC. This is of particular importance knowing that the issue has been brought forward consistently in Applicant appeal documents which, thus far, has not provided any access to redress.*

** Nowhere in the submissions of the Respondent or Applicant throughout this judicial process has this false statement been stated or proven. The Respondent, York University, denied they even knew of Applicants poor mental health.*

** The false statement conveys to the public via the SCC website a false message which brings into question the integrity of the judicial process.*

** "They are not sent to the Judges" in reference to the Case Summaries, exposes an unreasonable systemic barrier which harms' Applicants in the event false statements are disseminated to the world in perpetuity.*

** Sending Case Summary's to the honourable judges I would favour as would other Applicants as it provides a level of accountability on transparency and truthfulness while eliminating any act of deceitfulness stemming from "cultures" of bad politics.*

** In the event my application for leave is dismissed the communication of the aforementioned false statement will provide to the Canadian public and the world, a complete misrepresentation of the applicants claim before the HRTO, the lower courts, and the SCC based on the dissemination of untruthful facts on an issue that was not yet before the court. This is unacceptable to me and should be a concern for all Canadians.*

** The honourable judges are afforded unfettered license to make decisions on leave applications without explanation. I understand and respect this. However, in light of this fact, it is an infringement on an Applicants rights to have no redress or accountability for harmful false statements disseminated to the public either at the lower courts or at the SCC administrative branch.*

** I hope this clarifies my position to the SCC administrative branch.*

28. On May 12, 2016 my appeal for leave at the Supreme Court of Canada was dismissed.

29. On May 12 and May13, 2016 I sent emails to the SSC registry including:

James <pjjames.09@gmail.com> wrote:
To Administrative Law Branch of the Supreme Court of Canada

In regards to Case File Number 36795 please provide the following,

Confirmation on the name of the Law Branch attorney whom was responsible for providing the Summary to the Honourable Court judges.

Did the summary include the following statement,

"Depression and other physical and medical consequences as a result of an addiction to crack cocaine resulted in him resigning his position at York University in 2009?"

Paul James

30. On Fri, May 13, 2016 at 6:01 PM, Paul James <pjjames.09@gmail.com> wrote:

To Administrative Law Branch of the Supreme Court of Canada

In reference to my call with Pascal today at 1.09pm for a duration of 5 minutes could you please respond to the following:

1. Why have I not received a response to my emails dated May 12, 2016?

I was told a letter had already been written and was about to be sent to me - signed by the Registrar. Why has the work day now elapsed without any such letter being sent nor any follow up as to why it would not be?

2. It is my understanding that the following sentence was sent to the Honorable judges in the law branch report on my file 36795.

"Depression and other physical and medical consequences as a result of an addiction to crack cocaine resulted in him resigning his position at York University in 2009".

Is this correct?

3. While Pascal did not know whether as Applicant I am entitled to a copy of the report sent by the law branch to the SCC judges I have been assured that I am. Is this correct?

Paul James

31. On Tue, May 17, 2016 at 2:57 PM, Registry-Greffe <Registry-Greffe@scc-csc.ca> wrote:

Good afternoon,

This will confirm that the case summary has been revised to remove the sentence to which you have objected. The summary is available on our website. I can confirm that the summary was not sent to the judges. As we previously advised you, these summaries are prepared as public information only. You are welcome to consult any documents in the case file, but copies of any memorandums or notes prepared for judges for use in their deliberations are not public.

Regards,

32. On Wed, May 18, 2016 at 2:34 PM, Paul James <pjjames.09@gmail.com> wrote:

Thank you for the reply.

However, this response avoids answering my question from the week of May 9-13, 2016.
It is my understanding that the following sentence was sent to the Honurable judges in the law branch report on my file 36795.

"Depression and other physical and medical consequences as a result of an addiction to crack cocaine resulted in him resigning his position at York University in 2009".

Is this correct?

Once again, please answer the aforementioned question which should encompass any communications by the law branch in memorandum(s) sent to the SCC Judges. This is not a complicated request nor is it a complicated question. On the contrary, it is a reasonable request for me to re-

ceive such information, the denial of which needs to be clearly stated and justified as to my rights as a Canadian citizen under the Canadian Charter of Rights and Freedoms.

Furthermore, to be clear, my objection as you state, concerns not just the sentence itself, but its **deliberate deceitfu**l use by the Law Branch of the SCC in their original Case Summary disseminated to the world for a minimum of 3 days. The "sentence" itself, originated from Judge Edwards' premeditated, deceitful decision rationale at the Divisional Court of Ontario which amongst many contrived "errors", inappropriately ruled on the merits of the case which overtly prejudiced Applicants claim moving forward.

Judge Edwards premeditated decision to include this sentence in his decision rationale, elicited, through plain and obvious collusion, a disgraceful, defamatory National Post article on the Applicant and Applicants claim, which, without fair justice, accountability, and correction will continue to harm Applicants life in perpetuity. I do not and will not accept these acts of deceit and corruption (not error or misapplication of law) nor can l, nor should I, nor should any Canadian citizen, move on from such circumstances which would merely perpetuate such absurd injustice.

I trusted in the SCC to correct such appalling circumstances, based in part on my admiration of the Chief Justice and the "platforms" she has espoused in various speeches throughout Canada which has included rhetoric on the importance of access to justice for all harmed Canadians not just rich, wealthy Canadian corporations seeking to resolve disputes; along with the need for the judicial system to accommodate and adjudicate appropriately, any harms inflicted on Canadians suffering the indignity of poor mental health and addiction. The failure therefore, thus far, to correct the egregious, obvious injustice in Applicants circumstance illuminates an apparent, and alarming hypocrisy and illusion in making such statements.

The public interest in this matter cannot be underestimated as ALL Canadians, at a minimum, expect a judicial system which is transparent, impartial, honest, ethical, fair, responsible, accessible and above all JUST in order that, at the very least, future Applications to Human Rights

Tribunals, the lower courts, and the SCC are adjudicated and judged on truth and integrity not untruths and improprieties. It is Applicants position that when the Canadian public including the Canadian government and Canadian sporting governing bodies become privy to the full set of circumstances and evidence which the Applicant has endured and provided to the Tribunal and lower courts respectively, they will be as appalled and disgusted as Applicant and those closet to Applicant who are aware of such circumstances.

If Applicant's circumstances which includes a signifiant soccer background and education can be treated in such a repulsive way what does it say for other Applicants chances of seeking fair access to justice from lower disadvantaged circumstances?

Established case law should be based on integrity and justice not deceit and injustice which in the latter instance harms the future of all Canadians. As it stands now Applicants' claim at the lower courts has already been used to recreate injustice through the ongoing use of tainted rationale. I do not and will not accept this nor should any other Canadian citizen.

Finally, throughout the past four years of seeking fair access to Justice I could not have been more respectful to the judicial system and people I have encountered in spite of the appalling harm this process has caused my life and those closet to me.

Once again, please reply **as soon as possible,** to the question I have stated above from an email sent to you on Friday May 13, 2016.

Paul James

33. On Thu, May 19, 2016 at 9:10 AM, Registry-Greffe <Registry-Greffe@scc-csc.ca> wrote:

I can only repeat the information given to you previously. Memorandums or notes prepared for judges for use in their deliberations in relation to judicial proceedings before the Court are not public. Accordingly, we cannot comment further.

34. On Thu, May 19, 2016 at 11:52 AM, Paul James <pjjames.09@gmail.com> wrote:

Thank you for the reply.

35. I assert that Section 15 of the Canadian Charter of Rights and Freedoms has failed to protect me as a person since I responsibly sought treatment and support for my substance use disorder to crack cocaine in April 2008 on my human right to be treated equally, fairly, with dignity, with respect and without prejudice or discrimination.

36. I assert to the SCC that the plain and obvious motivation and opportunity of the main stakeholders in this matter to engage in unethical behaviour is extremely high: A self-represented Applicant outlining his crack cocaine addiction, depression and anxiety, confronting the overt discrimination from an academic institution, York University, who house the prestigious law school Osgoode Hall, who retained a top law firm in Canada, McCarthy Tetrault, to defend their untenable position, both of whom have political tentacles which reach far and wide, illustrated through two of McCarthy Tetrault's current staff lawyers who recently worked as law clerks to the honourable Chief Justice Beverly McLachlin.

Patently Unreasonable adjudication throughout the Canadian Judicial Process: HRTO

37. I assert that on April 17, 2013 the Human Rights Tribunal of Ontario unreasonably and incorrectly dismissed my human rights application based on the discrimination, harassment, excommunication, and forced resignation I received from York University on the basis that:

A. The Tribunal adjudicator was unreasonable in ignoring and refusing to acknowledge or write that my plain and obvious disability was an addiction to Crack Cocaine. By ignoring the nature

and severity of my mental disabilities through writing addiction and drug addiction without ever referencing or stating **Crack Cocaine** the adjudicator created a false perspective on my health by diminishing its severity. The lack of transparency in not communicating accurate information prejudiced, discriminated and punished my claim moving forward and to the Canadian public which was unfair and unreasonable.

B. The Tribunal adjudicator ignored **completely** the debilitating consequences of Stigma and Self Stigma on persons suffering mental health disorders and particularly to those suffering from Crack Cocaine addiction.

C. The Tribunal adjudicator ignored completely my poor socioeconomic circumstances, unemployment, and lost career and the consequences this had on my physical and psychological well-being.

D. The Tribunal adjudicator deceitfully disseminated the following blatantly false statement in point 19 of the Tribunal's original decision, *"the applicant does not take issue with the fact that in this period he published newspaper articles and podcasts and authored a book about his disabilities…."*

As outlined below and provided in attachment in **Exhibit C** I did "take issue" in my submission to the Tribunal on March 22, 2013 which is a part of the public record;

In its Response, the Respondent points out that I authored a number of articles for the Globe and Mail. My writing for the Globe and Mail consisted mainly of "blog" entries on games of the Toronto soccer team, Toronto FC. I watched soccer games on television, and wrote commentaries. This did not require planning or coordination. Most of these entries were not actually published in the newspaper itself, they merely appeared in the newspaper's broader website. I was paid for these articles, though only a modest amount. It was not regular employment in any sense. Even producing these articles, however, was extremely challenging. When healthy, I would produce such an article in approximately 30 minutes. Producing these articles in this difficult

period, however, required 10-15 hours of my time, given my difficulties with concentration. I sometimes failed altogether, sending nothing at all to the Globe and Mail by their deadlines. When I did submit something, the newspaper sometimes refused to publish it because the quality was so poor.

In its Response, the Respondent notes that I released a podcast entitled "Paul James on Soccer". Everyone involved in the podcasts was an amateur and all of the podcasts were given away for free. There was no financial compensation ever given to me for my part on the Paul James on Soccer podcast. The reality of the "Paul James on Soccer" podcasts is not grandiose, and even so I had no role in planning or producing the podcasts. I would telephone the host of the podcast, who would ask me a series of questions about soccer, which I would try to answer. The host recorded the call. Since I did not have a phone, I often made the podcast telephone calls from a phone booth on Queen Street. I did not even adhere to a scheduled time for the calls. There was no preparation involved on my part. Sometimes my responses were belligerent and overly critical. At other times my responses were simply incoherent.

In its Response, the Respondent notes that from approximately January 2010 through to February 2012, I wrote a book, entitled Cracked Open. The book deals with my experience with drug addiction. I did not set out to write a book for the purpose of publication. Indeed, the book was not published in the traditional sense. It exists only as an E-book and was not backed by any company. Writing the book was intended to be cathartic and therapeutic. The book deals with many topics, including my childhood. The purpose of writing the book was to come to grips with what had happened to my life. Writing the book while actively addicted to crack cocaine was very difficult. I was in a mental fog when I wrote the book. Many of my statements in the book are wrong. The writing itself also contains significant grammatical errors.

Linda Perlis also made the following statements regarding my writing in her letter dated April 4, 2013;

"He approached me to read an early draft of his book and I did so with a view to illuminating his mental state for me. I told him that, in its state at the time I read it, it was exceedingly negative towards himself and self-criticism was the predominant tone. Just reading it made me concerned for his well-being."

E. The Tribunal adjudicator failed to acknowledge, appreciate or accommodate my own personal testimony admitting crack cocaine use since 1998 when even a lay person of the health issue would recognize the significance of the testimony knowing the stigma attached to such revelations.

F. The Tribunal adjudicator conducted unfair, incorrect, unreasonable, deceitful adjudication by concluding that the submitted evidence from social worker and psychotherapist Linda Perlis was not medical evidence when the unequivocal fact is that registered social workers and psychotherapists, when required, can provide medical evidence in the form of a letter concerning their clients mental state, which is precisely what Ms. Linda Perlis provided to the HRTO in 2013 and 2014.

G. The Tribunal adjudicator in conducting unfair, unreasonable and incorrect adjudication on the issue of the medical evidence I provided to the HRTO, declared the evidence did not include an explicit statement. Yet Linda Perlis, who treated me for my addiction to crack cocaine and depression in 2011 and 2012 provided her professional opinion on my mental state as powerful medical evidence which clearly ***indicated*** that my disabilities prevented me from filing a Human Rights claim in 2010 and beyond as the ***cited case law*** from then Respondent counsel from McCarthy Tetrault, Lisa Constantine, required. Linda Perlis was my only personal health care practitioner during the period after my forced resignation from York University.

