



SENT VIA E-MAIL

March 25, 2026

Charlotte-Anne Malischewski
Interim Chief Commissioner
Canadian Human Rights Commission
344 Slater Street, 8th Floor
Ottawa, Ontario K1A 1E1
complaint.plainte@chrc-ccdp.gc.ca / info.com@chrc-ccdp.gc.ca

Dear Chief Commissioner,

re: Death of a First Nations Child, Commission’s Slow-Walking of Human Rights Complaint (Independent First Nations Alliance and Kitchenuhmaykoosib Inninuwug v. Indigenous Services Canada, CHRA Complaint of August 29, 2025)

You will recall that on August 29, 2025, the Independent First Nations Alliance (“IFNA”) and Kitchenuhmaykoosib Inninuwug (“KI”) jointly filed a human rights complaint against Indigenous Services Canada (“ISC”), regarding discriminatory underfunding of on-reserve fire safety (s. 5 of the *Canadian Human Rights Act* (RSC, 1985, c. H-6) (the “Act”).

You will further recall that on October 29, 2025, my office, as legal counsel to the First Nations complainants, wrote to you, urgently demanding an update on the progress of this complaint. Our letter of October 29, 2025, expressed the First Nations’ fears in the following terms: “the longer the delays, the more lives will be lost.”¹

My clients were severely distressed at the Commission's callous, disrespectful response (e-mail of October 31, 2025), in which you indicated that an intake analyst had not even been assigned to do a preliminary review on this matter. Shockingly, the anonymous, template response warned the First Nations not to send any more requests for updates, indicating that any such requests risked the Commission slow-walking the Complaint even further. It is incomprehensible how, in the face of a direct warning of impending deaths, your response would simply be to state that “the details of this complaint may result in faster or slower processing times.”²

¹ Letter from IFNA/KI, sent by Falconers LLP, re: Urgent Request for Status Update (Oct. 29, 2025)

² E-mail from the Commission, re: Urgent Request for Status Update (Oct. 31, 2025)



We are now seven months since this Complaint was filed, and, tragically, the nightmare scenario that we raised in our correspondence has now transpired. Chief Donny Morris, the chief of the Complainant First Nation Kitchenuhmaykoosib Inninuwug, lost his three-year-old grandson to a house fire earlier this week. It is clear that the Commission lacks any meaningful ability to effectively triage complaints, or else you would have long ago recognized this safety crisis as severe, ongoing, and in urgent need of referral to the Tribunal.

In light of this tragedy, you can consider this letter formal notice that the First Nations Complainants have requested that the Auditor General of Canada (copied on this letter) launch an immediate investigation into the Commission's gross failure to fulfil its statutory duty to act in the public interest. Clearly, the Commission has forgotten that mandate: to "advocate for human rights, and provide oversight and dispute resolution processes that are fair, equitable, and respect the inherent dignity of all."³

At the same time, the First Nation complainants are urgently demanding that the Commission exercise its authority to expedite this matter to a hearing before the Canadian Human Rights Tribunal. **Absent immediate action by the Commission, another child will die.**

Background – On-Reserve Fire Safety in First Nations

Fire safety is notoriously underfunded in First Nations, with IFNA's five member communities (Whitesand First Nation, Lac Seul First Nation, Kitchenuhmaykoosib Inninuwug, Muskrat Dam First Nation, and Pikangikum First Nation) particularly hard-hit. These communities have been plagued for decades by crumbling infrastructure, overcrowding, lack of fire prevention measures, a lack of fire departments and fire halls, inadequate firefighting equipment, and a pattern of severe, chronic underfunding of on-reserve fire safety services. (All of which is extensively detailed in IFNA/KI's complaint, attached again to this letter for your reference.)

Prior to this week, IFNA Nations had suffered a shocking number of fire fatalities, including:

- In March 2016, an entire family of nine people (including an infant and two children) died in a house fire in Pikangikum.
- In May 2019, five people (four of whom were children) died in a house fire in KI.
- In February 2023, three people (including a child) died in another house fire in Pikangikum. A few months later, in July 2023, another person died in a fire in the same community.

