

IN THE MATTER OF AN ARBITRATION PURSUANT TO THE PRIDE TORONTO
DISPUTE RESOLUTION PROCESS (“PTDRP”)

AND IN THE MATTER OF A COMPLAINT BY JOE CLARK (Complainant) v. QUEERS
AGAINST ISRAELI APARTHEID (QUAIA) (Respondent);

BEFORE A BOARD OF ARBITRATION COMPOSED OF MARTHA MCCARTHY
(CHAIR), SUSAN URSEL, AND ELIZABETH MCINTYRE

Hearing held on May 15, 2013, Toronto, Ontario, Canada

REASONS FOR DECISION

1. On June 27, 2012, Mr. Joe Clark submitted a complaint against Queers Against Israeli Apartheid (QuAIA) under the Pride Toronto Dispute Resolution Process (DRP). The complaint sought to ban QuAIA from Pride Toronto marches and parades for the statutory maximum two years; to repair deficiencies and contradictions in Pride Toronto and Dispute Resolution documentation; and to censure the Dispute Resolution chair for inflammatory and prejudicial comments in the press.
2. A DRP Panel was composed to hear the complaint. From the outset, the Panel expressed concern to Mr. Clark that the complaints with respect to QuAIA were duplicative of those heard in the complaint of the League for Human Rights of B’Nai Brith Canada versus QuAIA and the complaint of Leon Kushner versus QuAIA which were the subject of a decision of a differently constituted DRP panel, dated July 9, 2012. Concern was also expressed that the other complaints made by Mr. Clark were also otherwise outside the jurisdiction of the panel.
3. In March 2013, the Panel advised Mr. Clark via e-mail that a hearing would be proceeding on May 15, 2013 to deal with its jurisdiction and other preliminary issues. As set out in the Pride Toronto Dispute Resolution Process, the Dispute Resolution Officer determines the arbitration process.
4. Mr. Clark took issue with the Panel’s ability to call a meeting and, in response, on May 10, 2013, Mr. Clark revised his complaint and provided the revised complaint to the Panel. In his revised complaint, he alleged that QuAIA contravened Pride Toronto’s “contractually-specified rules and is thus ineligible to participate in Pride Toronto’s parades and marches.” His earlier complaints with respect to the Dispute Resolution documentation and censure of the Dispute Resolution chair were deleted. Mr. Clark advised that he was withdrawing his previous complaint.

5. Mr. Clark took the position that as he had amended his complaint, the hearing that the Panel had called for May 15, 2013 was moot. The Panel responded to him in writing dated May 13, 2013 advising that the meeting was not moot and would be proceeding.
6. On May 14, 2013, Mr. Clark sent a signed statement to Ms. McCarthy, chair of the Panel, withdrawing, repudiating, and cancelling his original complaint against QuAIA. Mr. Clark also stated he would not be in attendance at the hearing, scheduled to occur the following day.
7. Mr. Clark did not attend the hearing on May 15, 2013.
8. The Panel dismisses Mr. Clark's complaint on the basis that a decision on this matter has already been made and that the complainant failed to show up at the hearing to address the jurisdictional and other preliminary issues arising from the fact of the existing decision.

DATED AT TORONTO this 6th day of June, 2013

"Elizabeth McIntyre"
Elizabeth McIntyre

"Susan Ursel"
Susan Ursel

"Martha McCarthy"
Martha McCarthy