Lepofsky v Toronto Transit Commission (2007):

David Lepofsky regularly rode the Toronto Transit Commission’s (TTC) subway system, but because he was blind it was difficult for him to identify the stops. He tried for over 20 years to convince the TTC to make announcements for the benefit of visually impaired patrons. In the mid-1990s, the TTC did begin to make announcements but these were not always audible. In 2005, Mr. Lepofsky filed a complaint of discrimination on the basis of physical disability against the TTC with the *Ontario Human Rights Commission*. Section One of the Ontario Human Rights Code states that: “every person has the right to equal treatment with respect to services, goods, and facilities without discrimination because of … disability”. The Human Rights Tribunal found that there was discrimination and ordered the TTC to accommodate visually impaired patrons by making regular, reliable announcements. A monitor was appointed to ensure that the TTC complied. In 2007, a similar complaint was filed by Lepofsky against the TTC regarding buses and streetcars. Again, the *Human Rights Tribunal* ordered the TTC to call out all stops. In addition, the TTC was ordered to implement an educational program for all employees, including management, to educate them about the *Human Rights Code* and how to accommodate passengers with disabilities. Although Lepofsky had refused any compensation, he was awarded $35,000 to do with as he chose.

Analysis Questions:

1. Why did the Human Rights Tribunal find that Mr. Lepofsky had been discriminated against?
2. The appointment of a monitor was also included in this case. Why do you think that this step, which is not often used, was included?
3. Are you satisfied with the outcome of this case? Should any other measures have bene included?