Citation Issued: September 9, 2022
Citation Amended: June 16, 2023
CVBC File No. 19-045

IN THE MATTER OF THE *VETERINARIANS ACT,* SBC 2010, c. 15, as amended

AND

**IN THE MATTER OF
THE COLLEGE OF VETERINARIANS OF BRITISH COLUMBIA
(the "CVBC" or the "College") and a
hearing before a DISCIPLINE PANEL of the
COLLEGE DISCIPLINE COMMITTEE**

and

**DR. PAVITAR BAJWA
(the "Respondent")**

DECISION ON SANCTIONS AND COSTS

Counsel for the Respondent	**Clea Parfitt**
Counsel for the College	**Allan Doolittle**
Panel Members	**Herman Van Ommen KC, Chair Dr. Carsten Bandt Dr. Tatjana Mirkovic**
Date of Decision	**September 29, 2025**

I. INTRODUCTION

[1] In Reasons issued on February 28, 2025, we found the Respondent committed two acts of professional misconduct. The first was his failure to obtain informed consent to the administration of a general anesthetic and the second arose from his breaches of Bylaw 245

and the *Professional Practice Standard: Companion Animal Medical Records* (the “Standard”) by failing to keep adequate records.

[2] Having made those findings under s. 61(1)(b) of the *Veterinarians Act SBC 2010 c.15* (the “Act”) we are now required to consider what sanctions to impose under s. 61(2) of the Act and what costs, if any, to award the College under s. 63(2) of the Act. This hearing proceeded in writing with submissions and additional evidence being presented between April 16, and June 26, 2025.

[3] The College seeks: 1) a reprimand under s.61(2)(a); 2) supplemental training or education programs beyond the Respondent’s annual continuing professional development obligations, under s.61(2)(b); 3) a suspension of two months under s. 61(2)(c); 4) a fine of $1,500.00 under s. 61(2)(e); and 5) costs in the amount of $91,135 under s. 63(2).

[4] The Respondent submits that “nothing further in terms of penalty or costs is required to either correct [his] consent and record-keeping practices in future, or to signal to the public and other registrants that the College takes consent and medical records issues seriously.”

[5] For the reasons that follow, the Panel makes the following orders:

(a) You are hereby reprimanded for failing to obtain informed consent before administering a general anesthetic and for failing to keep adequate medical records contrary to Bylaw 245 and the Standard. You deprived the owners of the opportunity to decide whether to subject their dog to the risks of a general anesthetic for a dental cleaning.

(b) You are ordered to take the course Medical Recordkeeping for Veterinarians DRIP 129-2024 self study (six credits) at your own expense within 90 days from the date of this order, or by such other time agreed to by the College, in addition to regular continuing education requirements.

(c) You are ordered to take the College Bylaw and Ethics Seminar and pass the College Bylaw and Ethics Exam within 90 days of this order, or by such other time agreed to by the College, in addition to your regular continuing education requirements.

(d) You are suspended for a period of 30 days commencing 90 days from the date of this order or such other date approved by the College.

(e) You are ordered to pay costs to the College in the amount of $82,012.97 within 90 days from the date of this order or such other time frame approved by the College.

II. APPROACH TO SANCTIONS

[6] The parties agree that the appropriate framework to guide the exercise of the panels discretion on sanctions is set out in *Chaudy* (December 20, 2024) ("*Chaudhry*") and *Salhotra* (March 17, 2025) ("*Salhotra*") Those two cases endorsed the approach set out in *Law Society of British Columbia v. Ogilvie* [1999] LSBC 172 and *Law Society of British Columbia v. Dent* [2016] LSBC 5 ("*Dent*").

[7] The four general categories were described in *Dent* at paragraphs 20-23 as follows:

> **Nature, gravity and consequences of conduct**
> [20] This would cover the nature of the professional misconduct. Was it severe? Here are some of the aspects of severity: For how long and how many times did the misconduct occur? How did the conduct affect the victim? Did the lawyer obtain any financial gain from the misconduct? What were the consequences for the lawyer? Were there civil or criminal proceedings resulting from the conduct?
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> **Character and professional conduct record of the respondent**
> [21] What is the age and experience of the respondent? What is the reputation of the respondent in the community in general and among his fellow lawyers? What is contained in the professional conduct record?
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> **Acknowledgement of the misconduct and remedial action**
> [22] Does the respondent admit his or her misconduct? What steps, if any, has the respondent taken to prevent a reoccurrence? Did the respondent take any remedial action to correct the specific misconduct? Generally, can the respondent be rehabilitated? Are there other mitigating circumstances, such as mental health or addiction, and are they being dealt with by the respondent?
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> **Public Confidence in the Legal Profession Including Public Confidence in the Disciplinary Process**
> [23] Is there sufficient specific or general deterrent value in the proposed disciplinary action? Generally, will the public have confidence that the proposed disciplinary action is sufficient to maintain the integrity of the legal profession? Specifically, will the public have confidence in the proposed disciplinary action compared to similar cases?

[8] In our reasons we found that the Respondent administered a general anesthetic without informed consent of the owners. It was not the process of obtaining informed consent that was flawed; there was no attempt to obtain informed consent. He administered a general anesthetic without advising the owners that he might do so. The Respondent agreed that a general anesthetic carries a greater risk than sedation which is what the owners were told he would use and the procedure to which they consented.

[9] The College submits that the Respondent's misconduct regarding the absence of consent is serious and strikes at the heart of competent and ethical practices of veterinary medicine.

[10] With respect to the medical records, we found:

> [107]…The lack of information in the medical records is fundamental on key points. The medical records would not permit an effective review of his care and treatment of the Dog.
>
> [108] The College is unable to perform one of key mandates that is protecting the public interest when medical records are as deficient as these. The seriousness of these failings is such that his conduct is more than just a breach of the Bylaw and Standard, it is a marked departure from that expected of veterinarians in British Columbia.