H. The Tribunal adjudicator conducted unfair, incorrect, unreasonable and prejudicial adjudication on the issue of medical evidence on the basis that because Linda Perlis was my health care practitioner in 2011 and 2012 she was unable to attest to my mental state in 2010. This was incorrect and patently unreasonable. The delay was from 2010 and beyond, and she treated me dur-

ing this time. She treated me before I became able to file with the Tribunal, and was able to attest to my mental state during that time. To conclude otherwise deems **all forms** of medical evidence which requires disclosure of personal ill health information, past and present, as futile and redundant.

I. The Tribunal adjudicator conducted unfair, incorrect, unreasonable adjudication in failing to accommodate my plain and obvious disability in requesting any further information if it was determinative of an action to dismiss the claim at such an early stage of the proceedings. The testimony of Linda Perlis and my own revelations as to my crack cocaine use satisfied the plain and obvious requirement that I as an Applicant had a mental disability which required accommodation.

J. The Tribunal adjudicator conducted unfair, incorrect, unreasonable adjudication by ignoring the compelling and extraordinary circumstances I provided in my Request for Reconsideration to the HRTO including a 60-page report and accompanying 38 appendices; completely ignored the evidence I provided to the Tribunal on the subject matters as they related to my claim, including, co-morbid ill health, depression, substance use disorders to crack cocaine, the ineffective recovery system, social determinants of health and recovery, impact of stigma on those persons that suffer mental health disorders; the egregious, plain and obvious deceitful submissions from the Respondent; my ongoing poor mental health and deteriorating physical health as reported by Dr. Mahdi and the intersecting social conditions I faced as a person with a substance use disorder – unemployment, low income, homelessness, loss of dignity, humiliation, loss of privacy, self and societal stigma – which severely impacted my ability to file a Human Rights claim as it would any Canadian citizen including those Canadians without a disability.

K. The Tribunal adjudicator conducted unfair, incorrect, and unreasonable adjudication in assessing that my circumstances were NOT compelling and extraordinary. The Tribunal however would have been able to gather the following facts from both my original submissions and my request for reconsideration documents in order to make an assessment of whether my claim was compelling and extraordinary,

a. Have reached the diagnostic level of a substance use disorder to crack cocaine. I was diagnosed in 2008 and have used crack cocaine since 1998 b. Reached the diagnostic level for depression. I was diagnosed in 2000 c. Using crack cocaine has negative consequences for me physically and psychologically d. Have attended 3 rehab facilities in 2008, 2009, and 2011. e. Obtaining rehab confirmations was difficult and complicated because The Narconon Centre from my visit in 2008/09 was closed down in 2012 by the Quebec Government; my aftercare contact from Sporting Chance Peter Kay did not return communications – unbeknownst to me at the time he had fallen back into ill health (heroin dependence) and died in September 2013. f. My family doctor retired from his practice in 2010. I could not locate my medical records until the summer of 2013. It was through these records that I could locate MD Steve Melemis. g. Doctor Steve Melemis the diagnosing specialist for my substance use disorder declined to provide a letter concerning my mental capacity to file a human rights claim in 2010 and beyond (confirmed through email correspondences provided to the Tribunal adjudicator) because he did not treat me at that time or any period of my ill health – he diagnosed me in 2008 which he subsequently confirmed as requested in through a letter and 4 pages of diagnosing notes in 2013. h. After numerous communications, my original diagnosis for Depression was not received until January 2014 from Dr. Jeeva whom I saw and got diagnosed in 2000. He is the father of my nephew Tristan and had excommunicated with my sister Julie and our whole family for the past decade – he currently resides and works in South Africa. i. Have not worked in full time employment since 2009 because of overt discrimination. Total income earned during the period 2010-2015 is less than $40,000. j. The negative impact of unemployment and low income on the overall health of any person was provided in the submissions from renowned academic sources showing income to be the number one social determinant of health while employment is considered the fulcrum ingredient for ongoing successful recovery from severe substance use disorders. k. York University unequivocally knew of my ill mental health from 2008 forward yet lied about it l. I approached York University on three occasions to settle the matter of discrimination/harassment in private in order to maintain my own privacy and that of others which was very important to me. m. I did not file my taxes with the Canadian government for the years 2009, 2010, 2011 until the fall of 2012 in spite of being owed $18,000 in refunds because I did not have the mental capacity to do

so replicating my inability to file a human rights application until October 2012. n. ignored that my partner has suffered from alopecia (severe hair loss) during the judicial process and the deterioration of my own physical health as a consequence of excessive stress. o. ignored the humiliating psychosis episodes as illustrated in submissions which accompany my crack cocaine use. p. ignored the plain and obvious deceit from the Respondent in their submissions.

L. The Tribunal in maintaining that I did not demonstrate extraordinary and compelling circumstances in my case, could not reconcile that the Respondent, York University, through their Chief of Staff in an e-mail sent to me in response to my request to meet with President Shoukri, stated that my circumstances were in fact compelling,

December 13, 2013

Dear Mr. James,

I am writing in response to your request to meet with President Shoukri to discuss your experience as an employee of York University and a request to bring this matter to a resolution.

Your document provides a compelling personal story about your struggles with addiction. However, at this point I regret to inform you that there is nothing further the York University can do for you in these current circumstances. Therefore, the President is unable to meet with you to discuss this matter.

Sincerely,

Ijade Maxwell Rodrigues

M. The Tribunal adjudicator conducted unfair, unreasonable, incorrect, stereotyped, prejudicial and discriminatory adjudication in both decision rationales by not acknowledging any of the aforementioned evidence but instead in an undignified way made the following statements in the dismissal of my Request for Reconsideration:

[9] "The applicant maintains that the Decision dismissing his Application should be reconsidered because I failed to understand the nature and depth of his disabling addiction. While he clearly disagrees with the Decision, his submissions are an attempt to reargue what the Tribunal has already decided".

This statement by the adjudicator in light of the overwhelming evidence before him solidifies the one-year time limitation period for filing a human rights claim discriminates against persons with substance use disorders and others. The law is a clear systemic barrier when applicants are denied the right to correct overt deceit and manipulation of facts by adjudicators who, without correction, can do so with impunity, as a means to prevent fair access to truth seeking justice. My request for reconsideration was not to reargue the case it was to educate and correct the adjudicators prejudicial, discriminatory and deceitful statements and actions in his original decision in dismissing my claim at such an early stage of the proceedings. The adjudicator purposely denied the reality of my plain and obvious severe mental disability in the form of a substance use disorder to crack cocaine and in doing so deliberately eliminated the significant intersecting factors which proved that I was unable to file my human rights discrimination claim within the one-year limitation period. This was discriminatory. You cannot separate substance use disorders (addictions) from the social context as they are intertwined through negative consequences in ones life which is what determines whether a person is a user, abuser, or addicted to any specific substance. A person filing during the one-year limitation period would not face such discrimination and humiliation as the social interacting factors would be considered. If I had the capacity to have filed my claim on time with all the information provided to the Tribunal which unequivocally proves my mental disability, the claim would have progressed to a hearing to be heard on the merits. To conclude otherwise is patently unreasonable. Filing after the one-year limitation period subjected me to overt discrimination. It was my right to correct the injustice the denial of which further discriminated against my application.

[10] "Here the applicant's lengthy arguments are supported by numerous documents about his disabilities, his financial circumstances, dealings with the respondent and with his own counsel".

The adjudicator in making these statements was disrespectful to my application and myself as a person suggesting I was merely lamenting my circumstances when the truth of such submissions highlighted evidence of the impediments I was facing in my life. I had already endured enough indignity as a consequence of the Respondent, York University, and the judicial process itself, to then receive such comments was humiliating.

"Most of these documents predate the Decision dismissing his Application and he has not shown that any of these could not reasonably have been obtained and provided in support of his original submissions not to dismiss the Application for delay".

In painting a false picture of my submissions the Tribunal adjudicator through non-transparency of the evidence before him discriminated and prejudiced my submissions in order to unfairly dismiss my claim. In bad faith, the adjudicator ignored the fact of the severe debilitating nature of crack cocaine addiction and in failing to accommodate my plain and obvious disability exposed his decision rationale as being unreasonable, unfair, and discriminatory.

[11] " The documents which postdate the Decision are ones in which the applicant writes to various persons or institutions, asking them to provide information relating to his disabilities and attempts to treat them in the period preceding the filing of his Application. In some instances' there are responses to the applicant's requests and these responses provide details about his disabilities and treatment attempts in the period before he filed his Application. In other instances' the institutions indicate that they either have no records of treating him or that the records cannot be accessed. However, the applicant has not shown that any of these documents could not reasonably have been obtained at the time he made his submissions to the Tribunal about whether his Application should be dismissed for delay".

Without transparency of the submitted evidence it permitted the adjudicator to be deceitful in his statements. The plural use of "institutions" with regards to missing records was deceiving. There was only one institution, CAMH, where there was a "mix up" at the organizational level in their record keeping of my one visit which encompassed a counsellors assessment session with a

masters level student from York University highlighting significant irony. The matter itself was submitted to the Tribunal as a part of a chronological order of my life and was not determinative of the claim in any way. The adjudicator in extracting the frivolous information then "embellishing" it attempted to scapegoat the information as deceitful when it was plain and obvious that it was not. All other compelling evidence which the adjudicator could not manipulate, he deliberately ignored.

In stating, *"the applicant has not shown that any of these documents could not reasonably have been obtained at the time he made his submissions to the Tribunal",* the adjudicator displayed an unreasonable, deceitful, bad faith approach to the submitted evidence before him including the unequivocal fact that I had a mental disability in the form of a diagnosed substance use disorder to crack cocaine which is a severely debilitating disorder; the fact that the original decision and decision rationale were exposed as being unfair, incorrect, and unreasonable; and the deceit in ignoring the extraordinary and compelling reasons for why I could not have obtained the health care industries documents any earlier than I did. Importantly, had the Tribunal adjudicator fairly adjudicated at the beginning of the proceedings I would not have had to submit a request for reconsideration which would have prevented further gross invasion of my privacy and that of my family and others. Reading the patently unreasonable writing of the adjudicator in his decision rationale was as humiliating as it was damaging to my health and well-being.

38. I believed and trusted in the spirit of the Human Rights Code to protect the justice of Applicants filing discrimination claims after the one-year delay and not to dismiss them through unreasonable, incorrect, and discriminatory adjudication of the claim; inappropriately misapplying and interpreting of case law and the dissemination of false statements in order to justify their decision rationales.

39. It is patently unreasonable for any Canadian citizen to conclude, based on the information before the HRTO that the adjudicator was fair, reasonable, and correct. On the contrary the Tribunal treated my claim unfairly, unreasonably and in bad faith which violated my human right to be treated equally and fairly under Section 15 of the Canadian Charter of Rights and Freedoms,.

Judicial Process: Divisional Court of Ontario

40. The honourable Justice Edwards from the Divisional Court of Ontario in point 3 of his June 23, 2015 decision rationale, 110 days after the Judicial Review, stated,

> "Eventually, the depression and other physical and medical consequences of such an addiction resulted in Mr. James resigning from his position at York in December 2009".

41. I assert this statement was not a sincere mistake through misapplication or an error of law by the honourable Justice. Nowhere in the submissions was the statement made by either the Respondent or myself as the Applicant. This was a premeditated, inappropriate, deceitful, patently unreasonable ruling on the merits of the case which was not before the court and therefore purposefully used to harm and prejudice applicant's claim moving forward. To conclude otherwise is patently unreasonable.

42. This was solidified by the immediate humiliating, punitive, defamation I received from the National Post, dated June 25, 2015 whose title reads,

> *"Former Olympian who resigned from York University over crack use fails to prove he was discriminated against".*

43. The false statements by Justice Edwards and the National Post was not supported by a shred of evidence. On the contrary the evidence I provided to the court, unequivocally established I was discriminated against because of my substance use disorder to crack cocaine and poor mental health, leading to forced resignation from York University.

44. Justice Edwards then stereotyped and stigmatized my human rights claim throughout his decision rational. He stated in point 6,

> "Mr. James, like many who become addicted to crack, suffered from periods of depression, homelessness and encounters with the Criminal Justice System…"

45. Similar to the HRTO adjudicator in diminishing, punishing, and stigmatizing my mental health, Justice Edwards ignored my individual circumstances and instead stereotyped and reduced me into a group - "like many who become addicted to crack" – which harmed and humiliated me as the Applicant.

46. Justice Edwards failed to acknowledge that the escalation of my stressful and debilitating life circumstances after 2009 were a direct consequence of the way my health conditions were treated at York University forcing my subsequent departure.

47. I am not unemployed because of the ***humiliating*** assertion made by Justice Edwards, 'like many who become addicted to crack', which cements society's conditioned stigmatized approach to substance use disorders to crack cocaine.

