

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. HARDEEP KATARIA

**Counsel for the Respondent
Counsel for the College**

**Clea Parfitt
David Volk**

Panel Members

**Keith Bracken, Chair
Dr. Al Runnells
Dr. Rayna Gunvaldsen**

Date of Decision

May 13, 2025

Final Decision of the Hearing Panel on a Citation

[1] The College of Veterinarians of British Columbia (“the College”), alleges that Dr. Kataria failed to cooperate with an investigation into a complaint sent to the College on July 17, 2020. The Citation was issued on August 23, 2022, and alleges that:

In breach of section 52(3) of the Act, you failed to cooperate with a CVBC investigation concerning a complaint about the microchipping of a litter of kittens when you did not respond promptly and appropriately to communications from the CVBC,

[2] The complainant, Ms. Baker, alleged that she had adopted a kitten from a cat rescue organization known as Shuswap Paws Rescue (“Shuswap Paws”) and that the microchip placed

in the cat was not the same as on the microchip labels, she received. She believed that an error was made by Dr. Kataria by putting the wrong microchip in the kitten or in completing the associated documents. The kitten, named “Melody” was part of a litter of 7 rescued kittens. Dr. Kataria had spayed and microchipped the kittens.

[3] On August 27, 2020, a memorandum prepared by College staff was sent to the Intake Panel of the College Investigation Committee. The memorandum attached the complaint and related documents and requested direction on whether to commence an investigation. On September 14, 2020, the Intake Panel directed that the College assign an investigator and investigate the complaint. The Intake Panel noted two issues for consideration. The first issue was whether Dr. Kataria had mixed up records when microchipping Melody and the second related to conduct in response to a message posted by the complainant on the website of Dr. Kataria's clinic.

[4] On December 1, 2020, the College sent a letter to Dr. Kataria advising that the College was investigating the complaint and enclosed a copy of the complaint. The College requested Dr. Kataria to provide the clinic's complete medical records respecting Melody and that he respond to the two issues raised by the Intake Panel. A response was requested by January 11, 2021, but it was suggested the College would consider “reasonable requests for extension”.

[5] The College also included a copy of its publication “Complaint and Discipline Information Sheet”, published by the College in March 2018 and revised May 2019. That document pointed out that it was Dr. Kataria's professional obligation to respond “promptly and respectfully” to the request for information. The document states, in part:

Respond. It is your professional obligation to respond promptly and respectfully to the CVBC about the complaint. Provide a detailed written report addressing each of the concerns raised. For complaints about treatment of a patient, include all patient records, charts and radiographs. If records are electronic, put on disc or email to the CVBC—don't print digital radiographs onto regular paper as they are not of diagnostic quality. If there are other witnesses to the event in question, have them prepare a factual account and include it with your report, or suggest the CVBC contacts them. If you are the Designated Registrant of a facility, you may be asked to respond if complaints relate to staff or the facility generally, or the treating veterinarian is unknown. You cannot delegate your duty to respond to the CVBC's initial request. [Emphasis added]

[6] In his evidence given under cross-examination at the hearing of the Citation, Dr. Kataria admitted that he read the material respecting the need for a prompt response to the College and that he understood his obligations under the Veterinarians Act s. 52(3), SBC 2010, c.15 ("the Act"). He also confirmed that he was aware of the importance of the need to respond to correspondence from the College. He was also aware the College required his response by January 11, 2021. He conceded that he knew he had an obligation to reply promptly.

[7] Dr. Kataria replied to the letter from the College of December 1, 2020, on December 28, 2020. In that email message he advised that the matter of the complaint would be handled by his lawyer and that she "...would be in touch with the College soon".

[8] The College did not receive a response from Dr. Kataria's lawyer and the College sent a follow-up letter on January 26, 2021, attaching Dr. Kataria's message of December 28, 2020, and requested a response and medical records for Melody by February 9, 2021, but the College received no response.

