



Department of Justice
Canada

Ministère de la Justice
Canada

234 Wellington Street
East Tower – Room 1101
Ottawa, Ontario
K1A 0H8

Telephone: (613) 957-1524
Facsimile: (613) 954-1920

Our File No. 2-366872

May 27, 2008

BY FACSIMILE

Canadian Human Rights Tribunal
160 Elgin Street, 11th Floor
Ottawa, ON K1A 1J4

Attention: Carol Ann Hartung

Dear Sirs, Mesdames:

Re: *Warman v. Lemire*, CHRT No. T1073/5405

We write in response to the letter from the Tribunal dated May 21, 2008 inviting the parties' submissions in relation to the request by the British Columbia Civil Liberties Association (BCCLA) to intervene in these proceedings.

The grounds advanced by the BCCLA in support of its late request to intervene are substantially the same as those advanced by the Canadian Constitution Foundation (CCF) in support of a similar request. Given the Tribunal's rejection of the request by the CCF in its ruling of May 16, 2008 (2008 CHRT 17), there does not appear to be a principled basis for granting intervenor status to the BCCLA in these circumstances.

Furthermore, the explanation offered by the BCCLA for its failure to intervene in a timely manner does nothing to address the practical considerations identified by the Tribunal in paragraphs 6, 7 and 8 of its May 16, 2008 ruling.

Yours truly,

Simon Fothergill
Senior Counsel
Civil Litigation Section

Canada

- 2 -

- c.c. Mr. Richard Warman, c/o the Canadian Human Rights Tribunal
Ms. Barbara Kulaszka, counsel for Mr. Marc Lemire
Ms. Margot Blight, counsel for the Canadian Human Rights Commission
Mr. Paul Fromm, Canadian Association for Free Expression
Mr. Douglas Christie, Canadian Free Speech League
Mr. Marvin Kurz, counsel for the League for Human Rights of B'Nai Brith Canada
Mr. Ryder Gilliland, counsel for the Canadian Jewish Congress
Mr. Steven Skurka, counsel for the Friends of the Simon Wiesenthal Center for Holocaust Studies
Mr. Jason Gratl, counsel for the British Columbia Civil Liberties Association