



ONTARIO SPECIAL EDUCATION (ENGLISH) TRIBUNAL

IN THE MATTER OF the *Education Act*, R.S.O. 1990, c. E.2, as amended, ss. 57(3),
IN THE MATTER OF *Ontario Regulation 181/98*,
AND IN THE MATTER OF the minor child, M. W., born in 1998

BETWEEN

Ms. L. W., Appellant

-and-

The Toronto District School Board, Respondent

Tribunal Members:

Eva Nichols
Derryn Gill
Uma Madan

Chair
Member
Member

Appearances:

L. W.
Reva Schafer

Parent
Toronto Family Network, Representative/Advocate

Paul Howard
Sheila MacKinnon
Karen Forbes
Stephen Hopkins

Counsel for the Toronto District School Board (TDSB)
Counsel for the TDSB
System Superintendent, Special Education, TDSB
Principal, TDSB

Douglas Harrison

Counsel for Ms. Sheila Ward, Stikeman Elliott LLP

Louise Sibbald

Secretary

The preliminary hearing was held on February 20, March 18 and March 19, 2008 in Toronto, Ontario.

INTRODUCTION

The appellant brought a series of motions at the outset of the hearing of this appeal.

In one of the motions she asked the Tribunal, among other matters, to order the respondent school board to provide legal counsel for her child, whose placement is at issue in this appeal. This interim decision deals only with that issue.

On February 20, 2008, the Tribunal heard arguments from both parties on the threshold issue of whether the Tribunal has jurisdiction to make the order requested. On February 25, 2008, the Tribunal and the appellant received Mr. Howard's written notes for the oral arguments he presented on February 20, 2008. The appellant was given the opportunity to prepare reply submissions, in writing, by March 12, 2008. In response to the appellant's request, this time line was extended to March 25, 2008. The appellant's reply submissions were received by the Tribunal on March 19, 2008.

The Tribunal has considered both the oral and written submissions of the parties. The Tribunal has decided to issue its decision on this matter in order to resolve the outstanding item of issuing a summons to a witness.

DECISION

The appellant's motion is dismissed. The Tribunal does not have jurisdiction to order the TDSB to provide legal representation for the appellant's child.

Reasons for the decision will be released at a later date, together with the Tribunal's decisions on the remaining parts of the legal counsel motion (appellant's motion #4) and all other preliminary motions.

Eva Nichols, Chair

March 26, 2008