[9] Nothing further was heard from Dr. Kataria until March 17, 2021, when he sent the medical records for Melody by email advising that his response to the College respecting the complaint would follow through his lawyer. It is not clear what, if any, communication Dr. Kataria had with his lawyer between December 28, 2020, and March 17, 2021, however, there is evidence that he was in contact with his lawyer in March 2021.

[10] An email dated March 17, 2021, to Dr. Kataria from his counsel included a draft letter to the College requesting further information as well as a letter of response that had been prepared. It was suggested that the letter of response be held back until the College provided further information.

[11] On March 18, 2021, Dr. Kataria's counsel sent an email to the College setting out three requests for further information. The requests were:

Please provide documentation from the Intake Panel confirming their decision to investigate this complaint.

Please ask [*the complainant*] whether she has complete records of her Facebook communications with Twin Rivers Animal Hospital. So far, she has only provided part of one posting string.

Please ask [*the complainant*] to confirm that the tattoo number of her cat is AEVJ191 as shown on the EIDAP form she forwarded.

[12] The College responded by email the same day and advised it would provide a response in due course. In his cross-examination, Dr. Kataria agreed that his counsel had prepared a response to the complaint, but he wanted more information before he authorized his counsel to send the response to the College.

[13] It does not appear that the College responded immediately to the three requests made by Dr. Kataria's counsel. On March 22, 2021, Dr. Kataria forwarded medical records for a cat named Arwyn a cat that was from the same litter of rescue cats as Melody. The records were not accompanied by any information regarding why the records were sent. It is not clear from the evidence, but it was suggested that Dr. Kataria suspected that Shuswap Paws may have delivered Arwyn rather than Melody to the complainant and he said they were apparently very similar in appearance.

[14] On March 31, 2021, Dr. Weinberger was appointed as the inspector responsible for the investigation. He made efforts to contact the complainant to obtain the information requested by Dr. Kataria's counsel. He wrote to the complainant on August 5, 2021, but by that time, the complainant was no longer willing to participate in the investigation of the complaint. In an email dated August 31, 2021, the complainant expressed frustration at the length of time the matter was taking and stated clearly that she did not want any further involvement in the matter.

[15] On September 8, 2021, Dr. Weinberger wrote to Dr. Kataria's counsel. He responded to the three requests posed by Dr. Kataria's counsel in her March 18, 2021, correspondence. In that letter he advised that he had been unsuccessful in obtaining further information from the complainant. He also posed a series of 6 questions, and he asked for a response to those questions from Dr. Kataria. A response was requested by September 22, 2021.

[16] A response from Dr. Kataria was not received, and Dr. Weinberger sent a follow-up email to Dr. Kataria's counsel on October 4, 2021.

[17] Dr. Weinberger left a telephone message with Dr. Kataria's lawyer on November 1, 2021, requesting a response to his letter of September 8, 2021. On November 16, 2021, the College sent a letter to Dr. Kataria's lawyer and pointed out five prior occasions when the College had attempted to obtain a response from Dr. Kataria respecting this complaint without success.

[18] Dr. Kataria's counsel was reminded of Dr. Kataria's duty to respond promptly to communications from the College and advised that if a response was not received prior to November 24, 2021, the College would refer Dr. Kataria's failure to respond to the Investigation Committee and that a separate complaint file against Dr. Kataria would be opened. No response was received to the letter from the College.

[19] On January 11, 2022, the College forwarded a copy of the Investigation Memorandum prepared by Dr. Weinberger to Dr. Kataria's counsel. The memorandum set out Dr. Weinberger's findings regarding his investigation of the complaint respecting the complainant's cat Melody. The memorandum also dealt with the issue of Dr. Kataria's alleged failure to cooperate with the College in the conduct of the investigation.

[20] The College advised Dr. Kataria's lawyer that the matter was to be considered by the College's Investigation Committee on January 27, 2022, to decide on any further action. The College advised that any response from Dr. Kataria should be delivered no later than January 20, 2022, for it to be considered by the Investigation Committee.