[11] The College submits that: "The medical record deficiencies also fall on the serious end of misconduct. The deficiencies were not mere technical breaches of s. 245 of the Bylaws and the Standard. As found by the Panel, cumulatively, these deficiencies constituted professional misconduct. They not only breached mandatory requirements under the Bylaws and the Standard; they prevented an effective review of the Respondent's care of the Dog, defeated one of the core purposes of medical record keeping and consequently, hindered the College's ability to fulfill its mandate of protecting the public interest."

[12] The Respondent submits that in assessing the gravity of the misconduct we should note that no allegations were made concerning his treatment of the dog or treatments not provided. Further no allegations were made concerning the adequacy of his resuscitation efforts. On the last point we note our findings that the medical records preclude any effective review of the adequacy of the resuscitation efforts.

[13] The Respondent also submits that:

> Dr. Bajwa did discuss the risk of anaesthetic and sedation with the owners, as he testified in direct, as was quoted in the Decision (Decision, para. 63): "This was a new consent form, and I told them, anesthesia or sedation, anaesthesia when you're doing the dental, death can happen, and that is clearly written here". The owners were aware in general of the risk of death in relation to general anaesthetic both because of this conversation and because they signed the authorisation form.

[14] This submission misses the point that they are not told that he might administer a general anesthetic. Knowing that a general anesthetic carries a risk of death is irrelevant when they did not know that the Respondent might use that procedure

[15] We agree that reference to the Code of Ethics is not necessary in this case nor is competence however obtaining an owner's consent to proposed treatment and procedures is fundamental to veterinary practice. It is the owner's decision to make and in the case the owners were deprived by the Respondent's conduct from considering whether to consent to the use of a general anesthetic for a dental cleaning. The requirements for adequate medical records are clearly set out in the Bylaws and Standards and the Respondent failed to adhere to those standards in multiple respects.

[16] The misconduct occurred in the course of one day. The Respondent did not obtain any financial gain and other than this proceeding has suffered no other consequences. We do not know what the impact on the owners was except the death of their dog. While the case of death was not proven, the death occurred during a general anesthetic that was not consented to.

[17] The Respondent submits that the College should have submitted evidence on the range of allegations a veterinarian might face and where this case would sit on that range. Further there should have been expert evidence on that point. We do not agree. Two practicing veterinarians sit on this Panel. Their experience as well as guidance from other cases is sufficient for this Panel to make that determination.

[18] The Respondent says there was no evidence that the College's ability to effectively review his treatment of the dog was actually hindered. The Panel did make findings that the lack of information in the medical records prevented an effective review in paras. 97, 106, 107, and 108 so evidence on that point is not necessary.

[19] We conclude that because there was no attempt to obtain consent to the administering of a general anesthetic and obtaining informed consent from an owner is one of the fundamental duties of a veterinarian this misconduct falls at the serious end of the spectrum. The medical records were deficient in several important respects, preventing an effective review of his care and treatment of the dog and this misconduct also falls at the serious end of the spectrum.

A. Character and Professional Conduct Record of the Respondent

[20] The Respondent is now 64 years old. He obtained a veterinary degree in India in 1986 and practiced there after. He became a registrant of this College in 2001. At the time of the events, he had 18 years experience in BC.

[21] The Respondent says the Standard published in 2018 was very “detailed” and “very new” in 2019 and represented a more stringent approach. He also submits: “Long established professionals will have long-standing practices that may need to be updated. Continued updating is a known risk with older professionals and that must be taken into account here”.

[22] Implicit in that submission is the position that his medical records would have been sufficient under the previous regime. We were not referred to the prior standards and have not considered whether that might be the case. But we cannot accept the implicit submissions without having considered the previous standards.

[23] We do not consider his age and experience to be either a mitigating or an aggravating factor.

[24] The College referred to a previous misconduct finding in CVBC File No. 23-012 for failing to cooperate with a College investigation as an aggravating factor. However, as the events of this matter predate that finding it cannot be considered as aggravating.

B. Acknowledgement of the Misconduct and Remedial Action

[25] As part of this proceeding concerning sanctions the Respondent provided an affidavit in which he deposed that he had read the Panel’s decision, recognized the findings, and intended to implement the directions to the best of his ability.

[26] This is not an acknowledgement of misconduct. He does not express remorse for his misconduct. He simply accepts the findings made which, subject to appeal, he must do anyway. Further as noted by the College:

> The College's position in this regard is supported by a decision made in the *Salhotra (Sanction & Costs)*, where the Panel explained that "acceptance after the fact carries less weight; particularly where…many of the challenges and defences raised [are] tenuous" (which, as submitted in-chief, the College says was the case here). As in *Salhotra*, the Respondent's lack of early acknowledgement "somewhat attenuates [his] post-finding assertation that he will take the findings in this matter to heart in conducting his practice as he moves forward" (at paras. 47 and 48).

[27] The absence of an acknowledgement of wrongdoing and remorse is not an aggravating factor but the absence of a powerful mitigating factor. His assertation that he will in the future conduct himself in accordance with the directions in our previous reasons is noted as an intended remedial action and will be considered in determining whether specific deterrence is required.

C. Public Confidence in the Legal Profession Including Public Confidence in the Disciplinary Process

[28] With respect to public confidence the College submitted "the public must know that registrants will be disciplined accordingly if they deprive clients of the right to decide whether to risk their pet's life for a medical procedure."

[29] The Respondent submits that there was no evidence about the public's confidence in the profession or what might affect that public confidence or lack thereof. He concludes by submitting that the Panel should "focus on what it believes is required to achieve compliance with appropriate standards, resulting in a profession that warrants confidence, rather than to act for the sake of optics."

[30] In our view evidence about public confidence is not necessary for this Panel to determine what sanctions are appropriate to achieve compliance by registrants with the standards set by the College thus warranting public confidence in the veterinarian profession.

[31] General deterrence is always an important factor to consider. It ensures other veterinarians will act in accordance with the standards set by the College and also aids

in maintaining public confidence.