This week, following the latest such tragedy in KI, the IFNA Chiefs adopted an urgent Resolution demanding the Auditor General of Canada open a full investigation into the Commission's slow-walking of this Complaint. The Resolution highlights the long, shameful

³ Commission, "Our Mandate", [online](#).

track record of the Commission failing to take discrimination against First Nations seriously, including its nineteen months of slow-walking the well-known *Caring Society* case.⁴

Meanwhile, IFNA continues to urgently demand that ISC release interim funding to address the most immediate challenges facing its communities. The Commission’s own failure to act promptly on this crisis, however, arguably puts equal blame on your organization for this child’s death.

IFNA/KI Human Rights Complaint (August 29, 2025)

On August 29, 2025, IFNA and KI jointly filed their human rights complaint against ISC. The complaint alleges chronic underfunding and a persistent failure by the federal government to act on a fire safety crisis which it has been well aware of for decades.

The Complaint highlights ISC’s failure to comply with its own federal policies on First Nations fire safety, and singles out the chronic infrastructure struggles of First Nations, where unsafe housing leads to increased risk of fire and fire-related deaths and injuries. The Complaint cites research, much of it produced by the federal government, showing that a First Nations person living on-reserve is ten times more likely to die in a fire than a non-Indigenous person⁵, and that First Nations children are 86 times more likely to die in a fire than non-First Nations children.⁶ This week’s terrible tragedy bears these statistics out.

The Complaint seeks systemic reform of the federal programs and policies for on-reserve fire services, as well as the maximum available compensation of \$40,000 per person (\$20,000 + an additional \$20,000 for “willful and reckless conduct”).

Commission Slow-Walking Complaint

On August 29, 2025, IFNA and KI filed their complaint.

On October 29, 2025 (after two months), IFNA and KI wrote to you to demand that the Commission expedite the complaint, given the urgency of preventing another fatality.⁷

On October 31, 2025, the Commission sent an unsigned response over e-mail, indicating no Intake Analyst had yet been assigned to the Complaint. The Commission also directed that the First Nations refrain from sending follow-up requests for updates, offensively suggesting that any such requests would result in the Commission further slow-walking the Complaint.⁸

⁴ IFNA: *Resolution 2026/05: Demand for Auditor General Investigation of the Canadian Human Rights Commission* (Mar. 25, 2026)

⁵ ISC, *First Nations Fire Protection Strategy, 2023 to 2028*, [published](#) July 2023.

⁶ *Ontario Chief Coroner’s Table on Understanding Fire Deaths in First Nations*, [Office of the Chief Coroner of Ontario](#), July 2021, Appendix 3: Residential Fire Mortality Rate Calculations, at page 65.

⁷ Letter to the Commission, re: Request for Status Update, IFNA/KI Human Rights Complaint (Oct. 29, 2025).

⁸ E-mail from the Commission, re: Request for Status Update, IFNA/KI Human Rights Complaint (Oct. 29, 2025).

On March 23, 2026, the three-year-old grandson of the Chief of KI died in a house fire, in precisely the situation warned about in our letter. (Two adults are also being treated for serious injuries.) In total, seven months have passed with no updates from the Commission.

The Commission’s Failure to Fulfil Its Mandate

Under the Canadian Human Rights Tribunal *Rules of Procedure*, 2021, SOR/2021-137 (the “*Rules*”), R. 17, the Commission has the authority to refer a complaint to the Tribunal. This authority must, according to the *Rules*, “be interpreted and applied so as to secure the informal, expeditious and fair determination of every inquiry on its merits” (*Rules*, R. 5). The *CHRA* further requires that complaints be dealt with “as informally and expeditiously as the requirements of natural justice and the rules of procedure allow” (*CHRA*, s. 48.9(1)).