[21] On January 19, 2022, Dr. Kataria's lawyer provided a letter in response to the College. The letter raised the possibility that rather than an error in the microchipping of Melody, the problem was that the complainant was given the wrong cat. The letter said, in part:

"As noted in the medical records for "Melody", this cat was given tattoo AEVJ 189 and microchip 956000012150984 with external tag number 1264694.

As noted in the medical records for "Arwyn", this cat was given tattoo AEVJ 191 and microchip 956000012115013 with external tag number 1264682.

Based on the microchip number as confirmed by Ms. Baker and written by her onto the EIDAP form she forwarded to the College, as well as the tattoo number on the EIDAP form, it appears that Shuswap Paws gave Ms. Baker "Arwyn" rather than "Melody". The paperwork received by Ms. Baker, including the additional labels, was provided to her by Shuswap Paws."

[22] In his evidence at the hearing, Dr. Kataria denied seeing Dr. Weinberger's correspondence of October 4, 2021, until sometime in January 2022. However, it is clear Dr. Kataria was aware that neither he nor his lawyer had responded to the original request for a response set out in the College correspondence of December 1, 2020.

[23] The College alleges that Dr. Kataria's failure to respond to the College respecting its initial and subsequent requests for information constitutes a failure to cooperate with the College respecting an investigation and that his failure constitutes a violation of s. 52(3) of the Act.

1. Obligation to Cooperate

[24] The starting point to define the obligation of a registrant under the Act is s. 52(3) of the Act which states:

(3) A registrant must cooperate with an investigation, including providing information or records requested by the investigation committee.

[25] In addition to the requirement under the Act, the College has published a Cooperation Standard and made it available to all registrants that further defines the obligation of a registrant to cooperate with an investigation. The Cooperation Standard is not part of the College Bylaws, but it is clearly intended to provide guidance to registrants respecting what is expected when they are the subject of a complaint.

[26] The Cooperation Standard sets out the basic obligations of a registrant when, in the context of an investigation, a request for information or to attend an interview is made by the College.

[27] Section 3(1)(a) of the Act establishes that the College has a duty to protect the public interest. Section 3(1)(b) of the Act states that the College must exercise its powers and discharge its responsibilities under the Act in the public interest. Section 3(2)(b) and (e) of the Act state that

the objects of the Act include establishing monitoring and enforcing standards for the practice of veterinary medicine and to deal with issues of discipline and professional misconduct.

[28] The established Bylaws of the College provide in s. 207 that:

207(1) A registrant must at all times conduct him or herself in a manner that demonstrates understanding of, respect for and a readiness to be bound by the Act, the regulations and the bylaws.

(2) A registrant must be familiar with and adhere to procedures and rules as may be approved by the council.

(3) A registrant must respond promptly and appropriately to any communication from the college where a response is requested.

[29] As stated in the College's submissions, the provisions of the Act, the College Bylaws and published Standards require that a registrant must cooperate with an investigation by "...responding promptly and appropriately to any communication from the College". There is no right to a registrant to impose conditions or set terms to the required cooperation.

[30] That submission is supported by the relevant jurisprudence. In *James v. Real Estate Council of Alberta*, 2004 ABQB 860, aff'd 2006 ABCA 222, established that a registrant must co-operate with their regulatory body. The court said:

[37] Crucial to its ability to regulate is its ability to rely on the co-operation of its members in any investigation of behaviour alleged to be contrary to the rules and code. That co-operation must be provided in all cases, regardless of the view the investigated member has of the merits of the complaint.

Needless to say, if his or her view of the merits is right, the complaint will be dismissed, but that is not for the member to decide, nor is it to constitute a reason for the member not to co-operate.

[31] That principal was also stated in *Kuny v. College of Registered Nurses of Manitoba*, 2017 MBCA 111, *Strauts v. College of Physicians and Surgeons of British Columbia*, [1997] B.C.J. No. 1518 (C.A.), *British Columbia (Independent Investigations Office) v. Vancouver (City) Police Department*, 2020 BCCA 4. On the authority of these cases, it was not open to a registrant to delay a response to a Regulatory Body until that body responds to requests from the registrant.

