

IN THE MATTER OF THE *VETERINARIANS ACT*, S.B.C. 2010, c. 15

and

IN THE MATTER OF
THE COLLEGE OF VETERINARIANS OF BRITISH COLUMBIA and a
hearing before a DISCIPLINE PANEL
of the COLLEGE DISCIPLINE COMMITTEE

and

DR. PAVITAR BAJWA

Ruling on Application for Admission of Minutes of the Investigative Committee

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| Counsel for the Respondent | Clea Parfitt |
| Counsel for the College | Elizabeth Allan/Mike Shirreff |
| Discipline Panel | Carol Baird Ellan K.C., Chair Dr. Allan Runnells Dr. Ian Welch |
| Date of Ruling | March 28, 2025 |

Overview

[1] The Panel is engaged in a discipline hearing on a citation against the Respondent veterinarian alleging multiple breaches of the CVBC Bylaws, and professional misconduct [“the Citation”]. The hearing has proceeded on several days in August and October 2024 and January

2025. The Respondent testified under direct examination in October and his cross-examination has been adjourned to further hearing dates in May 2025. At an appearance without the Respondent in January, Respondent's Counsel raised an issue pertaining to the admissibility of a document to which the College objected, and counsel were directed to address the issue in written submissions, which they have now done.

[2] In her Notice of Motion filed February 19, 2025, the Respondent seeks to introduce minutes from the CVBC Investigation Committee meeting pertaining to the issuance of the Citation against the Respondent as evidence at the discipline hearing. The College says the minutes are irrelevant and inadmissible.

[3] For the reasons expressed below the application is dismissed.

[Authority to Review the Investigation Committee's Process](#)

[4] Respondent's Counsel, Ms. Parfitt, submits that the Citation is not valid because the CVBC Investigation Committee ["IC"] did not follow the appropriate procedure in determining the contents of the allegations. She seeks to introduce the Minutes as evidence at the hearing to demonstrate the deficiencies in the process followed by the IC, or conversely, to argue that the evidence on the discipline hearing is not sufficient to establish that the IC complied with their obligations under with the *Act*. We do not believe it is open to us to embark upon that inquiry.

[5] Section 57(1) of the *Act* requires the IC to do one of three things after considering the results of an investigation, one of which is "direct the registrar to issue a citation under section 58." Section 58 provides the registrar with direction as to the contents of the citation. Section 59 directs the Discipline Committee to "hear and determine" a citation. Pursuant to Section 282 of the CVBC Bylaws a discipline panel may be appointed by the Discipline Committee to hear and determine a citation.

[6] Section 284 of the Bylaws describes the powers of a panel:

General rules of procedure and evidence

284(1) The discipline panel has the authority to

- (a) govern its proceedings,
- (b) order an adjournment of its proceeding,
- (c) allow the amendment of a citation, and
- (d) subject to the Act and the bylaws, adopt such other policies and procedures as it considers necessary for the expeditious and fair conduct of a hearing.

[7] Apart from the ability to amend a citation, the discipline panel is not assigned any power to review the process leading up to the issuance of the citation. The Panel is therefore aware of nothing in the *Act* or Bylaws that provides it with authority to review decisions of the IC or the registrar.

[8] The Panel notes that portions of Respondent's Counsel's submissions provide evidence as to the usual procedures followed by the College, the IC, and an entity called the "Investigation Panel", which is not mentioned in the *Act*. This Panel is not in a position to confirm these processes, and no evidence of them has been led in this matter. In any event, there is no suggestion that these internal processes assign a function of oversight to a discipline panel.

[9] Respondent's Counsel rests the application on principles of fairness and natural justice. She relies on *Kane v. Bd. of Governors of U.B.C.*,¹ and Section 3(2)(f) of the *Act*, which she says requires the Panel, as a College committee, to be transparent, objective, impartial and fair.

[10] Section 3(2) sets out the objects of the College, which include (f): "*to establish and employ registration, investigation and discipline practices* that are transparent, objective, impartial and fair"(emphasis added).

[11] The Panel accepts that it has a duty of fairness, whether or not that derives from Section 3(2)(f). As noted by a prior panel, that section appears to speak more to the

¹ [1980], 1 S.C.R. 1105, p. 1113

establishment of processes than to individual discipline proceedings². By implication, however, each of the processes created by the College would be expected to have the attributes listed in the section.

[12] As a matter of administrative law, there is in any event no doubt that a discipline panel is required to follow the rules of natural justice, and instruments of self-governance like the College and its various committees owe duties of fairness, transparency, impartiality and objectivity to members, while operating within the framework of their public interest mandate. They are nonetheless creatures of statute, and they need to operate *within* the framework of their public interest mandate.

[13] Respondent's Counsel argues that these duties extend to a requirement, at a discipline hearing, that the College demonstrate that the IC complied with Section 57 of the Act. In this respect, she relies on a passage from a ruling in the matter of *CVBC v. Chaudhry* File #20-105(b) [*"Chaudhry"*]:

10) This panel is required to hear a citation issued by the Registrar ... pursuant to s. 58 of the Act. *Therefore, we must be satisfied that its issuance has been directed by the Investigation Committee.*

11) The citation must in accordance with s. 58(1)(c) "describe the nature of the complaint". *The Committee must in our view identify the subject matter that will be described in the citation, but they need not approve any specific wording which can be later drafted by staff or counsel.* [Emphasis added.]