[32] Both parties refer to the fact that there are only two recent decisions on sanctions in this College. The College submits that general deterrence should continue to weigh heavily because two decisions is a relatively low number of instances from which registrants will understand the College will enforce professional standards by taking disciplinary action.

[33] The Respondent submits that no further penalty is required to show members of the profession that the College is serious about enforcing standards and that facing a disciplinary hearing is itself a significant deterrent. He also raises a concern that the College has "recently decided to return zealously to holding disciplinary hearings" and that "early subjects of those hearings" would "be met with especially punitive sanctions to make a point."

[34] We are of the view that general deterrence is important in determining an appropriate sanction whether there were many prior cases or only a few. We agree that a more severe sanction is not warranted just because there are only a few recent cases in this College.

[35] The College submits that specific deterrence should weigh heavily in this case, and the Respondent says there is no basis for that submission.

[36] The College characterizes the Respondent's conduct in relation to informed consent as either fundamentally misunderstanding his obligations or aware of those obligations but knowingly or recklessly proceeding without obtaining informed consent.

[37] In our decision on the Citation, we noted the Respondent's own evidence that he had not discussed using a general anesthetic with the owners. We also noted his evidence about whether he attempted to call the owners when he determined that he needed to use a general anesthetic to get the dog to relax better. The fact that he considered calling them when the circumstances changed indicates he realized that he had not discussed the use of a general anesthetic with them.

[38] We did not characterize that conduct as either knowing or reckless disregard of his obligations. Neither of those characterizations are necessary to find professional

misconduct.

[39] We do consider though that his failure to obtain informed consent in those circumstances is serious because obtaining informed consent from an owner is a fundamental obligation of a veterinarian. The inadequacies of his medical record keeping were also fundamental preventing an appropriate review of his care and treatment of the dog. Sanctions for a breach of these obligations are important for public confidence and in this case because there was no attempt to obtain informed consent to use a general anesthetic and the shortcomings of in the medical records specific deterrence is also important.

[40] We do not consider the Respondent's affidavit acknowledging our decision on the Citation and his commitment to abide by those directions in the future removes the need for specific deterrence. As we noted earlier his affidavit contains no acknowledgement of wrongdoing and no expression of remorse. The fact that he simply agrees to conduct himself in accordance with decision in the future and that it was given after our decision on the Citation means that he cannot seek to have it treated as a mitigating factor removing the need for specific deterrence.

III. SPECIFIC SANCTIONS

[41] We will now consider the specific sanctions sought.

A. Reprimand

[42] The College seeks a reprimand, and the Respondents submits that a reprimand would be redundant. We do not agree it is redundant. A reprimand is a public rebuke of the Respondent's conduct that stands separately from the other sanctions. While it flows from our findings in the Citation decision it forms an important part of this sanction phase.

B. Suspension

[43] The College seeks a suspension of two months. In its Reply submissions it says the suspension should take effect when the Respondent returns to practice. The Respondent opposes any suspension and says these circumstances could have been addressed without a disciplinary hearing.

[44] With respect to the last point the College provided evidence that the College had indeed attempted to resolve this matter short of a citation pursuant to s. 66(1) of the Act but the Respondent did not reply to that offer to enter into a consent agreement.

[45] The Panel in *Chaudhry* at para 44 referred to *Re Lessing* (2013) LSBC 29 which considered the purpose and effect of a suspension. We agree that a suspension serves both a public protection component and an opportunity for rehabilitation. It provides the registrant with an opportunity to reflect on the matters that brought the suspension about.

[46] We must consider comparative cases when deciding whether to impose a suspension and in determining the appropriate duration of any suspension imposed.

[47] The two most recent sanction cases are *Salhotra* and *Chaudhr*y. No suspension was imposed in *Salhotra* but there was no finding of professional misconduct in that case, so it is not a helpful comparator.

[48] The College relies on *Chaudhry* where a one-month suspension was imposed and says this case is more serious such that a two-month suspension is warranted. The Panel in *Chaudhry* characterized the two findings of professional misconduct concerning care and treatment as “moderately serious: and the finding of professional misconduct in relation to medical records as “serious.”

[49] We view the misconduct in this case more serious than in *Chaudhry* because the Respondent here failed completely to obtain informed consent before administering a general anesthetic. He failed to inform the owners that he might use a general anesthetic at all. A breach of such a fundamental duty in such a way is serious. The professional misconduct in relation to medical records in *Chaudhry* was considered serious and we have also found the misconduct relating to medical records to be serious in this case.

[50] The College also relies on *Ontario (College of Veterinarians) v. Burns*, 2024 ONCVO 1, (“*Burns*”) and *Ontario (College of Veterinarians v. Dhaliwal*, 2024 ONCVO 2, (“*Dhaliwal*”) which included findings of professional misconduct for failure to obtain informed consent and periods of suspension.

[51] With respect to *Burns* the College submits:

> The panel in *Burns* imposed a two-month suspension (among other sanctions), as the College seeks here. While *Burns* involved a higher number of findings than this case, it proceeded by joint submission, and the failure to obtain informed consent does not appear to have related to a high-risk procedure, as in this case. In the College's submission, *Burn* supports the two-month suspension sought in this case.

[52] The Respondent submits:

> The College claims that *Ontario (College of Veterinarians) v. Burns,* 2024 ONCVO 1, supports a two-month suspension in this case. It does not. The facts in *Burns* are much, much more serious and represent manifest failures on multiple fronts to practice appropriately. The case involves multiple instances of improper treatments with no rationale and no VCPR, multiple instances of non-veterinary staff acting way beyond their capacity without supervision and making egregious mistakes, and ongoing failures to keep proper records as well as various other issues, including an issue with informed consent. The lack of informed consent issue appears to be one of the lesser issues on the file. *Burns* shows how very serious allegations can be in professional disciplinary matters. It compellingly illustrates that our facts as found by the Panel are in no way at the moderate let alone the serious end of the spectrum of seriousness overall. It compellingly shows that a suspension of two months is a very serious penalty which should be reserved for much more serious circumstances than those found here.
>
> We say nothing turns on the fact that there was no hearing in *Burns*. Dr. Bajwa has indicated his awareness of the Panel's findings here and intention to be directed by them. He cannot be penalized for requiring the College to prove its allegations. We submit that comparison with the facts in Burns for which a two-month suspension was found to be reasonable strongly suggests that no suspension is warranted here.

