

New Rules of Procedure at the HRTO: What Ontario Employers Should Know

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It is no secret that the Human Rights Tribunal of Ontario (HRTO) has been struggling with significant backlog, with parties waiting years for mediation, case conferences and hearings. In an effort to speed up resolution of complaints and address certain accessibility issues, the HRTO has announced certain changes to its Rules of Procedure and updated its Practice Directions, all taking effect as of August 17, 2026. Most relevant to employers are the following.

1. **It is easier to withdraw an application.** Applicants can now withdraw an application by simply emailing the HRTO and copying the respondent (Rule 10).
2. **The HRTO can now review applications at any time to determine if the subject matter is outside of the jurisdiction of the HRTO.** If so, the HRTO will issue a Notice of Intent to Dismiss and then an applicant will then have 28 days to file written submissions in response. (Rule 13) Applications will only be dismissed in this manner if it is “plain and obvious” on the basis of the written record that the subject matter of the complaint does not fall within the HRTO’s jurisdiction.
3. **The HRTO has expanded the use of mediation.** Previously both parties had to agree to participate in mediation. For any application filed after June 1, 2025, the HRTO will schedule a mandatory mediation unless the application is dismissed as being outside of the HRTO’s jurisdiction. (Rule 15) If an applicant fails to attend mediation, the HRTO may dismiss the application. If a respondent fails to attend, the HRTO may order that the proceeding continue without any further participation from the respondent. Parties can request an exemption from the requirement to mediate, which the HRTO has indicated it will consider only in exceptional circumstances.
4. **There is a new reconsideration process.** Previously, if either the applicant or the respondent requested a reconsideration of an HRTO decision, the same adjudicator who rendered the decision was asked to review their own decision. Now the reconsideration will be assigned to a different adjudicator. (Rule 26).
5. **The HRTO is creating consequences for parties who fail to cooperate and communicate.** The updated Practice Direction on Communicating with the HRTO states specifically that parties to an HRTO application must check their email and mail regularly. Applicants who persistently fail to cooperate and prevent the HRTO from expeditiously dealing with their application may have their complaint dismissed as an abuse of process.
6. **There are new forms.** The HRTO has updated both its application forms and response forms, [links to which can be found here](#).
7. **There are new practice directions.** The HRTO has provided guidance on these new procedures,

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[links to which are here.](#)

The HRTO is clearly signalling that it expects parties to be responsive and participate in its processes in good faith, hopefully leaving less room for vexatious parties to delay and unduly complicate proceedings. Employers who have questions about how this may affect current proceedings or who receive notice of a new application should contact a member of our [Employment & Labour Group](#) for support.

This publication is a general summary of the law. It does not replace legal advice tailored to your specific circumstances.