48. I became unemployed because of York University's lack of support, discrimination, ex-communication, betrayal, deceit, and dissemination of my personal health information. I became homeless as a result of trying to save my home which was rented out because I had no income to live in it. The encounters with the criminal justice system without the explicit explanation of what these were – which would have established they were grossly incorrect; with charges dropped and withdrawn in both incidents and that they took place in 2010 and 2012 a period of extraordinary stress and ill health in my life a result of being unemployed – again highlights Justice Edwards' "agenda" to not balance his rationale but to dismiss my claim at all costs.

49. Justice Edwards in point 11 states,

> "Also, during the period of time after his resignation, he wrote a book titled "Cracked Open" which took him more than 26 months to write. This is the same time period when Mr. James argues he was unable to file his application with the HRTO within the one-year limitation period – an inability he puts down to the crack cocaine addiction".

50. With all the testimony and evidence at his disposal Justice Edwards unreasonably implies that the "production of a book" over a period of 26 months (not 6 or 12 months) equates to me being able to file a human rights application, failing to acknowledge it was an E-BOOK with the

assistance of a professional editor which was still poorly written. My "assisted ability" to complete the E-book was **not** indicative of my ability to file a complicated claim with HRTO in 2010 – Justice Edwards knew this. Testimonials from outstanding reputable persons including neuroscientist Ruben Baler from the U.S. Government, clinical director James West from the Sporting Chance clinic in England, professional editor and writer Jane Morris and others testified in writing of this fact. Justice Edwards unreasonably ignored the testimony of these experts in his analysis.

51. Furthermore, with all the evidence available to him to then conclude, assert, or imply, that the reason I departed York University was because: At 46 I wanted to lose my $80,000 a year soccer coaching job; never to coach again; write a humiliating E-book with the potential of making a pittance; and to publicly be open about my substance use of the worlds most stigmatized drug after 30 years of coaching and a lifetime involvement in the sport with no plan for the future, to become unemployed with no unemployment, medical or dental insurance and nowhere to go as a result, is an unreasonable, unfair, conclusion made in bad faith. I did not want to lose my soccer career which was firmly established in my submissions and testimonial evidence from my sister, parents, Dwight and Chris Hornibrook, James West from the Sporting Chance Clinic, and others. Discrimination, harassment and and poor treatment were the reasons for my departure not the scapegoating reason that I left because of my medical condition.

52. The Justice also ignored the complexity and severity of my ill health; avoided addressing the punishing self-stigma which accompanies the disorder and that I established in my testimony and evidentiary submissions from Revenue Canada proof of the late filing of my tax returns for the years 2009, 2010, and 2011 **in the fall of 2012** in spite of the fact I could have received in excess of $18,000 which would have prevented my “homelessness” had I have been able to file my taxes on time during my most vulnerable period. This inability to file tax returns substantiates valid evidence, as an intersecting factor, which replicates my inability to file a human rights claim during the same period. Justice Edwards along with the Tribunal adjudicator purposely failed to acknowledge this evidence.

53. Judge Edwards stated in point 20 that,

> "While Ms. Perlis, in her letter of April 4, 2013, states that the year following his "retirement" from York University was a period of extreme crack use for Mr. James, she does not offer any opinion that in this critical time period, because of his crack cocaine use, Mr. James would have been unable to file an application with the Tribunal, as he subsequently did on October 4, 2012".

Extracting the innocently used word "retirement" Judge Edwards illuminates a pattern of writing which unfairly deceives the reading public who are not privy to the full content and context of the Linda Perlis letter(s). In doing so Justice Edwards purposely ignored the cited case law as presented by Respondent counsel which required medical evidence to indicate (not explicit), which is a fair and just case law. Ms. Perlis provided a letter to the Tribunal to any right minded Canadian citizen more than reasonably satisfied the requirements of the cited case law and Tribunal jurisprudence. To conclude otherwise which the Tribunal and Justice Edwards did was unreasonable, unfair, incorrect and deliberate.

54. In stating in point 47,

> "We can see nothing unreasonable in the practice that has developed from the HRTO jurisprudence (which was properly followed in this case), which has consistently required medical evidence that establishes that someone's disability was so debilitating as to prevent an applicant like Mr. James from pursuing his or her legal rights under the Code – see *Dionne*, *supra*.

Justice Edwards contradicts his 'vicious grip comment' by conveniently ignoring in this instance that the substance use disorder I suffered from was Crack Cocaine which even to a person at a rudimentary level of understanding recognizes its severely debilitating addictive nature. Similar to a person suffering from stage one Melanoma or Leukemia, right minded persons recognize that Leukemia at any stage is far more debilitating than melanoma. A Tribunal adjudicator or Justice who does not understand or recognize this is either not qualified to be in the position of assessing such files or is being willfully blind of the reality of crack cocaine addiction. Both the Tribunal adjudicator and Justice Edwards had the benefit of a study I provided by the renowned neuroscience specialist Dr. David Nutt which established crack cocaine as the most harmful sub-

stance to the individual user yet far less harmful to society than alcohol. The graphs in this study outline the severe debilitating nature of Crack Cocaine and then through my reference of Dr. Tom McClellan from the University of Pennsylvania (in my request for reconsideration) he would have gleaned information which established that my 17 days of rehabilitation in November 2009 would have been futile for full recovery.

> 34. Former Drug Czar for the United States government and world renown expert in sub stance addiction, recovery, treatment, and mental illness, Dr. Tom McClellan from the University of Pennsylvania an accomplished psychiatrist, states, "For a person who has a chronic substance use dependency, 30 days of contained abstinence treatment will not make any neurological change to the brain which would prevent future substance use from taking place. Only after 90 days of abstinence can MRI scans reveal a noticeable modification in areas of the brain responsible for rational decision-making. This positive adaptation can then be harnessed to prevent future use. Realistically, for chronic sub stance users 6 months to a year of abstinence is the minimum required for a person to have an opportunity to achieve full recovery".
>
> 35. The following You-Tube clip provides HRTO with "Gold Dust" information from Dr. Tom McClellan in regards to addiction, substance use disorders, recovery, and treatment, which is relevant on a global basis. It illuminates the lack of effectiveness of recovery treatment programs; the ignorance on substance addictions and the strain it has on the health care system(s). York University's employee mental health and well-being system as it relates to severe substance use disorders should be evaluated on this particular in formation. **http://www.youtube.com/watch?v=ofJ8Zpk1J8M (Exhibit D pt 34 & 35).**

Furthermore, I provided ample evidence to the court on the unique disadvantage persons with substance use disorders face in regards to the unavailability of effective treatments and the negligible amount of medical doctors who are qualified to give substance use disorder diagnoses. Primary care doctors are not qualified or educated on the subject matter of substance addiction and as a consequence they do not treat patients with substance addictions.

55. In point 48 Judge Edwards stated,

> "It accords with common sense that if someone seeks to extend the one year limitation period set forth in section 34(1) of the Code, the applicant seeking such relief must put before the HRTO medical evidence that explains the applicant's disability and how that disability prevented the applicant from filing his or her application in a timely fashion. Such a practice, as has developed within the HRTO jurisprudence, is entirely reasonable".

In doing so and borrowing words from the honourable Justice Edwards it is common sense and reasonable that Linda Perlis who wrote two very graphic letters on my mental state and outlined why she was writing them not only satisfied the HRTO jurisprudence it surpassed it if the reader is objective and fair. Any right minded Canadian who reads the genuine testimony written by Linda Perlis – which was humiliating for me to read – would conclude that Justice Edwards and the Tribunal would be the persons deficient in fairness, correctness, reasonableness and common sense.

56. Then in points 49, 55, 58, 59 and 60, Justice Edwards in consideration of all the submitted evidence the honourable justice was privy to, displayed an extraordinary level of unreasonableness in stating,

> *(49) "On the facts of Mr. James' case, while we leave open for another day whether the opinion of a social worker might be considered medical evidence, we see nothing unfair nor unreasonable in the Tribunal's decision to reject the evidence of Ms. Perlis because of her failure to draw a causal link between Mr. James' disability and his delay in the filing of his application.*

This point by Justice Edwards was unreasonable, incorrect, and manipulative which discriminated and prejudiced my claim moving forward and once again humiliated me as a person. Substance use disorders are treated at the Secondary care level not the Primary care level of medical doctors. As a minority, disadvantaged group to unfairly dismiss the evidence of my only treating practitioner during this period, where it was plain and obvious I had a mental disability to any right minded person was unreasonable. The treatment options for any Canadian citizen looking

for help and support are sparse, inadequate and in most instances ineffective without social inclusion and humanistic support. This was educated to the court and Tribunal through my submissions. Furthermore, the medical evidence I provided to the Tribunal clearly indicated I had a severe substance use disorder which was the reason I could not file my application during the one-year limitation period.

> "*Ms. Perlis admitted that she was not qualified to give a medical diagnosis but, more importantly, nowhere in her letter does she state that Mr. James was so impaired by his cocaine addiction that he could not file an application with the HRTO in a timely fashion. The failure to draw such a causal link was fatal to Mr. James' application".*

The letter Ms. Perlis provided, surpasses the cited case law requirement by Respondent counsel at the time, Lisa Constantine. The diagnosis issue I dealt with in my factum and testimony to the Divisional Court on March 4, 2015, which included my substance use disorder diagnosis from Dr. Steve Melemis. Any right minded Canadian citizen would be able to discern that Ms. Perlis was writing her testimony in regards to my delay in filing an application with the Tribunal which indicates the causal link which Justice Edwards regards as fatal. Why else would Ms. Perlis be writing the letter to the Tribunal after she states,

"***I have been asked to write this letter regarding any delay that existed in Mr. James' claim to the Human Rights Commission."***

The use of the words extreme crack use themselves satisfy the need for a reasonable explanation. Medical doctors, health care or treating practitioners with integrity would not always write in such a fettered way as the Tribunal and Divisional Court demand unless unethically influenced by patients/applicants to do so. Mental health disorders require patient feedback. Unless a patient is comatose or hospitalized for 365 days of the year then it is impossible and therefore highly unreasonable to require such explicit medical evidence statements where there is not 100% certainty on what is written. It is why the Orlowski vs Apotex case law using ***indicate*** was cor-

rect and reasonable and is the term most often used under medical circumstances. Rejecting the letter and stating it is deficient in the writing of an explicit statement was a patently unreasonable decision which discriminated against my claim. Significantly it "permitted" the Justice and Tribunal to ignore the stark reality of my mental disability and the social context in which it subsists which purposely discriminated against myself and the claim. Had I have filed on time within the one-year limitation period I would have been treated differently and the application would have proceeded to a hearing on the totality of the evidence and because my severe mental disability was plain and obvious. It firmly cements that because I submitted my application after the one-year limitation period irrespective of its legitimacy I had no human right to access justice once the Tribunal adjudicator and Justice Edwards discriminated against the medical evidence.

> *(55) "While it is not determinative of our decision in this regard, we also note that Mr. James had the benefit of the assistance of legal counsel when he filed the letter of Linda Perlis. Ms. Perlis' letter failed to address the necessary causal link between Mr. James' cocaine addiction and his inability to file his application with the HRTO in a timely fashion, thereby satisfying the requirements of the procedure well defined in the Tribunal's jurisprudence. As well, again, while not determinative of this issue, we take note of the fact that neither Mr. James nor his counsel asked for further time to obtain more evidence to address the delay issue.*

57. Justice Edwards was aware that I suffered/suffer from a severely debilitating disorder, yet he treated my health as if it is not a disorder when it suited the agenda of his analysis which discriminated against the claim.

I had been unemployed from full time work since 2009; I had ongoing ill health and I had already faced extreme humiliation from my social conditions. Recovery from a severe substance use disorder requires treatment, support and employment, understanding and accommodation. The letter was filed as requested which clearly indicated my ongoing ill health during the period and my inability to file on time.

To dismiss the claim on the basis of my health care practitioner not writing it in a very specific way was discriminatory and unreasonable but in line with the pattern of unreasonableness throughout the judicial process.

How could I request time if I did not know what the Tribunal adjudicator needs or requires once you have given medical evidence which satisfies the cited case law. It was plain and obvious I had a mental disability. As important, the Tribunal if they were fair and reasonable would have accommodated my plain and obvious disability through the request of further information if it was required and determinative of their decision to dismiss. That would have been fair and reasonable and would have afforded me every opportunity.

58. Justice Edwards would have noted that the retaining of legal counsel was on very limited borrowed monies from my retired father who is poor. It bought only a limited amount of time and my counsel was totally reliant on me to provide information to him. My health at the end of 2012 and the first half of 2013 was poor in part because of the consequence of the treatment I received from the Mooredale Boys U12 team manager which resulted in me leaving my part-time soccer coaching work and receiving a text message from the manager which read: note to self – never hire a crackhead because I did not give his son enough playing time. I had coached the team for seven weeks and have been unable to retain team coaching work since, in part, because of the dissemination of false information from the manager regarding my mental health. In spite of this I provided the Tribunal with the medical evidence which was required.