[53] We agree with the Respondent that the misconduct in *Burns* is more serious in the sense that it involved more breaches. We agree with the College that in this case the Respondent breached his duty to obtain informed consent for a general anesthetic which involved more risk to the animal than in *Burns*. We also agree that the fact the *Burns* admitted to the misconduct in question would lead to a reduced suspension. The Respondent here has still not acknowledged his misconduct and that is the absence of a powerful mitigating circumstance. We consider *Burns* as indicating that a two-month suspension would be the longest appropriate sanction in this case.

[54] *With respect to Dhaliwal* the College submitted:

> In *Dhaliwal*, the panel imposed a five-month suspension (among other sanctions) based on findings that included failing to obtain informed consent for a major surgery. The five-month suspension was justified, in part, by the registrant's prior discipline history for similar misconduct and a "persistent pattern of disregard for his professional obligations" (at para. 27). While *Dhaliwal* involved more aggravating factors than the present case, it demonstrates that failure to obtain informed consent for risky or major procedures is a serious finding that warrants a significant penalty, including a lengthy suspension.

[55] The Respondent submits that the *Dhaliwal* case involved much more serious allegations, and previous warnings to the registrant that had been ignored.

[56] In our view the *Dhaliwal* case is not helpful. The penalty in that case was driven by the Registrants lengthy complaint history and his failure to follow repeated advice from the College concerning both obtaining informed consent and keeping appropriate medical records. Those factors are not present in this case.

[57] The Respondent referred to *Re. Dr. Rana*, a decision of September 15, 2014 of a Panel of the CVBC. That case involved deficient medical records in a number of respects, including of a full examination, and failure to do a full medical examination. The Panel ordered Dr. Rana to attend 8 hours of RACE approved continuing education in anaesthesia and emergency medication, as well as a medical records course. He was given 6 months to complete the education. He was assessed costs of $11,268.26 and given 8 months to pay.

[58] We disagree with the Respondent's submission that "the facts are comparable to the case against [the Respondent] and the case supports the view that no suspension or fine is appropriate here, and costs should be modest." Aside from being more than 10 years old, there was no issue concerning the failure to obtain informed consent to administer a general anesthetic and is thus not a good comparator.

[59] In *Re. Dhaliwal* (a CVBC consent order dated September 23, 2023) the registrant agreed "that his monitoring of vital signs was not sufficient for a critically ill patient and that tracheostomy tubes required proper cleaning and suctioning. He further agreed that he needed to obtain a client's informed consent for a critically ill patient to be monitored by non-veterinary staff or provide the opinion of referral to another facility for

continuous care" Because that case also does not involve the failure to obtain informed consent before administering a general anesthetic it is also not helpful.

[60] Two other consent order cases *Re. Preet* (2014) and *Re. Danks* (2013) relied on by the Respondent are also not helpful. Neither involve the failure to obtain informed consent and are dated.

[61] Prior consent orders do not provide much assistance. They are not based on contested submissions and provide no reasoning to support the result. As previously noted, they necessarily involve an admission of wrongdoing prior to a hearing which admission is a mitigating factor. The prior consent orders will only aid in setting very broad parameters.

[62] The Respondent also referred to three cases from the College of Registered Nurses of Alberta and one from the College of Physicians and Surgeons of Alberta. We do not find cases from other professional colleges helpful in determining the appropriate sanction. They can be helpful in elucidating the basic principles, but not in deciding whether a suspension is warranted or the length of such a suspension in a particular case.

[63] In our view a suspension of one months is warranted here. Both the failure to obtain informed consent and the failure to make adequate medical records involved fundamental failures. He failed to even tell the Owners that he might use a general anesthetic, and he failed to record the reasons for changing from sedation to a general anesthetic which was the most important decision he made concerning that dog. There are also no mitigating factors such as an acknowledgement of misconduct or the expression of any remorse.

[64] Although we characterize the misconduct here as serious and in *Chaudhry* it was described as moderately serious, in *Chaudhry* there was a concern that he might not change his future behaviour without specific deterrence. In this case the Respondent has sworn that he will follow the directions of our decision and although specific deterrence is still required there is a better prospect for compliant future behaviour than in *Chaudhry*.

[65] In Reply Submissions the College asked that the suspension commence when the Respondent returns to practice as he is currently not practicing because of a medical condition. They relied on *Re Geronazzo,* 2006 LSBC 37. In that case the lawyer's membership had been allowed to lapse and needed to apply to be readmitted so there would be a known date for the suspension to start. In this case the College has not

explained how it will determine when the Respondent is able to return to work. Without the assurance that this approach is workable we decline to order it.

C. Continuing Education

[66] The College seeks an order compelling the Respondent to take additional continuing education beyond that required of all registrants. Specifically, they ask he be required to take Medical Recordkeeping for Veterinarians (DRIP129-2024 self study (6 credits), and that he completes the College Bylaw and Ethics Seminar, including taking and passing the College Bylaw and Ethics Exam both within 90 days of this order and at his own expense.

[67] The Respondent does not oppose taking the course on medical record keeping but submits that it ought not to be in addition to the normal requirements. We disagree this additional education is needed because he has shown significant inadequacies in his recordkeeping and needs that additional education. He, like every other registrant needs to keep up to date in other areas and the regular component of continuing education will serve that purpose.

[68] The Respondent opposes the requirement that he take the Bylaw and Ethics course and pass the exam. He submits that because an ethical breach was not alleged, proven, or found in this case such a requirement is not connected to the findings.

[69] We do not consider that a finding of an ethical breach is necessary to justify imposing this requirement. The findings concerning the medical records included a finding that he breached Bylaw 245 and the finding concerning the lack of informed consent was a breach of Bylaw 211. In our view the proposed course and exam are connected to our findings and are justified.