[32] The College suggests there are two timeframes to consider. The first is the time from the College's first correspondence respecting the complaint in December 2020 and the response from

Dr. Kataria's lawyer in March 2021. The second is the time from September 2021 to January 2022 when a response letter was sent to the College by Dr. Kataria's lawyer.

[33] The only information provided by Dr. Kataria between December 1, 2020, and March 2021 were the requested medical records for Melody on March 17, 2023, and for Arwyn on March 23, 2021. He gave no reason why he provided the records for Arwyn. He said he would provide more information after the College responded to the request for information made by his lawyer.

[34] No additional information was provided between March 2021 and early January 2022 even though the College made five attempts to reach Dr. Kataria to obtain further information.

[35] On September 8, 2021, the Inspector, Dr. Weinberger wrote to Dr. Kataria's lawyer and requested a response. On October 4, 2021, the Inspector requested a response by an email to Dr. Kataria's lawyer. On November 1, 2021, the Inspector left a voice message for Dr. Kataria's lawyer requesting a response and on November 16, 2021, he sent a follow-up letter to Dr. Kataria's counsel. There was no response to any of the efforts to obtain a response to the complaint.

[36] On January 10, 2022, the Inspector prepared a memorandum for the Investigation Committee outlining his investigation of the complaint and he set out the background information respecting the nature of the complaint and his efforts to obtain a response from Dr. Kataria and his counsel. On January 11, 2022, the Registrar of the College sent a copy of the Inspector's memorandum to Dr. Kataria's lawyer.

[37] On January 19, 2022, Dr. Kataria's lawyer sent a response to the complaint to the College. The response was a partial response in that Dr. Kataria's lawyer did not answer all the questions posed by Dr. Weinberger in his letter of September 8, 2021.

2. Submissions of the College

[38] The College submits that Dr. Kataria failed to cooperate with the investigation into this complaint by failing to comply with several requests for a response made by the College and the Inspector, Dr. Weinberger. The College submits that by failing to respond, Dr. Kataria contravened s. 52(3) of the Act.

[39] Counsel for the College points out that under cross-examination, Dr. Kataria confirmed he was aware he had the obligation to reply promptly to the College respecting a complaint. He testified that he advised the College that his lawyer would deal with the complaint. He also said he believed he had requested an extension of time to file a response although no other evidence or document was produced in support of that statement.

[40] The College argues that it is clear from the evidence that Dr. Kataria was fully aware of his duty to respond promptly to the College correspondence respecting the complaint in this matter. It is also clear that once he advised the College that he had arranged for his lawyer to deal with the matter, he left the matter largely in his lawyer's hands.

[41] Clearly, there was a discussion between Dr. Kataria and his lawyer on or prior to March 18, 2021. At that time, he and his counsel must have considered matters because his lawyer sent the letter to the College that posed the three questions Dr. Kataria and his lawyer wanted answered.

[42] Dr. Kataria's lawyer had prepared a response to the College before the request for more information was made but chose not to send it until the requested information was obtained. At his lawyer's suggestion, the response was to be withheld until the College answered the questions posed in the March 18, 2021, letter to the College. No further information was provided until January 19, 2022, over a year after notice of the complaint and the initial request for a response was delivered to Dr. Kataria.

[43] In its written submissions, the College summarized the evidence supporting the allegation that Dr. Kataria failed to cooperate with the investigation of this complaint:

- a. That Dr. Kataria received the original December 1, 2020, letter and he understood he had a professional obligation to respond to that letter and that he must do so promptly.
- b. That Dr. Kataria did not meet the deadline to respond in the December 1, 2020, letter nor in the January 2021 follow-up letter. There is no documentary evidence Dr. Kataria asked for an extension.
- c. On March 17, 2021, 3.5 months after the December 1, 2020, letter, Dr. Kataria provided the medical records requested of him.

d. Instead of responding to the questions posed by the Intake Panel as set out in the December 1, 2020, letter, Dr. Kataria's counsel made three requests for more information. Dr. Kataria questioned why he would have to respond before the College answered his questions.

e. Dr. Kataria claims he had no knowledge of any of any communications from the College to Ms. Parfitt for the period September to December 2021. However, the only evidence supporting this claim is his recollection stated in testimony.