> (56) "In my view, the Reconsideration Decision was both reasonable and fair. Further, I am satisfied that the Tribunal reasonably concluded that this was not an appropriate case for exercising its discretion to reconsider its original decision as there were no compelling and extraordinary circumstances for doing so and there were no circumstances which outweighed the public interest in the finality of orders and decisions of the Tribunal."

59. I assert that this comment by Justice Edwards was in line with his other unreasonable analysis. Confirming my circumstances and case do not meet the criteria of extraordinary and compelling, then it also confirms that if you file a discrimination claim based on a substance use disorder to crack cocaine beyond the one-year limitation period you have no access to justice which is patently unreasonable and discriminatory of the fact that had I applied within the one-year time limitation my claim including the medical evidence would have been treated differently.

> (59) "While Mr. James did place before the Tribunal, in his request for reconsideration, new documentation that purported to explain the delay in his application and the causal link between that delay and his medical condition, there is nothing in the evidence to suggest that this evidence could not have been obtained earlier by Mr. James or his counsel, through the exercise of reasonable and due diligence".

60. Justice Edwards in deceiving the public confirms that in spite of the overwhelming evidence in front of him he does not regard my poor health and that of a substance use disorder to crack cocaine as a mental disability requiring protection under Section 15 of the Canadian Charter of Rights and Freedoms. To state, "*there is nothing in the evidence to suggest that this evidence could not have been obtained earlier by Mr. James or his counsel, through the exercise of reasonable due diligence"* was deceitful and unreasonable. No right minded Canadian citizen with the benefit testimony and evidence which was placed before the court would conclude that I could have handled my claim in any other way. I was poor and unemployed and as a result I could not afford legal counsel aside from the paltry, limited time I was given. Justice Edwards in writing and disseminating this point purposefully ignored the testimony provided to the Tribunal regarding the difficulties I had receiving information from Dr. Jeeva; Peter Kay; Narconon Rehab; Dr. Spector and others. Justice Edwards does not confirm what possible motive I could have had for delaying filing my claim beyond the one-year time limitation because there is no explanation outside the fact I was unable to do so because of ill mental health in the form of a substance use disorder and the nuances and social context that accompany it.

(60) “Mr. James was afforded every opportunity to provide the necessary medical evidence explaining the delay in his application and the causal link between the delay and his medical disability brought on by his addiction to crack cocaine. Mr. James did not put his best foot forward as required by the Tribunal, and it was not open to Mr. James, in his request for reconsideration, to essentially re-do his application with the benefit of evidence that was open to him to have provided to the Tribunal when he was given the opportunity to explain his delay. There was nothing unfair, nor was there anything unreasonable in the approach adopted by the Tribunal when it refused to reconsider its original decision”.

61. Justice Edwards in completing his decision rationale was unreasonable, unfair and incorrect. The reason I could not file within the one-year limitation period was summed up in point 245 of my request for reconsideration,

245. To require a person suffering from comorbid ill health including chronic stress, extreme anxiety, depression and a severe substance use disorder to crack cocaine along with the psychological impact of lost career, below poverty line income, unstable housing, public humiliation, and a total loss of identity, to have filed a human rights claim or request for a reconsideration of a denied claim on very limited time parameters, is to show a profound lack of understanding on the complexities of ill mental health, recovery and disability as presented in this document. To produce this request for a reconsideration of HRTO’s denial of my Human Rights claim against York University at a date earlier than is presented here, is not a reasonable, realistic, or fair expectation under the extreme conditions as presented in this document.

62. The statement, *“Mr. James did not put his best foot forward as required by the Tribunal, and it was not open to Mr. James, in his request for reconsideration, to essentially re-do his application with the benefit of evidence that was open to him to have provided to the Tribunal when he*

was given the opportunity to explain his delay, was, aside from being unfair and unreasonable it was also a disgraceful, insulting remark to me as the Applicant who has suffered enough pain, humiliation as a consequence of my mental disabilities and the resulting prejudice and discrimination. It is the equivalent of asking a physically disabled person to climb up a very steep hill in very limited time and if they fail they lose all their rights, which would be considered cruel and abusive.

63. Section 15 of the Canadian Charter of Rights and Freedoms communicates that all Canadian citizens have the right to be treated fairly and equally. A person therefore under section 15 cannot be discriminated against based on mental disability.

64. Justice Edwards however, with all the information and evidence at his disposal infringed and violated Section 15 as it pertained to my claim before the court throughout his decision rationale encapsulated by points 58, 59, 60. The Divisional Court treated my mental health disorder as if it is not a disability when it suited the court. In stating that I tried to redo my application and reargue the case Justice Edwards was deceitful to the Canadian public. It also illuminates the damaging systemic barrier to accessing fair social justice when adjudicators are permitted to write false statements, misapply case law and manipulate information to dismiss a claim and 'paint a false picture' in the decision rationale, with no access for the Applicant to redress or correct the further injustice or accountability for those justices or adjudicators who commit such impropriety. Unless a higher court intervenes with integrity, which has yet to happen in my case, either because of the tainted rationale itself or the collusion of the system, injustice will prevail which then validates the Canadian judicial system as being categorically corrupt. The one-year limitation period for filing a human rights claim has facilitated the discriminatory actions and behaviours of the Judicial system in the adjudicating of my claim which has caused extraordinary damage. This is as irresponsible, as it is unreasonable as it is unacceptable for any Canadian citizen to have to endure.

65. Justice Edwards in line with the HRTO adjudicator COMPLETELY ignored the impact of self and societal stigma – the social phenomenon which has catastrophic consequences for per-

sons suffering from substance use disorders in every facet of their life from the trajectory of their poor health and their apprehension to seek out treatment to the devastating consequences if their health circumstances are ever exposed.

66. The dismissive approach in regards to stigma was unreasonable, unfair and unacceptable knowing the psychological damage that self and societal stigma has on a person from a minority group who has been overtly discriminated against. The psychological process for me as a profile person within the industry I worked was paralyzing, ignited as a result of the accumulative pressure of dealing with the betrayal and discriminatory, scapegoating comments and actions of others which infringed on my privacy. As a consequence, my ill health escalated with no support from my employer. It is the essence and impact of Stigma. Stigma is discrimination. The Tribunal and Justice Edwards in not acknowledging or addressing this phenomenon were unfair, incorrect and unreasonable. The immediate, unreasonable discriminatory dismissal of the medical evidence I provided to the Tribunal unethically facilitated this approach which was patently unreasonable and discriminated against myself and my claim which violated my right to be treated equally and fairly under Section 15 of the Canadian Charter of Rights and Freedoms. Considering my own personal testimony and that of Linda Perlis' it was plain and obvious to any right minded Canadian citizen that I had a severe mental disability which escalated as a consequence of my departure from York University.

67**.** Justice Edwards commented earlier in his decision rationale that,

"York also denied Mr. James' allegations of discrimination".

However, York University provided no evidence to back their claims. In contrast, I provided significant evidence which exposed the respondents' deceit in their submissions which the Tribunal adjudicator and Justice Edwards in tandem, purposely ignored. Justice Edwards falsely wrote instead, "Eventually, depression and other physical and medical consequences as a result of an addiction to crack cocaine resulted in him resigning his position at York University in 2009" which aside from being made in bad faith discriminates against myself and other em-

ployed persons who suffer from substance use disorders. The expectation communicated through Justice Edward's statement is that you have to leave your employment as a consequence of your mental disability in the form of a substance use disorder. It was a statement by Justice Edwards which epitomized the false picture which has been painted throughout the Judicial Process. This is unacceptable to me as it would be to any Canadian citizen.

Discrimination York University

68. I provided detailed evidence to the Tribunal and Lower Courts on the discrimination I faced and deceit of Respondent submissions, ***not limited to,*** a Dwight Hornibrook testimonial letter affirmed by Chris Hornibrook, Julie James, and myself Paul James; a separate letter affirmed by my sister Julie James, and my parents John and Olive James; my personal testimony in my original submissions and in the Request for Reconsideration document, Dr. Steve Melemis notes confirming persons I had discussed my health with including my two assistant coaches; Employee Wellness Office Letter and PRAL form; James West from the Sporting Chance clinic whose statements regarding employment were significant.

69. **Synopsis Late November 2008.** In late November 2008 Bree and Jamie excommunicated with me and my family as a coercive measure aimed at forcing me into rehab two weeks earlier than my departure date of December 18, 2008. Both assistant coaches refused to attend our national championship soccer celebration and awards banquet on December 11, 2008 in spite of my parents and sisters pleads for them to do so. The cruel punitive approach to my health was precipitated by my informing Bree that I could not reciprocate her need for a romantic relationship and Jamie that he needed to take a step back from the soccer program as he was disrespectful to me as a person since he had learned of my ill health. Both knew I had been booked into the Narconon Drug Rehabilitation centre for December 18, 2008. Both knew that in the interim between November 30 and December 18, 2008 I had commitments to GOL TV with Canadian and FIFA World Cup superstar, Christine Sinclair in Saskatoon, and Kingston; and an OUA meeting in Toronto. Both also knew from the April 2008 intervention, that dealing with my personal circumstances had to be applied in a careful, sensitive way. The action(s) to excommunicate during

this period were egregious and extremely damaging to my psychological well-being which exposed to all 150 soccer players, coaches, alumni and Sport York athletic director Jenn Myers that something was not right with the women's soccer program and coach. Under the circumstances of my own parents and my sister Julie calling both Jamie and Bree and "begging" them to attend the national championship banquet, the experience was excruciatingly humiliating and as anticipated elicited a number of enquiries.

70. Inserted below are pertinent extracts from the request for reconsideration document I submitted to the HRTO and lower courts,

71. Bree Carr-Harris and Jamie Teixeira (York University Assistant Soccer Coaches) (Exhibit D pt. 157-231).

> **157. For context of April 2008**, I opened up to my assistant coaches Jamie Teixeira and Bree Carr-Harris about my health, which had deteriorated significantly – confirmed by Dr. Melemis's notes in Appendix T. A few days later both coaches attended a self-imposed intervention in Burlington, Ontario along with my sister Julie, Dwight and Chris Hornibrook as noted in Appendix CC.
>
> **167.** Jamie Teixeira called Dwight Hornibrook in late November of 2008 and relayed information that my poor health was so severe it appeared I was about to die.
>
> **168.** Contrary to York University's statement that Bree Carr-Harris and Jamie Teixeira kept my health issue a secret, their behaviour and actions including excommunicating with me in late November of 2008, at such a vulnerable time in my downward spiral, along with their refusal to attend York University's soccer banquet to celebrate our men's national championship victory, communicated to everyone including to Sport York that something was very wrong with the women's soccer program and myself in particular. They felt my conditions both physically and mentally, were so severe, that my life was in danger.

169. The insincere, coercive discriminatory method to get me to attend rehabilitation immediately, instead of the scheduled date of December 18th, 2008, which they were aware of, accelerated my paranoia to the harsh detriment of my future health. It was a dangerous discriminatory action, which was an infringement of my basic human right of privacy and was done so with particular vindictiveness after I had temporarily released Jamie from the soccer program and announced sensitively to Bree there would be no romantic link between us **(See Appendix B page 10).**

171. Jamie and Bree both knew I was scheduled to attend rehab on December 18, 2008; both knew I was not avoiding going to rehab; both knew my family and I were desperate for me to get away once I met my York and Television commitments; and both knew I had to travel to Kingston, Ontario and then Saskatoon, Saskatchewan in the first 10 days of December, 2008 in order to meet a GOL TV coaching commitment which had been advertised on national television for 6 months with Canadian international soccer super star Christine Sinclair.

172. I communicated through text message to Jamie that once I came home from Saskatoon I would sit down with him to discuss his status – at which point I would have outlined my concerns and would have conditioned his continuation with the team on his ongoing respectful attitude towards me. However, while I was away working with Christine Sinclair and GOL TV Jamie and Bree excommunicated with me and in doing so Jamie did not return my text messages.

175. Bree Carr-Harris on December 18, 2008 drove me to Toronto airport for my flight to Montreal to receive drug rehabilitation after she hypocritically lifted her excommunication once it had proven to not work. On January 24, 2009 Bree picked me up from Toronto airport after my return home from drug rehabilitation.

72. Jenn Myers Athletic Director at York University was hired in the summer of 2008.

182. York University's assertion through Jenn Myers that the reason I "need some time off" was to deal with **personal matters** is false. The denial by York University of Jenn Myers explicit knowledge of my ill health is a corrupt and insulting statement, which has caused significant stress and extraordinary pain to my life, which absurdly, amongst many negative consequences, deceitfully tries to stereotype me as a substance dependent person who is being dishonest in this regard. It also makes a complete mockery of York University's assertion that I should have opened up specifically about my substance use disorder to crack cocaine and their own promotional activities encouraging students to talk openly about their mental health.

183. Appendix B (page 9 and below) outlines the statement I made to Jenn Myers in early November 2008, which was written in the account of my life Cracked Open.