[70] We order that he, at his own expense, in addition to the normal continuing education required of all registrants, take the course Medical Recordkeeping for Veterinarians (DRIP129-2024) self study 6 credits , and that he complete the College Bylaw and Ethics Seminar, and pass the College Bylaw and Ethics Exam all within 90 days of this order, or by such time agreed to by the College.

D. Fine

[71] The College also seeks a fine in the amount of $1,500 which they submit is necessary to send a clear message to the Respondent, other registrants, and the public that misconduct as serious as the Respondent's will be disciplined.

[72] The Respondent opposes the imposition of a fine submitting that no remedial purpose would be served.

[73] Section 61(2) of the Act provides a range of sanctions that can be imposed, and one or more of them may be imposed at the same time. Both a fine and a suspension may be ordered. We are concerned though that imposing a fine in addition to a suspension may send a mixed message. The conduct was found to be serious enough to justify a suspension which is a more serious sanction than a fine. The suspension and the length of it are set based on the need for general deterrence, specific deterrence and the individual circumstances of the case as discussed above. What purpose a fine might serve in addition to an appropriate suspension is unclear. We are concerned about the risk that it will be seen as a way of reducing the length of the suspension resulting in a registrant in effect "paying to practice."

[74] The Law Society of British Columbia recently considered that issue in re. *Cole* 2025 LSBC 2 a Review Board decision. In that case the Review Panel, at paras. 37 to 41 reviewed the relevant principles as follows:

> 37) The language of the *Act* is permissive and provides that a sanction may be composed of "one or more" disciplinary actions. Thus, panels have acknowledged that it is not accurate to say that a combined fine and suspension is never available (*Nguyen*, at para. 35).
>
> 38) Panels recognize that if misconduct is serious enough to warrant a suspension, a fine is inadequate. A suspension sends a stronger message of disapproval than a fine and is therefore a more suitable form of disciplinary action to address serious misconduct. (*Law Society of BC v. May*, 2024 LSBC 25 at para. 76) Imposing a fine in addition to a suspension will often serve no practical purpose because it has been determined that a suspension is the appropriate means of protecting the public and promoting the lawyer's rehabilitation (*Nguyen, Hordal*).
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> 39) As the review board in *Nguyen* explained, imposing more than one type of disciplinary action may not promote the policies underlying the *Act,* where one single type of disciplinary action is best suited for doing so. As a result, ordering

> any additional disciplinary actions will not have a salutary effect. As sanctions, a fine and a suspension "are generally seen to fall at different locations on an escalating range of restrictions or impositions that may be placed on a lawyer in order to achieve the goals of the disciplinary process" (*Nguyen*, at paras. 37 to 38).
>
> 40) Thus, a fine and a suspension will most often represent alternative forms of sanction, with a suspension being appropriate in more serious cases of professional misconduct (*Nguyen*)….
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> 41) In the Respondent's case, the Hearing Panel acknowledged the guidance from *Nguyen* that the imposition of both a suspension and a fine "should only be done where it demonstrably fits the principles underlying a disciplinary action." There is a concern that the use of a fine in combination with a shorter suspension "could be seen as allowing lawyers to 'pay to practice' and thereby undermine the confidence in the legal profession" (DA Decision, para. 26).

[75] We decline to impose a fine in addition to the suspension ordered. We note also the rationale provided in *Salhotra* that costs awarded in this case will be a significant monetary sanction and an additional fine will not serve any purpose.

IV. COSTS

[76] The College seeks costs in the amount of $91,135 to be paid within 90 days.

[77] The Respondent opposes any award of costs relying on *Jinnah v. Alberta Dental Association and College*, 2022 ABCA 339 (Alta. CA) ("*Jinnah").* That case stands for the proposition that a College should not simply impose costs on an unsuccessful respondent, it must determine whether awarding any costs to the College is appropriate. *Jinnah* was considered in both *Chaudhry* and *Salhotra* and not followed. That case is under reconsideration by the Alberta Court of Appeal and is, in any event, inconsistent with established jurisprudence on costs in administrative tribunals.

[78] The legal framework for cost awards is set out in the Act and Bylaws. Section 63 of the Act provides as follows:

> **63** (1) If the discipline committee dismisses a matter under section 61(1)(a) *[action by discipline committee]*, it may award costs to the respondent against the college, but only for legal representation for the purposes of
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> (a) the investigation under section 52 *[investigations]*, and
>
> (b) the discipline hearing.

(2) If the discipline committee acts under section 61 (1) (b), it may award costs to the college against the respondent for any of the following:

(a) the cost of the investigation and the discipline hearing;

(b) the remuneration of persons engaged, on behalf of the college, in the investigation and discipline hearing, including members of the investigation committee, persons who conducted the investigation and members of the discipline committee;

(c) legal representation for the purposes of

(i) the investigation under section 52, and

(ii) the discipline hearing.

(3) An award of costs under subsection (1) or (2) (c) must

(a) be based on the tariff of costs established under section 18(c) *[bylaws regarding investigations and discipline hearings]*, and

(b) not exceeding, in total, 50% of the actual costs to the respondent or the college, as applicable, for legal representation for the purposes of the investigation and discipline hearing.

(4) An award of costs under subsection (2) (a) or (b) must

(a) be based on the tariff of costs established under section 18 (d), and

(b) not exceed, in total, 50% of the actual costs to the college for the matters set out in subsection (2) (a) and (b).

(5) The amount of costs assessed against a respondent under subsection (2) may be recovered as a debt owing to the college and any amount collected is the property of the college.

