



SENT VIA E-MAIL

March 27, 2026

Karen Hogan, Auditor General
Office of the Auditor General of Canada
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Dear Ms. Hogan -

re: Death of a First Nations Child, Request for Audit of Canadian Human Rights Commission, Fire Safety Crisis in Independent First Nations Alliance

I am writing to you on behalf of the Independent First Nations Alliance (“IFNA”), a tribal council representing five First Nations communities in northern Ontario. Pursuant to the direction of the IFNA Chiefs – *Resolution 2026/05, re: Request for Auditor General to Investigate Canadian Human Rights Commission*, March 25, 2026 – I am writing to formally request that the Office of the Auditor General (“OAG”) exercise its discretion to commence a performance audit of the Canadian Human Rights Commission (the “Commission”), pursuant to your authority under the *Auditor General Act* (R.S.C., 1985, c. A-17) (the “Act”).

The proposed audit would investigate the Commission’s slow-walking of a human rights complaint involving an ongoing, severe threat to First Nations health and safety, in breach of the Commission’s mandate under the *Canadian Human Rights Act* (RSC, 1985, c. H-6) (the “CHRA”), and recently resulting in the death of a five-year-old child.

On August 29, 2025, IFNA, alongside its member First Nation Kitchenuhmaykoosib Inninuwug (“KI”), filed a human rights complaint against Indigenous Services Canada (“ISC”), regarding discriminatory underfunding of on-reserve fire safety (s. 5 of the *CHRA*), on the basis of race, ethnic origin, colour, and family status.¹

The Complaint describes decades of chronic underfunding of on-reserve fire services, in breach of federal policies regarding equitable fire safety conditions in First Nations, including ISC’s own *First Nations Fire Protection Strategy, 2023 to 2028*.² The Complaint outlines a

¹ IFNA/KI, Complaint under s. 5 of the *CHRA*, filed Aug. 29, 2025

² Indigenous Services Canada, *First Nations Fire Protection Strategy, 2023 to 2028*, [online](#).



tragic history of First Nations individuals – particularly children – dying in preventable fires in IFNA communities, and requests that the Commission expedite its review, given the ongoing, severe risk of future deaths.

Under the *CHRA*, the Commission is responsible for the preliminary screening of all complaints. If the Commission deems the complaint to have merit, it will recommend that the Canadian Human Rights Tribunal (the “Tribunal”) launch a full inquiry into the complaint. (R. 17 of the *Tribunal Rules of Procedure*, 2021 (SOR/2021-137) (the “Rules”)³).

In line with its public interest mandate, the Commission has wide discretion in determining which complaints to prioritize or expedite to an inquiry, including the ability to bypass its own investigate stage and referring the matter directly to the Tribunal. Pursuant to its *Discrimination Complaint Rules*⁴, the Commission may, at any stage, “lengthen or shorten any time limit”, “waive the application of all or any part”⁵ of the *Complaint Rules*, and “exercise any of its powers... on its own initiative or at the request of a party”.⁶ The Commission, as a matter of policy, prioritizes complaints which are “ongoing or severe”.⁷

On October 29, 2025, after two months of inaction by the Commission, my office wrote to the Commission on behalf of the Complainants, urgently demanding an update regarding the progress of the First Nations’ Complaint, and again requesting that the Commission exercise its authority to expedite its referral to the Tribunal, given the ongoing, severe risk of future deaths. In the letter, we expressed the First Nations’ fears regarding the Commission’s slow-walking of the complaint, as follows: “**the longer the delays, the more lives will be lost.**”⁸

On October 31, 2025, the Commission sent the First Nations an unsigned, template response, indicating that an intake analyst had not yet been assigned to conduct even the preliminary review of the Complaint. The Commission further warned the First Nations not to send any more requests for updates, indicating that such requests risked the Commission slow-walking the Complaint even further, with the unsigned email stating, “the details of this complaint may result in faster or slower processing times.”⁹

On March 24, 2026, the worst fears of the First Nations were borne out, when a five-year-old boy – the grandson of the Chief of the Complainant First Nation, KI – died in a house fire, which also sent two adults to hospital with serious injuries. This tragedy, which might well have been avoided if the Commission had fulfilled its mandate to investigate, means the First

³ *Canadian Human Rights Tribunal Rules of Procedure*, 2021 (SOR/2021-137) [the “Rules”].