[44] The College argues that the duty to cooperate with an investigation is for the purposes of protecting the public, maintaining public trust in the profession of veterinary medicine and lowering the time and costs of an investigation. The College says that in this case, Dr. Kataria did not respond promptly and appropriately to the College's requests for information and his conduct stalled the investigation. The College says the complainant was sufficiently frustrated that by August 2021, she refused to participate further.

[45] The College also says that it is not open to Dr. Kataria to rely on his lawyer to attend to the matter. The College says Dr. Kataria cannot avoid responsibility by saying that his lawyer would deal with the complaint. As the registrant, it is always his duty to cooperate, and that obligation cannot be avoided by retaining counsel and then waiting for the lawyer to act.

[46] Finally, the College argues that the duty to cooperate is unconditional and cannot be avoided by requesting more information or imposing conditions. The College says that the duty to respond to a complaint after being required to do so by the College cannot be stalled by requesting more information.

3. Position of Dr. Kataria

[47] Counsel for Dr. Kataria submits that the College has not proven a failure to cooperate with the College respecting the complaint. Dr. Kataria says that when he received the December 1, 2020 letter from the College, he responded to the College Investigation Co-ordinator, Darcie Light, on December 28, 2020, to advise that he had retained a lawyer and said:

I just want to let you know that both my complaints will be handled by my Lawyer Clea Parfit. She will be in touch with you soon .

Sincerely yours

Dr Hardeep Kataria

[48] On January 26, 2021, Ms. Camille Karlicki, the College General Counsel, wrote to Ms. Parfitt to advise that Dr. Kataria had advised the College that Ms. Parfitt would be acting for him and requested confirmation that she would be acting for Dr. Kataria. She also requested a response to the complaint and Dr. Kataria's medical records for the cat "Melody" by February 9, 2021. Ms. Parfitt did not respond to that letter.

[49] On March 18, 2021, Ms. Parfitt wrote to Ms. Karlicki and requested that she be provided with some additional documents. She advised that Dr. Kataria would provide his response once those documents were provided. Ms. Karlicki replied that she would provide a response to Ms. Parfitt's request. The response was provided by Dr. Weinberger in a letter to Ms. Parfitt dated September 8, 2021.

[50] Ms. Parfitt notes that once Dr. Kataria had spoken with her, he provided his medical records for Melody on March 17, 2021, and Ms. Parfitt made her request for more documents by letter to Ms. Karlicki the next day.

[51] Ms. Parfitt submits that Ms. Karlicki's promise of a response was an indication that the College agreed to delay any further response until she had provided the requested information to Ms. Parfitt. She argues that the College cannot resile from that position and now claim that Dr. Kataria had failed to cooperate when, to the knowledge of the College, he and his counsel were waiting for a reply from the College.

[52] She also says that she and Dr. Kataria had prepared a response in draft so that the matter could proceed quickly once she received the requested information from the College.

[53] Ms. Parfitt also says that the College has not proven that Dr. Kataria saw or was aware of its communication to counsel of January 26, 2021, or any communications from the College respecting this complaint after the initial correspondence in December 2020. She submits that no one had advised the College not to communicate with Dr. Kataria, and she says that it was unreasonable for the College not to communicate directly with Dr. Kataria rather than corresponding only with her.

[54] Dr. Kataria also argues that the time between the first communication to him on December 1, 2020, and the time he provided his medical records for Melody was not excessive. He submits that by comparison, it was less time than it took Dr. Weinberger to respond to his lawyer's request

for more documents and less time than it took the College to process the complaint that was received in July 2020 and to only notify Dr. Kataria in December 2020.