[79] Section 302 of the Bylaws provides:

302 (1) The costs that the discipline panel can award pursuant to section 63 of the Act are as follows:

(a) if the panel dismisses a matter against a registrant pursuant to section 61(1)(a) of the Act, up to 50% of the costs of the registrant's legal representation during the investigation and subsequent discipline hearing as the discipline panel may determine is appropriate, but no other costs, and the panel may do so on a prorated basis;

(b) if the panel makes a determination against a registrant pursuant to section 61(1)(b) of the Act, up to 50% of the cost of the investigation and subsequent discipline hearing as the discipline panel may determine is appropriate, which include the following costs:

(i) the college's costs of legal representation,

(ii) the costs of other reasonable and necessary disbursement incurred for the purposes of the investigation or hearing, including disbursements incurred by legal counsel, and

(iii) the costs of other reasonable and necessary professional

> services contracted for the purposes of the investigation or hearing, including per diems paid to the members of the investigation committee or discipline committee.
>
> (2) In making an order for an award of costs under section 63 of the Act, the discipline panel may receive written or oral submissions as to what costs should be applied.

[80] The Respondent submits that Bylaw 302 is not a “tariff of costs”. Further, the College having failed to create a tariff of costs means this Panel cannot award costs because the Act specifies that an order of costs must be based on “the tariff of costs established” in the Bylaws. He submits that permitting recovery of up to 50% of actual costs is not a tariff of costs. He suggests that a tariff of costs must establish a set of fixed expenses and a range of units for particular aspects of a proceeding. He refers to the cost’s regime established in Law Society proceedings.

[81] This submission was considered and dismissed in *Chaudhry (*para 65). No authority was provided for that particular definition of “tariff of costs”. We note that the College of Physicians and Surgeons of British Columbia utilizes the same approach as this College. While a unit-based tariff of costs may be desirable and less cumbersome to apply it is not the only type of tariff of costs.

A. The Casey Factors

[82] The approach to costs awards under s. 63 of the Act and 302 of the Bylaws is set out in *Chaudhry* and *Salhotra*. First, with reference to the factors identified by Professor Casey, we must determine what proportion of the College’s costs the Respondent should bear and then secondly, we need to assess the reasonableness of the costs claimed. Although these two questions were dealt with in reverse order in *Chaudhry* we will follow the approach used in *Salhotra*.

[83] We refer to the authoritative text of James T. Casey, *Regulation of the Professions in Canada* (2023). In section 14.4 he lists a number of factors to be considered in determining an appropriate award of costs:

> 1. Legislative provisions differ significantly with respect to the nature of the costs that may be awarded by a discipline committee so the specific provisions must be considered.

> 2. The amount of time and expenses associated with the investigation and hearing.
>
> 3. The focus of a cost award is to ensure that a member found to have committed unprofessional conduct bears the costs of the process as opposed to the membership as a whole. Bearing the burden of an award of costs reflects the consequences of being a member of a self-regulating profession and having engaged in unprofessional conduct.
>
> 4. There is a need to find an appropriate balance by considering the impact of the cost award on the member. Costs should not be punitive in nature.
>
> 5. Potential costs awards should not be so large as to prevent individuals from raising reasonable defences against allegations of unprofessional conduct.
>
> 6. The member's personal financial circumstances and the impact of a cost award. In appropriate cases consideration should be given to providing a time to pay the costs.
>
> 7. The impact of the other sanctions imposed should be considered as part of the context.
>
> 8.Whether there has been "mixed success" in that the member has successfully defended some of the allegations. In particular, it is appropriate to consider the relative seriousness of those which were successfully defended. It is also appropriate to consider what proportion of the cost was attributable to the allegations that were successfully defended.
>
> 9.The extent to which the conduct of each of the parties resulted in costs accumulating or conversely being saved.
>
> 10.Any other factors considered relevant given the particular circumstances of the case.

[84] We will consider those factors condensed into the following headings:

(a) the legislative provisions;
(b) the time and expense of the investigation and hearing, including the parties conduct, including complexity;
(c) burden of costs on the procession;
(d) impact of a costs award on the Respondent;
(e) impact of other penalties on sanctions imposed on the Respondent;
(f) whether there was mixed success.

A. (i) Legislative Provisions

[85] We have reviewed the legislative provisions above. Additionally, we agree as found in *Chaudhry* and *Salhotra* that an award of 50% is not the default position which is reserved for the most complex cases involving very serious misconduct.

A. (ii) Time, Expense, Parties Conduct, and Complexity

[86] The College submits that this should be the most significant component in our consideration. It asserts the Respondent's conduct was obstructive and evasive and justifies the maximum cost award of 50%. The College argues the repeated adjournments, protracted cross examination of Dr. Kavanaugh and raising unreasonable defences, justify that characterization.

[87] The Respondent brought four applications to adjourn. The first three were granted despite the lack of adequate medical evidence that he was unable to attend because they were brought at the last minute. The fourth application was refused (Reasons May 2024) but the application occupied a half day, and the hearing was delayed to the following morning.

[88] The Respondent asserts that his health condition amounts to a disability under the BC Human Rights Code and the College and this Panel are required to accommodate him to the point of undue hardship. As a consequence of that required accommodation, he submits that not only should he not bear the costs caused by these adjournments, but the costs and expenses of the College and the Panel incurred as a result of those adjournments should be removed from the claim and not considered at all.

[89] This argument concerning the BC Human Rights Code was decided in the context of the fourth adjournment application (Reasons May 2024 Adjournment). We ruled that he had not provided evidence that his health problems prevented him from attending the hearing and thus required no accommodation. The same result follows for the other three. The Respondent has not provided evidence that his health problems prevented him from attending the hearing.