Early November 2008 *"Once we arrived in Ottawa I arranged a meeting with our new Athletic Director. We walked to the Rideau Canal and I told her I was not well and needed some time off. I did not tell her specifically about my drug addiction. I just made the comment,* ***"When I wake up in the morning and you may see blue sky, I only see grey clouds".*** *While the statement was true as a result of the depression that precedes and follows drug use, I held back on a full explanation. She said "however long you need, a month, 6 weeks will be fine with us". I told her that I appreciated that but that I actually needed 3 months. She advised that was fine but we would need to speak with Human Resources" (Excerpt from e-book* ***Cracked Open****)*

184. I, myself, Paul James, have prepared this completed document in full. The statement regarding my communication to Jenn Myers of my ill health is the same statement I have made publically and throughout this process. It will be the same statement I make at a hearing in a court of law or under polygraph testing if need be.

185. York University provides no signed affidavit statement from Jenn Myers verifying her own assertion and her denial of my own statements.

186. Jenn Myers and others at York University have a significant motivation to partake in manipulative corrupt statements in regards to my health circumstances while I was at York University, as it is legally reprehensible to discriminate against people for their mental disability which York University can be found culpable for.
http://www.ohrc.on.ca/en/policy-and-guidelines-disability-and-dutyaccommodate/2-what-disability.

187. York University's denial of the ill health information I provided to Jenn Myers is inconsistent with their own admittance that the EWO office contacted me in February 2009 requiring my **treating practitioner** to submit a Practitioners Report on Abilities and Liabilities. **Appendix BB** as previously outlined, provides the EWO letter and completed PRAL form from Dr. Spector my family doctor at the time.

188.I did not contact the Employee Wellness Office about my 3-month leave of absence and poor health in 2008 or at any other time while I was contracted at York University.

189. Sport York contacted EWO directly about my ill health as per my conversation with Jen Myers in Ottawa in November of 2008 which was confirmed to me directly in a telephone conversation I received from EWO – who enquired about my non-submission to their office of the required PRAL form by February 20th 2009 – prior to my return to work in March of 2009. I requested from EWO at the time, 'whom had they received the information of my ill health'. They confirmed it was from Sport York directly.

190. As stated in **Appendix B (page 9)**

"If Sheila Forshaw at Sport York had been told by Jenn Myers that I was dealing with personal issues/matters then I cannot verify or comment on those details aside from the fact I requested Jenn to keep my ill health private at that time – which she acknowledged with the **caveat** that she would have to inform Human Resources (EW0) and they would require a doctors note at some point, which I understood. I state, categorically, that Jenn Myers was told by me that I was not well and I had not been well for some time. I then used the metaphor ***"When I wake up in the morning and you may see blue sky, I only see grey clouds" to clearly indicate it was a mental health issue to any reasonably educated person in a position of management.*** It was the identical conversation I had with a media outlet I was working for at the time where I also had to seek permission for three months leave of absence. The contents of the dialogue I discussed and formulated with Dwight Hornibrook prior to telling both organizations because it was of such great concern."

191. The media organization I discussed my mental health with, released me from my contract within a few weeks of my return from drug rehabilitation at Narconon, in Trois Reveres in spite of being assessed as the best soccer analyst in the country in some segments of the soccer industry in 2007.

192. As York University admit, the EWO office nor anyone at Sport York ever contacted me again in spite of their knowledge of my poor mental health as it related to, at the very least, an ongoing "acute stress reaction" and depression in the case of Jenn Myers. EWO and Sport York knew of my need for ongoing assistance as reported by Dr Spector.

73. **Synopsis Nov. 15 - Dec. 4 2009** I attended second rehab in England returning after only 17 days to meet a speaking obligation for the history department at York University. I contacted Jenn Myers and Sheila Forshaw my direct supervisors requesting a meeting so I could discuss my health. Entering Sport York offices on December 8, 2009 I was told by Gillian McCullough

from Sport York, "Jenn (Myers) hopes you have your head screwed on straight this time". A few minutes later Ms. Myers, in front of Sheila Forshaw, with no inquiry as to how I was doing or why I had requested the meeting, stated to me, the master soccer coaching position was being devolved; that York men's part-time soccer coach, Carmine Isacco, whom I had previously recruited in 2007, was being hired as the full time men's soccer coach; and that I could apply for the women's soccer coaching position and my application would only be considered along with other applicants. In the face of extraordinary humiliation, I left the Sport York offices five minutes later and departed the university on December 31, 2009. During my six-year tenure the previously moribund York University soccer program transitioned into one of the top soccer programs in the country: Six divisional titles, four OUA provincial championships, one national title, numerous individual honors including two national coach and player of the year awards; a fundraising account $8,000 in the black after being $10,000 in the red, and extensive media exposure through my work at GOL TV. York University's press release of Applicants departure included the statement from Jenn Myers that, "We are very disappointed to be losing Paul James" which blatantly contradicted Jenn Myers request for me to formalize my resignation in Oct of 2009; the devolvement of my master coaching position for no logical reason; and the callous lack of support and compassionate understanding of my plain and obvious ongoing health distress, epitomized through the requirement upon my return from drug rehabilitation to apply for a demoted coaching position, an incumbent position I had held for six years which included three weeks earlier leading the York women's soccer team to their third OUA championship in 5 years, and with no guarantee I would be hired.

197. Bree Carr-Harris, having excommunicated with me for the second time in seven months in the summer of 2009, then without seeking permission from me as the master soccer coach at York University she organized an alumni women’s soccer event at a York University women’s soccer game. It was an embarrassing circumstance, which communicated the disharmony of the York women’s soccer program to approximately 20 former players who had competed for the program over the previous 4 years and specifically again, to Sport York. For me as the substance dependent person, it was yet another hu-

miliating experience as Bree Carr-Harris for the third time in less than a year overtly held the mental health issues I was suffering from over my head, in public. It communicated to others the disharmony that existed within the York women's soccer program as it related to me, while tacitly rationalizing to observers that Bree's non-involvement was not of her own making.

202. Appendix B (page 13-17) outlines the difficulties I faced in the fall of 2009 with discrimination and biased treatment including particular instances from Jenn Myers my direct supervisor.

203. In the Jenn Myers instance regarding field usage I have been blamed and held accountable for an issue that was not of my doing. Carmine Isacco was the men's soccer coach using a field for training. Jenn Myers' emotional reaction was incorrect and inappropriate. The blame I received was unfair, biased and discriminatory at an extremely vulnerable time for my deteriorating health.

204.York University's explanation of the role Jenn Myers played in this field use issue is as prejudicial now as it was discriminatory at the time.

205. York University and Jenn Myers' dishonest explanation of the issue regarding the use of the fields at York University highlights what it is to live as an exposed person suffering with a mental disability. In this incident, for a mistake Jenn Myers was totally responsible for, the "blame" is not channeled onto Carmine Isacco whose team was using the field or to Jenn Myers herself who was the culprit but to me as an innocent person of ill mental health.

206. My informal resignation from York University in the fall of 2009 was consistent with the negative and discriminatory experiences I had received over the previous 18 months including but not limited to the excommunication from Bree Carr-Harris (twice);

Jamie Teixeira; and Rebecca Proctor; the biased, unfair and discriminatory treatment from Jenn Myers and Richard Parkinson; isolation in my job with no assistant coach; emails and calls to management that were not returned; and the neglect of care and understanding of my health circumstances from Sport York, Jenn Myers, and the EWO office which inevitably ignited an escalation of my ill health.

207. This **informal** resignation to Jenn Myers was via a phone conversation. There was never a contact from anyone at Sport York or York University to sit down and discuss why I had made the decision. I did not formalize my decision in writing, as I was desperate to not do so. I was 46 years of age with a lifetime of hard earned soccer experience and commitment with nowhere to go career wise. I was desperate for confirmation that someone cared enough to assist and in particular for the poor treatment to stop.

208. Under excruciating psychological circumstances including once again accelerating substance use, it was the best I could possibly do to communicate I needed help, support, and understanding.

209. When walking by Jenn Myers at the York stadium two weeks after our initial phone conversation, Jenn requested, in a nano-second statement, that I formalize my decision to resign – forced resignation – which I reluctantly did.

210. As outlined in point 206 and confirmed in an email sent to Jenn Myers and Sheila Forshaw January 4, 2010 **(Appendix EE)** I contacted Sport York on several occasions prior to the end of October to inform them of my departure (to a drug rehabilitation clinic) in England in mid-November which was necessary for me to do so as it looked likely our women's teams progress would conflict with the starting date of my second rehab. At the very least with no assistant coach available I had to find an alternative in the event there was a collision of schedules. It was an opportunity to open up directly about my substance use disorder, as I was so desperate not to lose my career. It was an opportunity

I was never given. In spite of York's assertion that Jenn Myers returned my calls I did not receive any such call or message or email response which was a consistent pattern.

211. Had Sport York or Jenn Myers cared they could have easily connected with me by attending a training session or by speaking to me at the conclusion of a game.

212. It was reasonable for me to conclude that I was not wanted at York University because of my mental disability including a substance use disorder.

213. As a profile person I was so fearful of my health issue being disseminated and exposed further it added even more extreme angst to my life.

214. Contrary to Jenn Myers' assertion that she 'only wanted the best for me' – in a 2012 email response **Appendix FF** – her actions in 2009 do not support her claim. She never met with me or inquired as to what my planned future career path was going to be. In this email response Jenn Myers admits to her mistake of not enquiring further in regards to my circumstances.

215. Jenn Myers is also repeatedly dishonest in her email denial (Appendix FF) of any direct or constructive knowledge of my poor health, repeatedly referencing personal issues instead, which, in the future York University would transpose as personal matters. It was a cutting response three days before my story was released to the world.

220. Upon my return from the Sporting Chance I contacted Jenn Myers and Sheila Forshaw requesting a meeting so I could address my health. A meeting was arranged after my request was received.

221. York University in their response asserts,

"On December 8, 2012 Ms. Forshaw and Ms. Myers met with the Applicant to address his resignation and transitional issues for the York soccer program. Following the meeting the Applicant thanked Ms. Forshaw and Ms. Myers for their ongoing support".

Appendix B (from page 19 and highlighted below) is reflective of what transpired in the meeting which I requested, not Jenn Myers or Sheila Forshaw.

Mid-December 2009

After returning from rehab in England **I contacted** Jenn Myers and Sheila Forshaw about a meeting. It was not the other way round as suggested in a Human Rights claim four years on. **Why did they want to meet with me if that were the case – to persuade me to keep my job?** When I arrived at the Sport York offices, **Gillian McCullough**, the manager of interuniversity sport and recreation at York, told me, Jenn Myers had stated **"I hope he has his head screwed on straight this time",** which ***paralyzed*** me as it is the essence of a **discriminatory comment** for a person suffering from mental health issues. Within a minute of entering Sheila Forshaw's office I was told **by Jenn Myers that the decision to dissolve the master coach position into two full time coaching positions had been made,** and that I could apply for the women's soccer position and my application would be **considered with other applicants, while the decision to hire Carmine as the men's full time coach had already been decided. It was a clear act of discrimination made in front of Sheila Forshaw and myself.** When I was hired in 2003, the incumbent men and women's coaches both had to apply for the position with other applicants before a decision could be reached. Jenn Myers' comments in full were a clear act of discrimination against me. No question as to **how was I doing or why did I request the meeting** in the first place. Considering the circumstances of winning a third women's OUA soccer championship four weeks earlier and knowing I had been away it was a callous, unethical approach that made absolutely no sense except that they knew of my poor mental health and battle with addiction and did not want me at York University as their master soccer coach. **What would have made sense?** Encouragement to stay at York University based on my soccer coaching background, the commitment I had given to

York University over the previous 6 years, the achievements which had been accomplished, and the fact Jenn Myers knew I had been unwell and that something was clearly way off centre.

222. Contrary to Jenn Myers' assertion that she 'only wanted the best for me' as outlined in Appendix FF, her actions in this December 2009 meeting do not support her claim.

223.York University's denial of Gillian McCullough's discriminatory, harassing statement, "I hope he has his head ("screwed") on straight this time", as not being attributable to Jenn Myers communication of my poor mental health, does not include an explicit, authentic affidavit statement from Jenn Myers confirming this assertion by York University.

224.York University does not include an explicit, authentic affidavit statement from Gillian McCullough explaining her statement; why she would make such a statement; and why she would implicate Jenn Myers if Jenn Myers had not made it.

225.As asserted in York's response, the meeting was to address my resignation and transitional issues of the soccer program. No such issues were addressed and York University does not provide written statements from Jenn Myers and Sheila Forshaw on exactly what these issues were.

226. When I entered Sheila's office I was immediately told the decision to dissolve the master soccer position had been made, *"Within a minute of entering Sheila Forshaw's office I was told by Jenn Myers that the decision to dissolve the master coach position into two full time coaching positions had been made"* and there were no questions related to why had I resigned.

227. On December 8, 2009 the specific date of my meeting with Jenn Myers and Sheila Forshaw the public announcement of my departure had not been released. Had York Uni-

versity, Sport York, Jenn Myers and Sheila Forshaw wanted me to stay it is reasonable to conclude and unreasonable to not conclude that my forced resignation could have been internally revoked.