In its unsigned e-mail of October 31, 2025, the Commission claims it prioritizes “cases where the alleged discrimination is ongoing or severe”. This same commitment appears on the Commission’s website⁹, where your mandate is described alongside your commitments to “identify emerging issues and advocate for change”.¹⁰ It is difficult, if not impossible, to reconcile those statements with your abject failure to act here, and the callous disregard with which you have communicated with the First Nations complainants.

A Track Record of Slow-Walking First Nations Discrimination Cases

Sadly, your inaction on this file is only the latest in a long, tragic history of the Commission slow-walking First Nations complaints. Notably, in the Caring Society child welfare case, the Commission took *nineteen* months to conduct its preliminary review.¹¹ The Commission’s own reported wait times have now reached fifteen months on average.¹²

It is now the end of March 2026. Seven months have passed since the First Nations filed their Complaint. In the meantime, a child has died.

This case is not complex. The facts are clear, as are the issues. By the Respondent’s own admission, First Nations people – particularly First Nations children, like the child who died this week – are significantly more likely to die in fires than non-First Nations. This is not even the first time in recent memory a child has died in this very community. The purpose of these proceedings is to obtain an order from the federal administrative tribunal responsible for adjudicating claims of discrimination. Extensive evidence – much of it the Respondent’s own - persuasively establishes the unsafe conditions in these First Nations, and the inequitable funding provided by the Respondent. In the meantime, the Commission does nothing.

⁹ Canadian Human Rights Commission, “File a discrimination complaint”, [online](#).

¹⁰ Canadian Human Rights Commission, “Our Mandate”, [online](#).

¹¹ *First Nations Child and Family Caring Society of Canada et al. v. Canada*, 2016 CHRT 2, para 6

¹² Senate Standing Committee, *Update on the Canadian Human Rights Commission’s anti-racism efforts* (June 2025), p. 3

While the First Nations understand the Commission is handling a large caseload, it is now well past the point of acceptable delay. By slow-walking this Complaint – to the point that a child has died while the Commission refuses to take action – the Canadian Human Rights Commission has made itself complicit in this horrific discrimination.

To that end, and in light of the ongoing, severe nature of the discrimination, the Complainants urgently call upon the Commission to exercise your discretion and immediately refer this matter to the Tribunal for a full inquiry. At the same time, in light of the Commission's offensive comments in its October 31, 2025 e-mail, the Complainants demand to know the name of the individual who callously wrote that e-mail, and whether they are prepared to apologize.

Finally, as noted at the outset, the Commission can consider this letter as notice that the Auditor General has been asked to investigate the Commission's abject failure to comply with its public interest mandate. This unacceptable state of affairs, while people are quite literally dying, must be investigated by an independent third-party.

We ask that you acknowledge this e-mail upon receipt, and further provide an indication of when we can expect to receive a substantive reply to these crisis-level concerns.

Thank you.

Yours very truly,



Julian N. Falconer

Encls. (5):

- IFNA/KI, Human Rights Complaint Form, filed August 29, 2025
- IFNA/KI, Schedule "A" to the Complaint, filed August 29, 2025
- Letter to Commission, re: request for status update, dated October 29, 2025
- Unsigned Response from Commission, re: request for update, dated October 31, 2025
- IFNA, *Resolution 2026/05: IFNA Chiefs Call on Auditor General to Investigate Canadian Human Rights Commission, as Commission Continues to Slow-Walk Urgent Human Rights Complaint re. Indigenous Fire Safety* (Mar. 25, 2026)

CC. Independent First Nations Alliance, c/o Vernon Morris, CEO, vmorris@ifna.ca
Chief Donny Morris, Kitchenuhmaykoosib Inninuwug, donny.morris@ki-btl.ca
Karen Hogan, Auditor General of Canada, communications@oag-bvg.gc.ca
The Hon. Mandy Gull-Masty, Minister of Indigenous Services,
and Deputy Minister Gina Wilson