[55] Next, Dr. Kataria submits that the time between September 8, 2021, to January 19, 2022, was not an unreasonable time for a response to the College correspondence. While he concedes there was a misunderstanding of the statement in Dr. Weinberger's letter that the complainant would not provide further information that was not the fault of Dr. Kataria.

[56] It is the submission of Dr. Kataria that in the January 19, 2022, letter from his lawyer he provided the College with "detailed, responsive information". He argues the only issue is the timing of his response. He submits that s. 52(3) of the Act speaks only to what must be provided, not when.

[57] Dr. Kataria argues that the delays of the College in processing this matter were excessive and not inconsistent with the time Dr. Kataria took to provide his response.

[58] Dr. Kataria says that to prove he failed to cooperate with the investigation the College must prove that he was aware of all the communications to which there was no response. He says the College has not proven he was aware of any of the College communications in the fall of 2021. He says the College relies on communications with his lawyer, but it has not shown it had his permission or instruction to communicate directly with his lawyer and not him. He says he is entitled to rely on the College always communicating with him directly, unless he instructs otherwise.

[59] Dr. Kataria also submits that the lack of a response from Dr. Kataria did not impact the conduct of the investigation of the complaint because all the information Dr. Weinberger needed could be found in Dr. Kataria's medical records.

[60] Finally, Dr. Kataria argues that the Investigator in this case was biased against Ms. Parfitt. This argument refers to a lengthy history of proceedings under the Human Rights Act of British Columbia in which a group of veterinarians who were successful in establishing that the College was biased against veterinarians trained in India or the Punjab based on race, colour, ancestry and place of origin, but who were all qualified to practice in British Columbia. See: *Brar and others v. B.C. Veterinary Medical Association and Osborne* (No. 22), 2015 BCHRT 151.

[61] In her submissions, counsel for Dr. Kataria provided two extracts from the evidence of Dr. Weinberger in support of the allegation that Dr. Weinberger was biased against her or Dr. Kataria. On page 334 of the transcript of the hearing this exchange took place, beginning at line 15:

Q And did you draw the conclusion from the information you're providing that there's likely a backlog in my office and that it has nothing to do with the clients?

A To be honest I never thought that whatsoever. I still don't. That's not an answer. If you're that backlogged, don't take on so many files.

[62] Dr. Kataria argues that in the following exchange from page 389-390 of his cross-examination, Dr. Weinberger admitted that he held "very negative" views about Ms. Parfitt who was one of the successful counsel in the *Brar* Human Rights case. The extract is Dr. Weinberger's answer to a question that begins at line 16 of page 389:

What really is going on for two days and 12 hours in this hearing is -- is that there is a match going on between you and the college about who runs the investigation. The college is saying to you as the lawyer, "You need to respond." That's how everyone else does it. You are saying to the college, "We're not responding until we have all the information here including everybody else's responses." So what this really -- this 12 hours that we've

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been going through is really a match -- a fighting match between you and the college, not between me -- about process. Except no one is speaking to the elephant in the room, so I am. The process here is an investigation letter went out. It is up to the registrant to respond with something. Even if that something is, "Okay. I'll give you a little information." You had that information available to you such as, "Why are you sending two medical records?" You failed to do anything. Period. You and Dr. Kataria. You just decided, "I'm not going

to do this. I'm going to continue with this fight against the college. I'm going to do it my way as a lawyer representing, and I'm going to stick to my guns no matter what."

[63] It is also alleged in Dr. Kataria's submission that Dr. Weinberger had been tracking "overdue or non-responses" on other files where Ms. Parfitt represents the registrant. Dr. Kataria further alleges that the memorandum from the Investigator to the Investigation Committee that resulted in a direction to issue a citation failed to include the letter from Ms. Karlicki that promised a response to Ms. Parfitt's request for more documents.

[64] Dr. Kataria argues that the conduct of Dr. Weinberger and the College displayed dislike or disapproval of Dr. Kataria's counsel, and that behaviour showed an improper and collateral purpose which is inconsistent with the high standard of justice and fairness to which a professional facing discipline action from their regulator is entitled. See: *Kane v. Bd. Of Governors of U.B.C.*, [1980] 1 S.C.R. 1105 at 1113.