230. During my time at York University aside from the hard work and success that had been achieved I was, in spite of extremely difficult health issues, professional and totally ethical in the execution of my job.

231. It is reasonable to conclude based on my extensive soccer background; the 6 year unprecedented success of the York soccer program; the number of people who knew directly and explicitly of my ill health by November of 2009 including York Therapy and York soccer teams along with the conduct of the December 8, 2009 meeting with Jenn Myers and Sheila Forshaw that York University and Sport York did not want me at their institution because of my mental disabilities including a substance use disorder to crack cocaine. To require me to have applied for a position I held for six years while the decision to hire Carmine Isacco – whom in 2008 had been found guilty of recruiting violations where York University were fined, docked four games, along with Carmines suspension – without going through due process, was overtly discriminatory. Considering my life path at York University and ill health it was also extraordinarily, unbelievably callous.

74. If I had a different health issue, for example, cancer, it is reasonable to conclude that the punitive discriminatory acts I faced at York University including excommunication and the requirement to formulize my resignation and reapply for a demoted position would not have taken place.

75. I had a number of soccer players over my 25 year coaching career whom I have supported and assisted in getting back on track be it with injury, mental disability, other health issues including burn out. I have never nor would I ever request a returning student athlete to then tryout

for the team. I have always supported, listened, and encouraged them and investigated further when necessary.

76. **On October 18, 2015** I sent the following email to Carmine Isacco the current master soccer coach at York University who in spite of Jenn Myers insistence to me that the Master Soccer coach position was the wrong model – as a means to devolve my own position – she assigned Carmine Isacco as the recreated master soccer coach in 2011/2012 with the responsibility of coaching both men and women's teams. The following correspondence I sent in the fall of 2015 encapsulates the behaviour and actions of York University over the past 8 years which includes the ongoing deceitful, unethical approach of the York soccer program in trying to win a provincial championship on the women's side of the soccer program an achievement which has not been accomplished since 2009.

October 18, 2015

Dear Carmine,

There is no amount of money or level of apology which can compensate for the harm which has been done as outlined in this correspondence.

Communicating with you now, in part a result of your non-reply to an email I sent to you on July 26, at 1.40pm to your Hotmail account, I regard as yet another personal layer of humiliation on a matter which should have been honourable resolved five years ago; or in 2011, through Past President Lorna Marsden, Harriet Lewis, Rob Tiffin, Jenn Myers and Sheila Forshaw or, at the very least in May of 2012 when I formally approached York University to deal with the overt discrimination errors and misconduct, privately, so as to limit any "collateral damage" to others and to prevent further embarrassment to myself through the continued loss of personal privacy in seeking truth and justice.

Encapsulated, if York University had an honest and appropriate approach towards mental health and substance addiction in line with Supreme Court rulings and were more responsible

and less corrupt in dealing with the egregious institutional discrimination in my instance, there would be no reason to send you this correspondence nor would it have been necessary to file a human rights claim against the institution in 2012 and beyond.

What trumps the past five years of personal and family pain in seeking accountability for the damage which has been caused, since I responsibly sought support for ill health in 2008, is that other persons facing similar challenges in their lives do not have to experience the same scapegoating, stigmatizing, brutality of York University's approach to this matter.

This and any previous correspondence asserts my basic human right to establish the reality, past and present.

Carmine, recently, it has been brought to my attention you are frustrated that I made the following comment to Dino Perry from McMaster University, "Dino, please remind Carmine I cannot respect him as a person". I stand by that statement which is the same comment I made to you directly in our telephone conversation in the presence of others, on February 23, 2015. After never doing any harm to you and instead only ever elevating your experience and coaching qualities to others, including recommending you to Canada's World Cup coach in 2009 to be a part of the Canadian U20 program, how do you justify the following?

a. Subsequent to reading my life story in 2012 through a Canadian Press release and Cracked Open itself, rather than care with compassion or empathy as to my well-being considering the illustrations of my ill health which you would have read about, your approach was instead to be deceitful to others about the marihuana incident involving some of the men's soccer players at York in 2008 which I delicately wrote about, not to harm you but because the irony to my ill health was compelling. You have since stated that you wanted all four York players to be sent home - scapegoating your insecurity of the circumstance onto me as an easy target in order to create an unnecessary illusion from what was the reality.

How do you justify that deceit Carmine?

You WANTED to play Jarek Whiteman in the semi-final, which I correctly vetoed.

b. Almost immediately after my departure from York, you, remarkably, speak negatively about me to others at a time when you had gained significantly from my adversity by becoming a full time collegiate soccer coach.

c. On the day of the announcement of my departure from York Anthony Torterra, a close contact of your club and you personally, visits the hotel I was staying at to interview me on camera which was immediately uploaded onto YouTube. It was a dreadful scene (opening salvo from Torterra - "shocking news") - the aim being to undermine what I was desperately trying to keep private. My departure from York was humiliating and under those circumstances publicity on camera or in print was not what I wanted or would have chosen.

d. To a York University coaching staff member, you state in 2012, 'Stop the running. We don't coach a track team anymore'. An appalling comment under the circumstances of the ethos I instilled into the women's program or any other team I have coached in this regard.

Your self-assuredness in not accepting but instead ridiculing the significance of high level fitness is surprising and insulting to not only me but any player from the 1986 World Cup team - the only time Canada has qualified for a FIFA World Cup Championship.

e. In the winter of 2014 I bumped into York soccer alumnus Dougie Seretti from Kenya, on the TTC subway. As you know you could not meet a nicer more genuine person than Douglas Seretti.

During our 10-minute conversation he commented on how disappointed he was with the York soccer program. He stated, "when you left Paul, so did the integrity". No need for me to go into detail here - speak to Dougie directly.

Recently you will recall in our phone conversation, in the presence of Ashley and Peyvand, on February 23, 2015, prior to my Judicial Review hearing, you admitted that you and others at

York University should have assisted and supported me through ill health when I was employed at the institution because you each knew I was in distress.

You ended the February 23, 2015 telephone conversation by stating,

"Paul, I hope you receive the justice you deserve at the Judicial Review". I was encouraged by your first display of integrity, care, and responsibility in this regard. You have shared these admitted thoughts to others including the statement that you originally thought, "I had cancer", a similar expression you made to me in 2008 at the national championship celebration banquet which I clarified to you at that time. You will recall this conversation from the night of our first national championship banquet in December 2008 seven days before I entered a 3-month drug rehabilitation centre and only 10 weeks after you commented to me about how thin I was and that McMaster University head soccer coach Dino Perry had stated to you, on this day, that he thought I was deathly ill.

You will also remember I choked up when I told you about my health, which was in r e-sponse to your concerned inquiry as to why Bree Carr-Harris and Jamie Teixeira did not show up to the national championship banquet in 2008 which was a spiteful, and unnecessary act of discrimination (through excommunication) on their part as they knew of my ill health and yet "hung it over my head" because I could not reciprocate a romantic relationship with Bree and because I professionally evaluated Jamie on his performance as an assistant coach not to his liking. This circumstance was excruciatingly painful and damaging as the recipient of such behaviour. I had confided and trusted in Bree and Jamie with such privileged personal information. Their betrayal was gut wrenching - like a razor blade cutting you up inside such is the impact and fear of being stigmatized. You will also remember, I requested you to take training once a week for three months while I was away, which Jenn Myers coordinated with you. Yet in spite of all this, in York University's submissions to the HRTO from 2013 your culpable testimony flagrantly denies you had knowledge that I was suffering such ill health, even though I specifically told you - that, 'I was unwell and had been unwell for some time and that my ill health was psychological'.

These were the same health comments I made to York University Athletic Director, Jenn Myers a month earlier in November of 2008 sitting at the Rideau Canal in Ottawa. However, in addition to, "I am unwell and have been unwell for some time, I added the metaphor to her, "When you wake up and see blue skies I see grey clouds". Jenn Myers' denial of these facts in her testimony, stating I had personal matters to take care of, in spite of the fact she requested I provide a doctors' note to the Employee Wellness Office at York which I did on February 27, 2009 at the conclusion of my rehab visit is an abhorrent manipulation of the truth which I cannot accept.

I believe we should forgive even severe mistakes from persons or organizations who take responsibility for their errors. York University however, have avoided this accountability and have instead taken advantage of the nature of my ill health and society's illiteracy and appalling stigma in this regard as an institutional means to cover up the reality.

I cannot and will not move on from this, knowing the damage it has caused including the targeted, defamatory National Post article dated June 26, 2015 as a result of Justice Edwards decision rationale 36 hours earlier, which aside from containing egregiously incorrect facts, selective defamatory assertions, and an inappropriate, incorrect ruling on the merits of the case when it was not before the court, he also marginalizes, stigmatizes and stereotypes persons facing similar challenges to myself, even further.

Subsequent to our February 23, 2015 telephone conversation, I copied you on an email which was sent to Bree Carr-Harris including four important, yet humiliating submissions which have been provided to the HRTO and Court over the past three years. This brought you up to date on some of the true realities of my circumstances during my six-year tenure at York including the discrimination I faced.

From reading both my life story and the subsequent documents I provided to you, in combination with the fact you actually experienced part of this period yourself you are aware of the conditions surrounding my departure from York including Jenn Myers' specific act of discrimination in callously requesting upon my return from a second rehab in less than a year, that, 'I could apply

for the position of women's soccer coach and my application would be considered along with other applicants'.

And this in spite of the fact I was already the women's head coach which I had been for the previous six years with the team winning 3 OUA and 5 divisional titles including three weeks earlier winning two titles, while the decision to hire you as the full time men's coach had been made without any due process. This and other acts of discrimination and lack of support including Jenn's request that I formalize my resignation in early October of 2009 were the reasons for my departure.

The purpose of my communications in February 2015 was for you as the main technical leader of the Vaughan soccer club, to "counsel" Bree on taking responsibility for her decisions and errors while working at York University including confronting them and Jamie Teixeira on using deceitful testimony on her behalf, when she had not even spoken to York University's legal counsel and as a consequence had not given her permission for the deceit.

In addition, my communications were for you, yourself, on reflection and in light of your professed integrity in this February 23 conversation that you were oblivious to what had been submitted on your behalf, to then confront York University on the circumstances and to illuminate the truth from the deceit. In essence, it was for you to stand for something as a person.

But you chose not to do anything to correct the corruptness and outrageously instead you do the following:

(a). You condone manipulating York's soccer schedule to seek unfair advantage on your opponents in four of your regular season games because you anticipated the men's team being weaker this year and because you were offended by the illuminated reality of the underachieving of your women's team over the past five seasons which has threatened you, Jenn Myers and York University considering the circumstances of my departure.

(b). In addition, in conversation with colleagues of yours, you now state, "Well he QUIT! That is his fault".

An interesting combination of words considering all the information you were privy to including humiliating personal testimonial letters from my family and Dwight Hornibrook; the 38 page report which was sent to President Shoukri in 2013 and the 60 page Request for Reconsideration document sent to the HRTO in 2014 in addition to your comments to me, in the presence of others, on February 23, 2015 confirming you and York personnel knew of my ill health and should have done something to assist. Considering the intimate knowledge of the circumstances I faced during and subsequent to my tenure at York University your display now in willfully manipulating the reality is a remarkable display of cowardice and selfishness on your part.

Would you say the same to MLS star player Robbie Rogers who felt such paralysis from unwarranted shame and guilt of his sexual orientation and confused identity that he felt it necessary to "retire" from his soccer career prematurely only to be reinstated, compensated, and supported once the soccer institutions and public knew of his turmoil. Or would you say the same to any transgender person faced with the same dreadful psychological turmoil and dilemma as a result of self and societal stigma.

It was the same psychological process for me, ignited as a result of the paralyzing pressure of dealing with the overt betrayal and accumulating discriminatory, scapegoating comments and actions of others which infringed on my privacy ultimately leading to my departure because of an extraordinary lack of support and understanding. And as a consequence, my ill health escalated.

And the impact on my life has been catastrophic (6 years of unemployment, lost all assets, applied for over 100 jobs without an email in response, no social status, extraordinary humiliation et al) and will continue to be so for those like myself who suffer/suffered poor mental health who receive similar treatment. Society's tragic crutch of substance use being illicit permits dreadful abuse, ridicule, marginalization to exposed people similar to being gay 50 years ago when homosexuality was illegal in most parts of the world and, abhorrently, even in some places, today.

Within our lifetime all drugs will eventually be decriminalized as societies move towards a more civilized approach to the complete madness, abuse and chaos of present day circumstances for those who have legitimately suffered at the diagnostic level. No better example than my own circumstances which you are aware of.

Severe substance addiction is a bona-fide, evidence based, mental health disorder. The last time I checked it is not a criminal offence to suffer from a substance use disorder at the diagnostic level.

It is a human problem not a criminal one.