[14] The College submits that this passage must be considered in context, as part of the *Chaudhry* panel's ruling denying the Respondent's application to dismiss a citation for similar reasons to those advanced in this matter.

[15] It is true that the panel in *Chaudhry* went as far as finding that a disciplinary panel needs to be satisfied that the Investigation Committee directed the issuance of a citation;

² CVBC v. Bajwa, File #21-104, December 6, 2024 Ruling, para. 28.

however, the decision does not go as far as suggesting that it was open to the panel to review the actions of the IC.

[16] As pointed out by the College, the *Chaudhry* panel recognized the limited authority of a discipline panel, in other parts of the decision:

5) This panel derives its jurisdiction from S. 59 ... which directs that the “discipline committee must hear and determine a complaint... set for hearing by citation issued under Section 58.”

42) We make a separate finding that notes made at or about the Investigation Committee meetings are not relevant. This panel does not sit in review of the Investigation Committee’s decision to direct the issuance of a citation. Its reasons for doing so are irrelevant before us. We need only know that they did so direct.

48) This panel has the obligation to hear the citation. It is not in our jurisdiction to consider whether in the circumstances a citation ought to have been directed or not...

[17] We note that in *Chaudhry*, the panel in any event viewed the relevant IC minutes and determined that they did not reflect any defects in the process by which the registrar was directed to issue the citation. The panel also decided that discussions relating to decisions to direct a citation at a meeting of the IC were subject to deliberative privilege.³

[18] The fact that the panel determined that there were other reasons to deny the application does not mean that it assumed it had authority to review the actions of the IC. In this Panel’s view, a full reading of the *Chaudhry* ruling confirms that it does not stand as authority for the argument advanced by Respondent’s Counsel. The question of admissibility of the IC minutes was not addressed, because they were found to be irrelevant. The process by which the IC arrived at its decision to issue the citation was also found to be both irrelevant and privileged, and therefore inadmissible.

[19] The College here concedes that a respondent is entitled to disclosure of the IC Minutes from the meeting pertaining to the citation he is facing, and the Panel accepts that

³ See paragraph 41.

it may be open to him to consider the legality of the processes followed by the IC in determining the path of his challenge to liability. In this Panel's view, however, it does not follow that a discipline hearing is the setting in which to challenge those processes. There is ample authority in the administrative discipline sphere to the contrary.⁴

[20] Disclosure does not create relevance⁵ or jurisdiction, where none is otherwise established. Each College committee acting under the *Act* is a creature of the statute, whose authority is only that which is precisely delineated by the statutory framework, along with the concomitant authority and duty to control its own processes. While we note that Section 289 restricts College disclosure to "relevant information in the possession of the investigation committee relating to the allegations," the fact that a particular item such as the IC minutes has been disclosed, or even considered by a prior panel, cannot create either relevance or authority, where none exists.

[21] As pointed out by the College, apart from the passages in *Chaudhry*, which we have found do not support Respondent's Counsel's argument, Respondent's Counsel has cited no authority for her assertion that a discipline panel has the power to review processes preceding the issuance of the citation. In fact she has disregarded myriad other CVBC discipline hearings where she herself has made precisely the same argument and been wholly unsuccessful.⁶

[22] Counsel for the College has done an admirable job of summarizing those rulings and we will not review them here. It appears now to be well-settled law for the purposes of CVBC discipline hearings that a panel has no jurisdiction or authority to inquire into

⁴ See, for instance, *Diaz-Rodriguez v. British Columbia (Police Complaint Commissioner)*, 2020 BCCA 221 at para. 32:

[32] ... it is difficult to conceive how an adjudicator, appointed by the Commissioner and directed to hold a public hearing in the public interest under the [Act](#), would have jurisdiction to determine that the hearing was an abuse of process. No authority was provided in support of that proposition.

⁵ CVBC v. Salhotra, File #21-065(b), November 20, 2024 Decision, paragraph 109.

⁶ CVBC v. Kataria, File #20-064, Ruling, paras. 24 - 37; CVBC v. Bajwa, File #19-045, Ruling, para. 18; CVBC v. Bajwa File #23-012, Ruling, paras. 54-61; CVBC v. Salhotra, File # 21-065(b), May 2, 2024 Ruling, paras. 3 - 14; CVBC v. Bajwa, File #21-104, December 6, 2024 Ruling, paras. 27 - 34.

College processes that may underlie the issuance of a citation. Apart perhaps from a nullity on its face, or wording obviously requiring clarification, correction, or particularization, it is doubtful that a panel has jurisdiction to do anything with a citation other than hear and determine the matter.

[23] What flows from that is that the minutes from the meeting of the IC at which the issuance of the Citation in this matter was directed are irrelevant and inadmissible at the discipline hearing.

Arguments on the Merits

[24] The College has raised issues of the timing of the application and its merits in relation to the adequacy of the IC Minutes to establish proper direction of the Citation. We find it unnecessary to consider those in depth given the view we take as to the absence of our authority. We will observe, however, that the argument pertaining to inadequacy of the IC's deliberations seems unlikely to assist the Respondent, and the timing of the application, coming during the testimony of the Respondent, does not cloak it with any more merit than had it been raised when Respondent's Counsel first conceived of it.

Conclusion

[25] The application is dismissed.

Carol Baird Ellan
Carol Baird Ellan K.C., Chair

Al Runnells
Dr. Al Runnells

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