4. Discussion

[65] It is clear from s. 52(3) of the Act that a registrant has a duty of cooperation respecting any investigation of a complaint. The College Bylaws and the published Cooperation Standard both inform how that duty should be interpreted, and they provide guidance to registrants respecting their obligation to cooperate.

[66] It is our view that the duty to cooperate sets out a clear requirement upon registrants to promptly respond to college correspondence and to provide appropriate information. The initial letter to Dr. Kataria, that he clearly received, contained the following requests:

In order to assist in the investigation, the College asks that you deliver the following to our office:

- 1) a copy of your facility 's **complete medical record** pertaining to Melody, including radiographs, records from other facilities, lab reports, consent forms, estimates, treatment sheets, anesthetic records, invoices, etc.;
- 2) the name of the treating veterinarian(s), as well as the first and last name(s) of the author(s) of each entry in the medical record; and
- 3) which veterinarian or staff wrote each part of the record and who provided which service.

Enclosed with this letter is a Medical Records Request Document Checklist (List), that identifies the documents the College requires. Please review the List, check the documents that you have attached or provide clear explanations for any documents that you are not including. Please include the completed List with the package of documents and deliver to the College by **January 11, 2021**.

Based on an assessment of the information provided in Ms. Baker's complaint, the Intake Panel of the Investigation Committee has identified issues requiring your detailed response as to:

- a) you mixed up patient records when microchipping Ms. Baker's cat; the microchip number did not match either of the number labels she was provided with; and
- b) you did not contact Ms. Baker to correct the mistake when she posted a message on the clinic website; the post was simply deleted. You only reached out when it became clear Ms. Baker was going to lodge a formal complaint with the CVBC.

Your records and response to the allegations are important in order to address the above complaint, to report back to the Investigation Committee, and to ultimately respond to the complainant.

We look forward to receiving your records and response by **January 11, 2021**. We ask that you send your records relating to Melody at your earliest opportunity, even if your response is delayed. It is your choice whether to seek legal advice before responding, and we will consider reasonable requests for an extension to accommodate you.

[67] There is no question what the College was asking for in that letter. The College provided the reasons for the request, the nature of the complaint and contemplated a request for a reasonable extension. It provided a further request that the medical records for Melody be provided as soon as possible even if it preceded the response that was due by January 11, 2021.

[68] Included with the letter of December 1, 2020, Dr. Kataria also received general correspondence from the College advising what to do if a complaint is made against a registrant. That correspondence emphasized the obligation to respond promptly.

[69] Dr. Kataria responded to that letter on December 28, 2020; to advise he had retained Ms. Parfitt who would be dealing with the matter and that she would be in touch with the College "shortly".

[70] In January 2021, having received no response, the College wrote to Ms. Parfitt to confirm with her that she was acting on Dr. Kataria's behalf. There was no response to that letter. Nothing further was heard from Dr. Kataria or his lawyer until March 17, 2021, when Dr. Kataria sent his medical records for Melody to the College. In separate correspondence the next day, Ms. Parfitt requested further documents from the College. Shortly after that, Dr. Kataria sent his medical records for the cat Arwyn to the College. No other response to the College or its Investigator was received until January 27, 2022, over a year later.

[71] Dr. Kataria's submission that he was unaware of the correspondence between him and his lawyer until January 2022 is not persuasive. It is a well understood rule among lawyers that once counsel has been appointed, there should be no direct communication with the client by the opposing party. The College General Counsel, as a lawyer, no doubt felt bound by that rule. If there was any concern about the College communicating only with Ms. Parfitt, it would have been simple enough to respond to the College and direct that all correspondence should be sent to Dr. Kataria. In any event, Dr. Kataria was aware of the December 1, 2020, letter from the College and he knew from that letter what was required of him.