[90] We note also the comments made by another Panel (*Bajwa* No. 23-067) in reasons given June 16, 2025 as follows:

> [40] The Panel's view is that factors relating to the Respondent's ongoing medical challenges, which we accept as genuine, are subsumed in the factors that underpin questions of adjournment, and no additional analysis is required in

order to comply with the *Brar* decision or related law. In the April Ruling, we stated:

> - [41]…For these purposes, the Panel is prepared to accept that the Respondent should be afforded at least the same opportunities in respect of his applications for adjournment as those without disabilities, and that a Panel hearing an application to adjourn has the obligation to accommodate the Respondent in this respect, to the point of undue hardship. Cases in the human rights sphere appear to import considerations of the conduct of persons seeking accommodation including whether they have facilitated it.
>
> - [42] Having said that, the Panel accepts the College's submission that the question of accommodation based on disability is largely built into the traditional or accepted factors that govern whether an adjournment should be granted in a particular case, which would include considering whether the evidence establishes that the disability justifies the accommodation that is being requested.
>
> [41] A disability does not excuse an applicant from establishing that their health concerns are such that they are unable to attend in some available fashion; that an adjournment is necessary; and that the applicant has acted with diligence and good faith, to the best of their abilities, in attempting to avoid an adjournment or to facilitate the accommodation that they seek in relation to attendance.
>
> [42] The element of good faith dovetails with the issues of due diligence and accommodation facilitation in the human rights sphere, in our view. <u>A respondent in a regulatory discipline matter must demonstrate willingness to be accountable to the regulator by making their best efforts to be present for scheduled events, and leading evidence to show that they have done so where they seek a ruling that will permit them to defend an allegation on another occasion than that which has been scheduled by a panel. It serves no purpose to go behind the factors relevant to whether an adjournment is justified by suggesting to a panel that refusal of the adjournment places them in jeopardy of human rights violations. Such a threat, as it pertains to the Panel, ignores adjudicative immunity, but more importantly, it presumes that a fair and measured application of the applicable principles could amount to discrimination, which it cannot.</u> Far from serving any purpose, submissions of this kind do disservice to a client by distracting from the merits of the matter. [emphasis added.]

[91] We conclude that the time and expense of dealing with those adjournment applications should be primarily borne by the Respondent. We note though that under the legislation he can only be required to pay 50% of those costs. The categories of expenses include the College

counsels' time spent responding to the four applications, the time thrown away in preparing for the hearing three times when it did not proceed, the cost of Dr. Kavanaugh's preparation for hearings that did not proceed, and the expenses of the Panel dealing with the adjournments and attending for hearings that did not proceed.

[92] The College incurred legal expenses (after deducting certain amounts) of $132,547.38. Approximately $47,000 was incurred from May 2024 to April 2025. This includes preparation for the hearing that did proceed, the hearing itself, and extensive written arguments for the first phase and this sanctions phase. Approximately $85,000 of legal fees were incurred prior to the commencement of preparation for the hearing that actually proceeded in May 2024. A significant portion of this time was spent responding to the adjournment applications and preparing for hearings that did not proceed. We estimate that one third to one half of that time ($28,000 to $42,500) was thrown away. We consider those costs in determining what proportion of costs we should award against the Respondent.

[93] The College says the cross examination of Dr. Kavanaugh was unnecessarily protracted and justifies awarding a higher proportion of costs. As noted in our Reasons a great deal of time was spent cross examining Dr Kavanaugh on the transcript. We found there was no basis for the submission that she attempted to influence the Complainants' evidence. We do not find that the cross examination was improper but is relevant in assessing the reasonableness of the costs incurred by the College.

[94] The College submits that the Respondent raised unreasonable defences such as; a) arguing the criminal standard of proof applied despite it having been previously rejected in *Chaudhry* and not supported by any relevant authority, b) raising in closing submissions that the Respondent could not be cross examined on his witness statement despite a prior ruling during the hearing, and c) arguing issue estoppel without any evidence to support that argument.

[95] None of those arguments were well founded in law or fact and they did contribute to an increase in the overall cost of this proceeding.

[96] This case was not complex. It concerned primarily one meeting with the Complainants' where the issue to be determined was whether they had given informed consent. The issues arising from the medical records were not complex. The issue that made this case more difficult was the fact that the Complainants were unable to testify requiring the College to rely on hearsay evidence. In our Reasons we found, based on the Respondent's own evidence, that he

had administered a general anesthetic without advising the Complainant's that he might do so and thus without their informed consent. It should have been concluded within three days.

[97] The manner in which the defence was conducted as referred to above unnecessarily added to the difficulty and expense. We are mindful that cost awards must not be so significant that they will deter respondents from reasonably defending allegations brought against them. However, cost awards also properly serve the purpose of deterring unreasonable behaviour.

A. (iii) Burden of Costs on the Profession

[98] The legislative scheme determines that the profession must bear at least 50% of the costs. In this case the portion of costs attributable to the repeated adjournment applications should not be borne by the profession any more than the 50% minimum.

A. (iv) Impact of Cost Award and Other Sanctions on the Respondent

[99] The Respondent has provided no evidence on the impact an award of costs might have on him. We are aware though that an award of costs in the amount sought by the College would be a significant burden.

[100] Other than sanctions imposed in this proceeding we are aware of no other penalties or sanctions that the Respondent has suffered as a result of his misconduct. We are mindful that the expense of retaining counsel to represent him in this proceeding would not be insignificant.

A. (v) Whether there was Mixed Success

[101] The Citation contained two allegations; professional misconduct was found in relation to both. The Respondent claims that because Allegation Two contained a general allegation as well as seven sub allegations and four of the sub allegations were found not to be proven that we should consider that there was mixed success. The first sub allegation was an alternative to Allegation One so could not succeed if Allegation One was proven. Two sub allegations, (2 (d) and (e)), were found not to be proven because of faulty wording. Only one sub allegation was found not to be proven based on the facts found by the Panel.

[102] In our view success was not mixed. The College succeeded on the primary allegations, the sub allegations not proven were of lesser importance and did not prevent a finding of professional misconduct against the Respondent on Allegation Two.

B. Application of the Casey Factors

[103] We find that in this case the Respondent should be required to bear 45% of the reasonable costs of the College. This case resulted in findings of serious misconduct by the Respondent in relation to fundamental obligations of a veterinarian. The costs of the College were increased by approximately $28,000 to $42,000. These were costs thrown away as a result of the Respondent's conduct.

C. Reasonableness of Costs Claimed

[104] We must ensure that the costs claimed by the College were reasonably incurred. The Respondent submits no costs, or very limited costs should be awarded.

[105] We will review the reasonableness of the costs claimed by category.