⁴ Canadian Human Rights Commission – *Discrimination Complaint Rules* (effective October 19, 2022), [online](#), R. 5.4 [“*Complaint Rules*”]

⁵ *Complaint Rules*, [online](#), R. 5.4

⁶ *Ibid.*, R. 5.6

⁷ Canadian Human Rights Commission, “File a discrimination complaint”, [online](#).

⁸ Letter from IFNA/KI, sent by Falconers LLP, re: Urgent Request for Status Update (Oct. 29, 2025)

⁹ E-mail from the Commission, re: Urgent Request for Status Update (Oct. 31, 2025)

Nations no longer have any confidence in the ability of the Commission to address this crisis-level emergency.

The fact is: lives are on the line. As the First Nations have repeatedly warned, the Commission's inaction is leading to more deaths, and more harm. These abuses, and the ongoing, severe discrimination, represent the worst of atrocities – quite literally, the deaths of children in this case. The Commission's inaction makes it complicit in this discrimination, and, respectfully, it is time for the OAG to step in and investigate.

Background: First Nations' Fire Safety Complaint of August 2025

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. (Please note that this is extensively detailed in IFNA/KI's complaint, enclosed here 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.

The Complaint highlights ISC's failure to comply with its own 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, 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 person¹⁰, and that First Nations children are 86 times more likely to die in a fire than non-First Nations children.¹¹

The Auditor General's Jurisdiction

Under the *Act*, the OAG has the authority to audit, monitor, and report on the activities of any department of the federal government. As you are no doubt aware, the Canadian Human

¹⁰ ISC, *First Nations Fire Protection Strategy, 2023 to 2028*, [published](#) July 2023.

¹¹ *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.

Rights Commission is defined as a “department” within the meaning of the *Act* and associated *Financial Administration Act* (R.S.C., 1985, c. F-11) (the “*FAA*”) (See: *Auditor General Act*, s. 2, and *FAA*, Schedule I.1, Sections 2 and 3).

To the best of our knowledge, it appears that the last time the OAG exercised its authority to audit the Commission was in 1998, when an OAG audit identified an average delay of two years for the Commission to conduct its initial screenings of complaints.¹² At the time, the OAG found that “the Commission is not consistently adhering to some of its key investigation standards that are designed to ensure the quality of investigations”¹³, and recommended that the Commission establish objectives and numerical targets for eliminating its backlog.¹⁴

The *Act* gives the Auditor General “considerable discretion” about which areas of government to examine.¹⁵ Under s. 5 of the *Act*, the Auditor General has the power and duty to “make such examinations and inquiries as [she] considers necessary to enable [her] to report” on the activities of federal departments within its jurisdiction.¹⁶

Significantly, s. 8 of the *Act* provides that the “**Auditor General may make a special report to the House of Commons on any matter of pressing importance or urgency** that, in the opinion of the Auditor General, should not be deferred until the presentation” of its next scheduled report.¹⁷ In order to determine areas to prioritize for such audits, the Auditor General conducts a risk analysis to identify “high-risk areas”, defined as those “that could **threaten the health and safety of Canadians.**”¹⁸

In the circumstances, the First Nations submit that the tragic failings of the Canadian Human Rights Commission represent precisely the type of scenario envisaged by these provisions. Respectfully, the OAG should exercise its discretion to launch an audit as soon as possible, in order to address the root problems which have so clearly manifested in this case.