[72] We are also not persuaded by the submission that Dr. Kataria was waiting for a response from the College to the three requests for more documents made by his lawyer in March 2021. The response from the Inspector was provided on September 8, 2021. While the response was a long time in reaching Ms. Parfitt, it is noted that without that information, she had prepared a response to the complaint by March 18, 2021, as indicated in her letter of January 19, 2022.

[73] We wish to emphasize that the obligation to cooperate as set out in s. 52(3) of the Act is the obligation of the registrant. We find that obligation must be fulfilled promptly, not several months later, and it cannot be shifted to a lawyer or made conditional upon receiving more information. What was required of Dr. Kataria was made clear in the College's letter to him of December 1, 2020. In this case, a response was not received until January 19, 2022.

[74] We consider this case to be an excellent example of why prompt cooperation and response from a registrant is required. It appears from the evidence of Dr. Kataria and the final submissions of his counsel, that a possible source of the problem was not errors in microchipping or completing the microchipping documents, but a possible mix-up of the cats by Shuswap Paws.

[75] Dr. Kataria sent the medical records for Arwyn to the College in March 2021 but without any explanation of why those records were sent given the complaint was about the cat Melody. Apparently, the microchip for Arwyn matches the documentation for Melody, raising the possibility that the wrong cat was delivered to the complainant. Had this possibility been provided to the College or to the Inspector, the Inspector could have pursued that possibility, and this matter may have been quickly and easily resolved.

[76] As to the allegation of bias against Dr. Weinberger, while we appreciate there is a sensitive history at play here as referred to in Dr. Weinberger's cross-examination. That history seems to have resulted in an unfortunate and counter-productive suspicion of the College motives and a highly defensive response to any complaint rather than the intended spirit of prompt cooperation set out in the Bylaws of the College, the documents delivered to registrants with notices of complaint and the Cooperation Standard and, as is required by s. 52(3) of the Act.

[77] The established system for the resolution of complaints against registrants requires prompt cooperation by the registrant. The investigation of a complaint is not intended to be a strictly adversarial relationship where the principle that the burden of proof is on the one who asserts, not the one who denies. It is not an option for a registrant of the College to remain silent or to simply deny the validity of the complaint. Cooperation is required so that any alleged errors in practice can be quickly assessed by the professional regulatory body and, if necessary, corrected so that the public is protected.

[78] As to the alleged bias of Dr. Weinberger, while we do not accept that it is necessary to make a finding respecting that issue, we reject the allegation. There is no evidence that Dr. Weinberger approached his work in this matter with any animus towards Dr. Kataria or his lawyer, Ms. Parfitt. While Dr. Weinberger was at times combative under cross-examination it is our view that he was reacting to the length of the cross-examination as well as to suggestions by counsel of bias or incompetence in the conduct of his investigation.

[79] In this case, we find that the initial letter to Dr. Kataria, dated December 1, 2020, set out the response requirements that were not complied with until January 19, 2022. Several attempts were made to prompt a proper response that were unanswered. Dr. Kataria, through his counsel, has argued the fault lay with the College in not communicating directly with him, or not responding to requests for additional documents, we do not accept those arguments.

[80] We find that Dr. Kataria has failed to comply with his obligation to cooperate with the College investigation and that, because of his failure to cooperate, he violated the provisions of s. 61(1)(b)(i) of the Act. We find that had the required cooperation been offered promptly, as it should have been, this Citation may not have been required.

5. Conclusion

[81] We find that the allegation of failing to cooperate in the Citation 20-064 has been proved and that Dr. Kataria failed to cooperate with the College investigation into this matter contrary to s. 52(3) of the Act.

[82] Pursuant to s. 61(6)(b)(ii) of the Act, having made an order under s. 61 of the Act, this Panel hereby notifies Dr. Kataria that he has the right to appeal this decision to the Supreme Court of British Columbia pursuant to s. 64 of the Act. This panel directs the College to publish this decision as provided for in s. 68(1)(a) of the Act.

Dated this 13th day of May, 2025.

Keith Bracken

Keith Bracken, Chair

Allan Runnells

Dr. Allan Runnells

Rayna Gunvaldsen

Dr. Rayna Gunvaldsen