Acquiring good health from such circumstances therefore requires a humanistic approach including the absolute necessity of being/remaining employed with compassionate, understanding support not an ostracizing, scapegoating, discriminatory and deceitful one which has been York University's unrelenting approach in my case. And for the record it is non-sensical and corrupt for you, York University or anyone else in receipt of the unequivocal facts to then conclude, assert, or imply, with all the information at your disposal that the reason I departed York University was because I wanted to lose my soccer career, never to coach again, write a humiliating e-book and to publicly be open about my substance use of the world's most harmful and stigmatized drug after 30 years of coaching and a lifetime involvement in the sport with no plan for the future and nowhere to go as a result. Any such thought is deceitful on the realities in order to scapegoat my horrific experiences in trying to responsibly receive support for my health and to maintain my soccer career, I spent a lifetime building.

You will recall in the Winter of 2006/07 I made an agreement on behalf of York University with Peyvand Mossavat, facilitated with the approval of Sport York's Ken Schildroth to become the head women's soccer coach while I coached specifically the men's soccer program which was my preferred choice.

As you know two days prior to the announcement I receive a call from Peyvand stating you were desperate to get out of U of T. Peyvand insisted on rescinding his commitment to York University (with nowhere to go) in order for you to gain the opportunity to come to York University as the head men's soccer coach. It was a remarkable display of selflessness. What trumped my own preferred desire to coach the men's team was making a decision to assist you. And all I requested in return was for you to be honest and loyal. With consideration to all that has transpired including your display of psychological brittleness in my regard, at a time when you needed to assert strength of character through, at the very least, a display of integrity, I have the right to feel the anger I do from being let down and betrayed by you.

This year's deliberate, unnecessary, attainment of a schedule whereby you played four of your games against opponents who have competed the day before while your own team was resting combined with your last two games against Algoma has made a complete farce of the purpose of competing. The approach has been outside the spirit of fair play (cheating) and is an indictment of you and Jenn Myers as President of the OUA, which leaves forever a transparent stain on this year's achievements of the York soccer programs. You have crossed a line which you cannot talk or manipulate your way out of as much as you will try.

How can you justify any kind of celebration or sense of achievement with winning an OUA or National Championship knowing what you have done and what your real motivation was concerning my own personal circumstances?

The endorsement of the women's team in consideration of your own off field approach to get there, is a reflection of the deterioration of a competitive value system and a significant lack of leadership which permits such skullduggery. And it is an insult to past York University players who committed so much in an environment of competitive integrity.

The fact I am not a part of the OUA or CIS is irrelevant. I am alumnus who represented the CIS as an ambassador for the soccer coaches to better the system through lobbying of the CSA and the implementation of our own ethical standards as a fraternity. Having faced a number of diffi-

cult challenges in my life no past circumstance can come close in terms of negative impact and repulsion than the experiences I have encountered as a result of York University's approach to my ill health, the gross errors of judgement in dealing with the matter, the overt paralyzing discrimination, and the awful manipulation of the truth, layered at every level of the system.

Rather than take responsibility and accountability for the serious errors, you and York through astonishing disrespect to me as a person, have "hidden behind" HRTO's current systemic barrier (when applied to persons with a diagnosed mental disability/disorder) of the one-year delay for filing a human rights claim, at all costs, including, avoiding any moral or ethical behaviour when submitting their case, illustrated in the egregious targeted June 26 National Post article.

Following the release of my story I did not receive supportive communication from any m e mber of the York University soccer programs or Sport York, not even Kim Mathoney whom I had written a two-page reference letter prior to her hiring at Sport York in 2011. You did send a six-word sentence to me on February 14, 2012, the first communication I received from you in two years, "contact me if you need anything". Not quite sure why you bothered.

Compare those six words with the following, which, I think you will agree, are a little more genuine:

Hi Paul, just wanted to say I admire your strength in opening up so honestly about your life and everything you went through. As someone who was in contact with you in and around periods when you were suffering makes what you accomplished all the more incredible. Jorge Sanchez Concordia Stingers.

Good for you Paul to fight your demons. It takes courage and lots if it. It will be a fight that you will have for the rest of your life and I know you can do it. You have much to offer as a person. We are a big soccer family and even those that maybe didn't see things the way that you did, would never wish the "hell" that you have been through. Tracy David U. Vic.

"Paul I know how much courage it has taken for you to survive and to share your story. You always were an amazing individual and valued by many in the game including my husband Bob. Your contributions to Canadian soccer will always be revered and now it is your time to live life with no regrets and with your head held up high. Be at peace. You deserve it. Stay well. You have my deepest respect and compassion. Courage and integrity seem like simple words yet they are worth fighting for. Thanks for your humility and courage in the face of all that you've been through. With sincere regards, Sharon Bearpark (bereaved wife of Bob Bearpark former Canadian World Cup soccer coach).

You should be proud of your accomplishments on the field both as a coach and as a player. Even more so you should never walk with your head down or hide again. Your book is well written, poignant especially when dealing with the lies and deceit you did within the soccer world. Walk tall, walk proud. Dave Ashfield former Canadian Youth team player current Durham region police officer.

With consideration of all that has been presented including past documents, there are no words which can adequately describe the disbelief, numbness and at times complete rage, that I and others close to me have felt towards you, Harriet Lewis, Vice President Rob Tiffin, Past President Lorna Marsden, President Shoukri, Jenn Myers, and Sheila Forshaw (amongst others) for the way the institution have treated my health, my circumstances and me as a person, including again the disgraceful deceit submitted to the HRTO, Court, and now the National Post all of whom have made a mockery of my health, my life, and legitimate human rights claim as if it were simply a game with no rules, no ethics, and no human being on the other side. I trust you understand why I can make, with significant disappointment, yet unwavering resolve, the statement that I am ashamed to have been associated with York University and with you as a person.

Paul James

Judicial Process: Ontario Court of Appeal

77. At the Ontario Court of Appeal, in spite of being privy to all evidence throughout the claim, including reference to Justice Edwards patently unreasonable conduct in ruling on the merits, the court unanimously dismissed the claim and in doing so awarded costs of $1,000 to York University in spite of the Respondent declaration of "no costs" in their submissions. and the humiliation of my own revelation in my Court of Appeal submissions that,

*"Applicant is now legitimately a **'street person in the making'** having lost everything including on September 29, 2015 his right to own a credit card which has been permanently deactivated because of his inability to pay outstanding balances over a period of three and a half years, because he is currently unemployed, because he has no assets, and tacitly because the banking system know of his ill health and social circumstances".*

78. The decision to dismiss my claim and award costs, under the circumstances, was an unfair, undignified, disrespectful, humiliating, sickening act, with the clear intention of intimidating my resolve to move forward with seeking access to justice. The Ontario Court of Appeal ruling in not correcting Justice Edwards statement, further prejudiced my claim at the Supreme Court level.

79. I sent a letter of concern to their Administrative Branch which is included in my application for leave to appeal documents at the SCC and outlined below.

November 19, 2015

Dear Ms. Alison Warner,

This letter of concern is in reference to claim number: M45298

On Friday November 6, 2015 I received the endorsement from the court on a motion for a Leave to Appeal of a Divisional Court decision pertaining to the Human Rights claim I submitted to the HRTO against Respondent, York University, in the autumn of 2012.

As quoted and signed by the Honourable Judges Eileen Gillese, Gladys Pardu, and David Watt, the following message was sent to me via email correspondence.

"Leave to Appeal is denied with costs to Respondent York University fixed at $1,000 all inclusive".

This decision was made in spite of the Respondents own submission, requesting for the motion to be dismissed, without costs.

While I respect that the Honourable Judges have the ultimate authority to make decisions in matters before the Court, the Judges endorsement to not only dismiss the claim but to also further "punish" a self-represented Applicant through the awarding of costs to the Respondent is as distressing as it is inappropriate, highlighting unreasonableness and a lack of understanding.

This incident also brings into question the ethical accountability of this process as the decision to dismiss the claim awarding costs to Respondent creates, similar to the National Post article referenced below, an illusion in the public eye that the serious matter before the Court was frivolous and had no merit.

The three Honourable Judges from the Court of Appeal would have been privy, not limited to, the following important facts:

1. Socioeconomic status of Applicant is low income (below poverty line) including ongoing unemployment, no assets et al.
2. In the previous ruling of the Divisional Court Justice Edwards inappropriately and unfairly ruled on the merits of the case when it was not the issue before the court and when no evidence existed to substantiate his statement and in spite of submitted evidence which proved discrimination had categorically taken place while I was an employee at York University. As

a result of this action by Justice Edwards a defamatory National Post newspaper article was written and published against the Applicant and claim.

3. Comprehensive, thorough and compelling evidence on Applicants life circumstances from 2008 when I sought support for ill health until the present day, highlighting a clear miscarriage of justice in the decisions of the HRTO and Divisional Court.
4. Errors in applying case law by the HRTO and Divisional Court in dismissing the medical evidence of social worker Linda Perlis.
5. Deceitful testimony from, not limited to, Jenn Myers Athletic Director of York University, Carmine Isacco the master soccer coach at York University, "testimony" from Bree Carr-Harris in spite of the fact she had never communicated with Respondent's legal counsel, and Jamie Teixeira.
6. Denial from York University that they knew about my ill health during my tenure at York University in spite of the fact they had official documentation from my doctor in February 2009 amongst a myriad of people, both students and staff, who knew of my ill health.

In consideration of the aforementioned, how does the Court of Appeal process justify the following selection of two of three Judges to rule on the motion, when the principles of practice outlined by the Canadian Judicial Council as guidelines for the appropriate conduct of Judges and the administration of their cases focuses on impartiality, bias, conflict of interest, and integrity?

1. Assignment of the Honourable Justice Eileen Gillese to this matter when she previously worked for McCarthy Tetrault - the law firm of Respondent counsel.

2. Assignment of the Honourable Gladys Pardu - appointed by Peter Mackay former Conservative party member in 2013 whose hard line 'War on Drugs' approach towards the criminalization of all aspects of drug policy has harmed irrevocably many Canadian lives.

The benchmark standard of accountability as outlined by the Canadian Judicial Council, is established by what the general public would consider as reasonable, fair, impartial, and honest con-

duct of Judges. It is my position that considering all the evidence made available to the Court, the general public would find the decision and administration of this matter to be unreasonable, unfair, and incorrect.

The assignment of two of the three Judges to review this particular claim infringes on the guidelines espoused by the Canadian Judicial Council and brings into question the conduct of this process including Respondent counsel's "willingness" to forgo "costs" which now can only be considered as disingenuous.

There are no words to describe the pain and anger I feel as a consequence of the process and decisions of the Court.

Sincerely,

Paul James

Punishing Consequences of Societal Discrimination and Stigma

80. Over the past 8 years I have experienced ongoing discriminatory, prejudicial, non-supportive, punitive actions and behaviours of others following my efforts in 2008 to responsibly seek help and support for my poor mental health illustrating that Canadian society does not view substance use addictions as mental disorders or disabilities in the same way other health issues are treated. In line with the criminalization of some substances and the centuries old isolation and condemnation of “alcoholics and addicts” the antiquated, inappropriate moral theory of addiction prevails in Canada as indicated through my own experiences since 2008. I submit that substance use disorders (addictions) are not pseudo-medical conditions or criminal problems of the individual. They are human problems which require humanistic approaches to assisting those suffering, to good health. Without intervention from the honourable court through accountability measures including adherence to ethical standards on how self-represented Applicants are treated

along with the removal of judicial discriminatory barriers which prevent an access to justice when injustice is confronted, isolation of those that suffer will continue, deepening the epidemic of substance addictions which affects all Canadians negatively.