The Commission’s Systemic Failures

Pursuant to its statutory duties under the *CHRA*, the Commission’s mandate is to “advocate for human rights, and provide oversight and dispute resolution processes that are fair, equitable, and respect the inherent dignity of all.”¹⁹ Pursuant to that mandate, the Commission is required to “advance human rights in Canada by representing the public interest, identifying emerging issues and advocating for change that keeps pace with society so that Canada is

¹² Office of the Auditor General of Canada, *Report to the House of Commons, Chapter 10: CHRC and CHRT*, at s. 10.3, [online](#).

¹³ *Ibid*, at s. 10.74.

¹⁴ *Ibid*, at s. 10.95.

¹⁵ Office of the Auditor General of Canada, “How does the OAG choose the topics of its performance audits?”, [online](#).

¹⁶ *Act*, s. 5

¹⁷ *Act*, s. 8

¹⁸ Office of the Auditor General of Canada, “How does the OAG choose the topics of its performance audits?”, [online](#).

¹⁹ Canadian Human Rights Commission, “Our Mandate”, [online](#).

inclusive, equitable and barrier-free.”²⁰ As noted, the Commission has, in line with that mandate, publicly committed to “triage” and prioritize those complaints which relate to “ongoing, severe” discrimination.”²¹

The Commission also has a notorious track record of failing to fulfil that mandate.

A 2023 Report of the Senate Standing Committee on Human Rights, titled, *Anti-Black Racism, Sexism, and Systemic Discrimination in the Canadian Human Rights Commission* (December 2023)²², described the Commission as a “toxic” work environment²³, in which individuals from marginalized communities – particularly Indigenous and Black employees – endured chronic, systemic discrimination across the Commission. Among other findings, the Senate Report found that the Commission has failed to “appoint, sponsor, support and recruit Indigenous, Black, and other racialized employees”²⁴, that the workplace has seen a pattern of “racist comments about Black, Indigenous, and Muslim employees”²⁵, and that Indigenous and other racialized employees live in “fear of reprisal” if they raise any concerns.²⁶

Perhaps most troublingly, the Senate Report also found that race-based complaints (such as the pending complaint of the First Nations complainants in this case) **are dismissed at a higher rate than other discrimination complaints.**²⁷ (It bears mentioning that, since the Senate Report, the Commission has reported nominal progress in reducing its dismissal rates, per its recent “Update on the Canadian Human Rights Commission's anti-racism efforts”.²⁸)

To that end, the Senate Report contains several recommendations aimed at addressing the chronic, systemic discrimination within the Commission, including:

- That the Government commission an independent review of the conditions of CHRC employees from diverse backgrounds past and present, with particular focus on the experience of Black, racialized and Indigenous employees. (Recommendation 9);
- That the Canadian Human Rights Commission consider providing immediate legal and psychological support for complainants and their families. (Recommendation 6);
- That the Government takes steps to ensure that victims of discrimination have access to a human rights system that is fair, effective and timely. (Recommendation 7).²⁹

²⁰ Canadian Human Rights Commission, “Our Mandate”, [online](#).

²¹ Canadian Human Rights Commission, “File a discrimination complaint”, [online](#).

²² Senate Standing Committee on Human Rights (Dec. 2023), *Anti-Black Racism, Sexism and Systemic Discrimination in the Canadian Human Rights Commission*, [online](#). [“Senate Report”]

²³ *Ibid*, at p. 19

²⁴ *Ibid*, at p. 13

²⁵ *Ibid*, at p. 20

²⁶ *Ibid*, at p. 41

²⁷ *Ibid*, at p. 21

²⁸ Commission, “Update on the Canadian Human Rights Commission's anti-racism efforts”, [online](#).

²⁹ Senate Report, pp. 44-45, listing eleven Recommendations.

It is little surprise, then, that the Commission also has a terrible track-record of slow-walking First Nations complaints. Perhaps most infamously, the Commission took *nineteen months* to conduct its preliminary review of the well-known *Caring Society* case.³⁰ In that case, the Commission's delays occurred during a period of ongoing, severe harm to First Nations children, who were suffering from inadequate child welfare services in their communities.

