

**IN THE MATTER OF the N.W.T. *Human Rights*
Act, S.N.W.T. 2002, c. 18, as amended**

BETWEEN:

BILL BURLES

Complainant

- and -

CITY CAB (1993) LTD.

Respondent

Appearances:

Mr. Bill Burles

Heather Clarke, Agent for the Complainant

Mr. Lou Walsh, Legal Counsel to the Respondent

**Mr. Mohanned Soliman and Mr. Omar Shaben, Directors of
the Respondent Corporation**

REASONS FOR DECISION AND ORDER

In my reasons for Decision dated December 4th, 2008 I found that the Respondent discriminated against the Complainant, a person with a disability who uses a wheelchair, by the imposition of a surcharge upon the regular taxi fee for using a handi-van.

On January 7th, 2009, the parties appeared before me to discuss what the appropriate remedy ought to be in accordance with s. 62 of the *Human Rights Act*.

The parties decided to jointly recommend the following disposition:

1. That Mr. Burles be paid the sum of \$60.00 to reimburse him for surcharges that he paid to use the handi-van.
2. That Mr. Burles be paid the sum of \$1500.00 for injury to dignity, feelings and self-respect, which sum shall be paid within 30 days of this Order.
3. That the Respondent provide to Mr. Burles and to the Adjudicator a copy of its policy, and supporting resolution of the Directors, eliminating the imposition of any surcharge for the hiring of any van, including the handi-van, and any other taxi, by wheelchair users.
4. That the Complainant be permitted to report these proceedings, including the outcome, in the Newsletter published by the Council for Persons with Disabilities.

I am in agreement with the disposition as recommended and I so Order.

While the uncontradicted evidence in this case is that the Respondent has already made changes to its policy, I also heard evidence that a previous board of directors of the Respondent was not so inclined. Under the circumstances I make the following additional Order:

5. That the Respondent shall cease providing a surcharge to wheelchair users for the use of any vans or taxis and refrain in the future from committing the same or any similar contravention of the *Human Rights Act*.

Dated this 7th day of January, 2008.

James R. Posynick, Adjudicator