81. GOL TV

In November of 2008 I met with Corey Russell from Insight Sports the owners of GOL TV where I worked for 3 years as their main on camera soccer analyst. Similar to my conversation with Athletic Director Jenn Myers I told Corey I had not been well for some time; I needed a break from on camera work with the metaphor 'when you wake up and may see blue skies I only see grey clouds'. Upon my return from Rehab I was on camera on one more occasion. When I walked into the studios, where I would normally sit next to the host of the soccer show I was instead positioned on the far side of the studio. I felt like a "convict" in a cage. I was released from my GOL TV contract a few days later with no explanation as to why and I was not hired by MLSE the soon to be new owners of the soccer channel in spite of the fact I was assessed as the top soccer analyst on Canadian TV by Matthew Scianetti, a respected soccer journalist at the time who currently writes for the National Post. As a person suffering from a substance use disorder you are self-stigmatized to the point you feel you have no human right to redress the actions of others as you feel you deserve the "punishment". Combined with the excommunication of my assistant coaches the experiences were humiliating and devastating only to be added to by Ms. Carr-Harris, who, working for MLSE on a recommendation I made to the organization in 2007, excommunicated with me for a second time unfortunately neglecting to handle herself professionally with York University, instead tacitly scapegoating my health. The accumulating incidents paralyzed me and ingrained my addiction deeper. The Toronto Star media reporting of the circumstance scapegoated my 2007 analyst reporting of John Carver the TFC head coach at the time to muddy the waters of the truth in the public eye when in reality I was discriminated against by GOL TV because of my mental disability leading to my firing by Insight Sports and then the non-hiring by MLSE. It alerted the soccer community of my circumstances as rumour spread of my substance addiction. I could not acquire any TV analyst work but in September of

2009 I started writing sporadically as a part-time contributor to the Globe and Mails soccer content. Not being a professional writer the work was unfortunately onerous made worse when any direct informed soccer analysis I would write, if persons in the industry felt aggrieved, then knowledge of my health permitted ruthless undermining of myself as a person and as a soccer professional. (See Exhibit E)

82. Mooredale Soccer Club

Mooredale Soccer Club. The only coaching assignment I have been able to receive in the past 6 years was to coach the Mooredale Boys U12 team beginning in the fall of 2012. I was in the position for 7 weeks. Before I was confirmed as coach I had to conduct trial training sessions for parents and players and I had to answer questions about my mental ability to coach 12 year olds from some parents. This was not outlined to me when I was "recruited" and was offensive, discriminatory and humiliating considering my background. It was the first time in my soccer career that I had to perform a trial coaching session. The following seven weeks I was treated poorly and inappropriately because the team manager's son was not played often enough as a consequence of his ability not being at the elite level of the other players. When I left the team I received a text from the manager stating, note to self: never hire a crack head. In October 2014 the same manager contacted me and apologized for his remark and handling of my circumstances informing me his son had been bullied on the team and had decided to leave to play at a lower level. He asked if I would be interested in going back to Mooredale as a number of the parents wanted me to coach the team. In spite of acknowledging I would be happy to do so and that I was appreciative of the apology the Mooredale Soccer Club used my health background as a means to thwart my hiring as the team's soccer coach. In February 2015 I received an email from the original manager apologizing for his Crackhead comment. I approached the Mooredale club on numerous occasions in 2015 to meet to discuss the discriminatory inappropriate treatment I had received. The club avoided a meeting. In July of 2015 I reluctantly filed a human rights discrimination claim against the Mooredale Soccer club. I cannot get hired as a soccer

coach anywhere. A hearing is scheduled for late November 2016 more than two years after the event. (See Exhibit F)

83. Oakville Soccer Club

In 1980 when my parents emigrated to Canada I played for the Oakville Soccer Club for two years winning a Provincial Championship in the process. In 2008 while staying with my sister and trying as best I could to manage my health I was requested to speak to the Oakville Soccer Club regarding university soccer in the United States and Canada to parents, players, coaches, and club officials. Over 120 people were in attendance for the event which I provided pro-bono. In 2012 after I had been unemployed for two years and was desperate for work I contacted the Oakville Soccer Club and communicated with technical director at the time Dino Lopez about conducting training sessions for their club for a small fee per session. I had coached Dino Lopez in 1992 in the old Canadian Soccer League making him captain of the team and eventually I recommended him to be a part of Canada's World Cup team. In 2004 Dino approached me about being an assistant soccer coach at York University. I hired him within a few weeks. My request (appeal) to conduct training sessions to the largest/wealthiest soccer club in Canada in 2012 was declined with no explanation as to why. (See Exhibit G).

84. Canadian Soccer Association vs York University

After I read the National Post article in mid-July of 2015 I contacted the President of the CSA looking for support in regards to my human rights claim against York University, the defamatory targeted National Post article and the defamation and poor treatment I had received from the soccer industry as a whole since my health had been exposed. The scheduled telephone conversation with the CSA President and their legal counsel lasted approximately 7 minutes after the legal counsel questioned “what are you looking for Paul, for the CSA to cut you a check”. I was angry at the comment and so the conversation ended, only for the legal counsel to deny their statement

in an email and then turn contrite when informed that someone else could confirm the statement.

In 1998 I was hired by the Canadian Soccer Association as their men's U20 soccer coach and National Training Centre Director. It was a proud moment in my career. Unfortunately, my soccer coaching path up until that point had come at extreme sacrifice as other parts of life suffered on a financial and personal level leading to overwork and isolation in my personal life. These factors combined with the extreme stress which comes with being a national team soccer coach in Canada were the catalysts of my substance use of the dreadful drug crack cocaine. While I did not speak to anyone about my health, persons within the association "knew" of my mental distress and substance addiction but unfortunately there were no support mechanisms in place to assist association coaches in regards to their mental health and as a consequence there was no intervention from anyone within the association. The non-intervention was devastating as the best opportunity to recover from substance abuse is for treatment to take place as early in the disorders trajectory as possible. In England and other developed soccer nations – the support and assistance would be immediate, thorough, compassionate and non-conditional. An England U20 soccer coach for example if he/she was addicted to crack cocaine the association would know about it through the annual monitoring and testing of the physical and psychological health and well-being of all their coaches.

A minimum of Five persons at the Canadian Soccer Association knew of my mental distress and substance addiction and my desperate need for help and support, but they simply did not know what to do. When I resigned my position in 2001 however, it was not because I felt discriminated against. On the contrary World Cup coach Holger Osieck tried to persuade me to stay, stating he had organized a trip to Ireland for me in September of 2001 with the next cycle of U20 players. I wished that I had been supported back to good health through similar programs which exist in other soccer nations not least because the devastation to one's life through chronic progression of the disorder, is appalling. My disappointment with the Association now in 2016 is not so much because of the non-intervention back in 2001 but the complete lack of support once my story became public knowledge in 2008 and beyond. Not only has there been no support from

the association they have sat back and watched, read and listened as I have been mercilessly "assassinated" by all and sundry within the soccer industry – highlighted in part through my email correspondence to Anne Marie Owens at the National Post in July of 2015.

Juxtaposed against the actions of York University however, the Canadian Soccer Association were less damaging. York categorically knew of my poor mental health and distress because I told them about it, looking for support. I did not do this with the Canadian Soccer Association. Rather than compassionately support and accommodate however they instead isolated and discriminated against my disability and myself as a person.

As a recap, in the fall of 2003 I arrived at York University to take over the soccer program. At this juncture in my soccer career I was a master of my trade and York were a moribund soccer program having never won a title of any description with the women's soccer team; nor any title on the men's side in over a decade and no national championship title in any intercollegiate team sport at York University in over 20 years. Within six years the York soccer program was considered to be one of the best collegiate programs in the country. 6 Divisional titles, 4 provincial championships and 1 national championship. On a personal level, I was awarded 3 Coach of the Year awards, including National coach of the year in 2007. After opening up to my two assistant soccer coaches Bree Carr-Harris and Jamie Teixeira and my direct supervisor, athletic director Jenn Myers at York University in April & November of 2008 and providing a doctors' note to the York University employee wellness office in 2009 - after Jenn Myers had informed them of my poor mental health - I was let down and undermined leading to hurtful isolation and discrimination, forcing my departure 12 months later after I was requested by Jenn Myers to formalize my resignation, told that my master soccer position was devolved into two coaching positions, that Carmine Isacco had been hired for the men's position and that I could apply for the women's coaching position and my application would be considered with other applicants, in spite of the fact I was still the women's soccer coach at that time and three weeks earlier I had led the women's soccer team to their third OUA championship in five years. Additionally, I had just left rehab in England after 17 days in order to meet an obligation to the York University history de-

partment to speak at their World Cup conference on December 4, 2009. Less than three weeks later I departed York University without a sign of appreciation from anyone at Sport York. Rather that correct the errors that were made in 2008/09 or take responsibility for their plain and obvious discriminatory actions, York University decided to hire McCarthy Tetrault as a top law firm to defend their untenable position which was unprincipled considering what the institution had gained from my employment with them. The one-year time limitation facilitated York's unethical approach and attitude only to be matched by the discriminating actions and collusion implemented against my claim through the Canadian Judicial process. It has caused further damage to my health and well-being; humiliated myself as a person while eliminating any future potential or hope I had of resurrecting my soccer coaching career – my life time passion, I spent a lifetime building. (See Exhibit H).

85. Access to Justice, ARCH, McCarthy Tetrault - Lost Home, Legal System Reform

While the rhetoric emanating from the Canadian legal system on the urgent need for improving an access to justice for ALL Canadians, the hypocrisy is 100 miles deep if I consider my own experience. Access to justice is not first and foremost about affordability. Without an ethical, principled legal system which can provide equality in bargaining power, it will be futile to promote or reform the system based solely on accessing affordability. Even though I had been unemployed for three years and on a financial free fall, when I eventually applied for legal aid my application after two months was turned down because I still had an asset - a rented home.
The HRTO Legal support centre would not take my case on because the one-year limitation period I was informed was an impenetrable systemic barrier unless you are comatose.

No independent lawyer would take my case because I was told: I had no financial capacity to pay; the nature of my health condition; and the apparent "corruptness and agenda" of the system was not worth the fight. Self representation was not at all what I wanted to pursue but what else could I do to confront the injustice I was presented with. Eventually through constant knocking on doors I encountered ARCH. Although the organization did not take my case on in an official

capacity Kerri Koffe did give me some some sage advice on how to present myself at the Judicial Review at the Divisional Court of Ontario. Kerrie stated the organization would take on my file after the review. However, she was on a one year maternity leave and so I was told to meet another staff lawyer from the organization who, aside from stating immediately that she could only be a "sounding board", she did everything in her power to undermine and harm my case and personal resolve to see the matter through (see email correspondences).

In mid-August 2014 I visited my apartment which had been rented out to three international students, who had avoided communications about the renewal of their lease on September 1, 2014. When my partner and I arrived at the unit five persons were living there who were not a part of the leasing agreement along with umpteen suitcases with the names of other persons from outside of Canada. The three contracted tenants were no longer living there and the unit including our furniture had been destroyed causing what eventually amounted to $15,000 in damage including a destroyed microwave and obliterated leather couch. In trying to resolve the issue immediately one of the original tenants retained a lawyer who worked at McCarthy Tetrault. When speaking to him on the phone I alerted him to the potential conflict of interest knowing the outstanding York University issue. In spite of this and knowing his client had already written an apology note accepting liability for all damages he sent an outrageous WITH PREJUDICE unethical, deceitful, corrupt email which tried to extort $2100 from me on behalf of “his clients” , along with the requirement of a police escort if ever I was in their presence of his client, rather than facilitate ethical resolution for the plain and obvious responsibility for the damage. I contacted the Toronto police and they advised me to have the suitcases stored on the property of the building but away from the unit. My partner and I eventually resolved the matter in late October of 2014 with the 3 original tenants privately but for only $8,000. The damage remained in our condo unit. Without a year-long tenancy agreement in place and no financial ability to repair all of the damage I had to sell the unit as quickly as I could at a reduced price of $60,000 because the mortgage payments without tenants were impossible to meet. The consequence of losing my home took away any financial leverage I had to survive. Now in 2016 without any assets I do not even have the right to own a credit card. Had the lawyer from McCarthy Tetrault been fair,

responsible and ethical and not corrupt I could have had the opportunity to have saved my home in spite of the outrageous event.

Having being involved in Canadian and North American Soccer for my entire career I have been exposed to cultures of bad politics, unethical behaviours and the reptilian selfishness of power and wealth. My case before the Canadian judicial system has had a profoundly negative affect on my life and my feelings towards living as a Canadian. No experience in my life comes close in terms of such overt disregard for principles, ethics, integrity, fairness and equality than the Canadian legal system I have been exposed to. It has truly been a dreadful experience.

Over the past four years I have been dumbfounded by how determined the Canadian legal system is in gatekeeping self-represented applicants from receiving justice where justice is warranted and at all costs irrespective of ethics or principles, or standards which should be followed and respected including conflict of interests. The Canadian or any legal system should facilitate first and foremost justice between people and not simply be a "Wild, Wild, West" arena in which lawyers make their careers through whatever means they deem necessary in order for wealthy corporations to resolve their disputes between each other. My case before the honourable court is a profound example of how destructive the Canadian legal system can be on one Canadian citizen.

86. At this time I am ashamed to be living as a Canadian citizen in a country with so much comparative wealth and advantage on a global basis, yet fails so miserably when taking care of the health of their citizens and especially disadvantaged citizens suffering substance use disorders who, to add to their indignity have no realistic legal recourse for protection under the Canadian Charter of Rights and Freedoms. I also feel ashamed to have ever represented Canada as a nation both as a soccer player and as a soccer coach, arenas where in the battle of competitive international sport you feel you are representing every Canadian citizen as if your life depended on it. I was always proud to wear and represent the Canadian shirt because I believed that we

were, along with our wealth and abundance of natural resources, also a fair, just, non-corrupt nation. It has proven to be a disturbing illusion.

87. At 52 years of age, a period when I should be contemplating retirement, I start my life again from nothing with an array of debilitating impediments. There are no words which can adequately express the rage I feel inside, perhaps best summed up by Dr Rogan Taylor from the University of Liverpool who being privy to my full life circumstances questions, "what kind of society do you live in over there that permits this to happen" as outlined in my November 2013 Report to President Shoukri. (See Exhibit I).

Sworn before me in _____ in _____ on_____.
(Name of city, town, etc.) (Name of province or territory) (Date)

_____ _____
(A Commissioner for Oaths) (Your signature)