Moreover, according to the Commission's own reported estimates, the average wait time for reviewing a complaint is now fifteen months.³¹ This threatens to dramatically increase in the coming years, following budget cuts announced just this past week, which will see a reduction in full-time Commission staff from 283 positions in 2024-25, down to 267 positions in 2026-27, and further down to 254 positions in 2028-29.³²

Conclusion

This week, following the tragic child fatality in KI, the IFNA Chiefs adopted an urgent Resolution requesting that the OAG investigate the Commission's slow-walking of this Complaint and its inability to fulfil its public interest mandate.³³ As noted, a copy of that Resolution has already been sent to the Commission, copying your office.

The Resolution highlights the long, shameful track record of the Commission failing to take First Nations discrimination cases seriously, including its record of slow-walking past complaints. The Resolution further highlights the warning previously communicated to the Commission about the risks of further deaths if the Commission continues to fail its mandate.

As you are aware (per correspondence of March 25, 2026, on which you were copied), IFNA has already written to the Commission to advise of the recent child fatality, and to again demand its Complaint be expedited, before more Indigenous children die. IFNA's letter also enclosed the aforementioned Resolution, and advised that it is seeking an investigation by the OAG into the Commission's slow-walking of its Complaint.

Seven months have now passed since the First Nations filed their Complaint. In that time, the sole update from the Commission has been an unsigned, anonymous e-mail in October 2025, indicating that no analyst had been assigned to the file, and warning the First Nations not to bother the Commission with any further requests for updates.

In the aftermath of this tragic death, combined with the Commission's callous response to a request for updates, it is clear the Commission lacks the capacity, not to mention the cultural competence, to effectively triage such complaints. Moreover, the Commission's actions

³⁰ Complaint launched February 2007, Commission's review completed October 2008. See: *F.N. Caring Society v. Canada*, 2016 CHRT 2, at paras 5-6.

³¹ Senate Standing Committee, *Update on the Canadian Human Rights Commission's anti-racism efforts* (June 2025), p. 3

³² Bloomberg (Mar. 23, 2026): "Here's where 15,000 federal public service jobs will be cut over 3 years", [online](#).

³³ IFNA: Resolution 2026/05: Demand for Auditor General Investigation of the Canadian Human Rights Commission (Mar. 25, 2026)

demonstrate a clear breach of its duties as a department of the federal government, which is why IFNA is now demanding an urgent investigation by the OAG.

To be clear, the proposed audit would focus on the Commission's own complicity in the ongoing discrimination experienced by these First Nations, by virtue of its slow-walking of this urgent matter. The First Nations are not requesting that the OAG audit the activities of Indigenous Services Canada, which is the Respondent in the underlying human rights complaint, and ultimately responsible for the provision of on-reserve fire safety services.

In conclusion, and in light of the severe risk to the health and safety of the particularly vulnerable population in this matter, IFNA and its five member First Nations respectfully request that the OAG exercise its jurisdiction to launch a performance audit of the Canadian Human Rights Commission. In line with the OAG's mandate, this audit would assist in addressing the urgent crisis of the Commission's failure to review complaints in a timely manner, and its particularly egregious slow-walking of complaints involving ongoing and severe threats to First Nations safety.

Thank you. We look forward to your prompt reply.

Yours very truly,



Julian N. Falconer

Encls. (6):

1. 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)
2. IFNA/KI, Human Rights Complaint Form, filed August 29, 2025
3. IFNA/KI, Schedule "A" to the Complaint, filed August 29, 2025
4. Letter to Commission, re: request for status update, dated October 29, 2025
5. Unsigned Response from Commission, re: request for update, dated October 31, 2025
6. IFNA, Letter to Commission re. Death of First Nations Child (Mar. 25, 2026)

CC. Independent First Nations Alliance, c/o Vernon Morris, CEO, vmorris@ifna.ca
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