C. (i) External Legal Fees

[106] Legal fees paid to external counsel are recoverable under s. 63 (2) (c) of the Act and s. 302(1) (b) (i) of the Bylaws. The College has provided proof that it incurred legal fees from external counsel in the amount of $137,561.94 but for the purposes of costs is basing its claim on $132,547.38.

[107] Two outside law firms were retained over the course of this file. The first firm was retained from January 2022 to January 2023. It assisted in conducting the investigation and issuance of the Citation. Its total fees were $3,597.70. The hourly rates charged for the lawyers were below market rate. We find the rates and the total charges to be reasonable for the work performed.

[108] The second firm was retained for the balance of this file. The hourly rates of the three lawyers that worked on the file are below market based on their date of call and what they charge other clients on commercial files. We find the rates are reasonable.

[109] The College has provided a summary of the legal bills showing how much was charged each month and how many hours each lawyer worked in that month. Based on the monthly breakdown one can relatively easily determine how much time was spent on the various steps. In addition, in their submissions counsel provided a detailed description of the work performed as follows:

(a) Amendment of the Citation in June 2023;
(b) Preparing for and attending the July 2023 pre-hearing conference;
(c) Responding to the Respondent's July 2023 Motion for disclosure and particulars;
(d) Preparing for the August 2023 hearing;
(e) Re-preparing for the December 2023 hearing;
(f) Drafting and preparing response materials to the Respondent's December 2023 adjournment application including a supporting affidavit and oral submissions, and convening before the Panel on December 18, 2023;
(g) Re-preparing for the February 2024 hearing;
(h) Drafting and preparing response materials to the Respondent's February 2024 adjournment application including a supporting affidavit and oral submissions, and convening before the Panel on February 14, 2024;
(i) Re-preparing for the May 2024 hearing;
(j) Drafting and preparing response materials to the Respondent's May 2024 adjournment application including a supporting affidavit and oral submissions, and convening before the Panel on May 6, 2024;
(k) Attending the hearing on May 7 and 9, 2024;
(l) Re-preparing for the August 2024 continuation of the hearing;
(m) Attending the continuation of the hearing on August 26 and 27, 2024;
(n) Drafting closing submissions; and
(o) Drafting reply submissions including to arguments that, as noted above which the College submits were untenable, and at best, tenuous.

[110] The Respondent submits that the actual legal bills must be produced and a waiver of privilege in order for the Respondent or this Panel to determine the reasonableness of the legal fees. This position was rejected in both *Chaudhry* and *Salhotra*. We know the rates charged, the number of hours worked and what work was performed.

[111] The Respondent notes that if one divides the legal fees by the number of hearing days (3.5) the legal fees in this matter are $37,870 per day. He notes that they are equivalent to those charged in the *Chaudhry* file but more than in *Salhotra* ($22,800 per day). The fees in *Chaudhry* were found to be reasonable. It is not appropriate to consider that this was a 3.5-day matter. Significant time was spent on the four adjournment applications. If the costs thrown away as a result of the four adjournment applications were removed the costs would be on the range of $26,000 per day.

[112] The Respondent also submits that using two counsel at the hearing unnecessarily increased costs and that in a case of low complexity, such as he claims this was, two counsel is not justified. The College submits that a combination of junior and senior counsel is more

efficient. The junior lawyer performs much of the work at a lower rate, and the senior lawyer reviews, oversees, and attends at the necessary appearances. We note the monthly bills reflects that division of labour.

[113] We find the legal fees in the amount of $132,547.38 incurred by the College are reasonable.

C. (ii) Inspector Fees

[114] Inspector fees are recoverable under s. 63 (2) (b) of the Act and s. 302 (2) (b) (ii) of the Bylaws. The College utilized two inspectors. The primary investigator was Dr. Kavanaugh. She charged $60.00 per hour in 2019 and 2020 and $68.50 in 2023 and 2024. She also charged mileage of 53c per Km for travel and $40.00 per hour for travel time. She conducted the primary portion of the investigation and testified at the hearing. Her charges include time for preparing for each of the scheduled dates and travelled to the hearing on dates that were then adjourned. Her bills total $9,890.85.

[115] The College also retained a second inspector who was a retired RCMP officer. She was retained because of her experience in in person interviews. She assisted in the interview of the Complainants. The transcript and recording of that interview were exhibits at the hearing. She charged $50.00 per hour plus 55c per km mileage and $25.00 per hour travel time. Her total charges were $1,322.54.

[116] The Respondent says that time was spent in the investigation on issues that were not pursued in the Citation and estimates that approximately one third of the time was spent on those issues. The College submits that all aspects of the investigation were necessary to determine whether disciplinary action was required. We agree that an investigation could well be broader than the issues that end up in a citation. It is reasonable and necessary for the College to investigate a complaint thoroughly.

[117] We find the rates charged by the Inspectors reasonable and the amount of time spent by them reasonable as well. We find the inspector fees in the amount of $11,213.50 are reasonable.

C. (iii) Disbursements

[118] Disbursements are recoverable under s. 63 (2) of the Act and s. 302 (1) (b) of the Bylaws. The largest disbursement claimed by the College is for attendance of a court reporter and transcripts of the hearing for counsel and the Panel. These costs total $16,723.69.

[119] The Respondent submits that the College and the Panel should share one copy of a transcript. This position has been rejected in *Chaudhry* and *Salhotra.* The College submits that this issue is beyond their control. Court reporters contractually require the purchase of an additional copy.

[120] The balance of disbursements for a total of $1,730.45 are for personal service of the Citation and Amended Citation, courier deliveries, and photocopies. These charges are reasonable.

[121] We find that disbursements of $18,454.14 incurred by the College are reasonable.

C. (iv) Panel Member Costs and Expenses

[122] These costs and expenses are recoverable under s. 63 (2) (b) of the Act and s. 302 (1) (b) (iii) of the Bylaws. The amount paid to Panel members was $20,056.03. Panel members are paid an honorarium of $600.00 per day or $60.00 per hour for shorter appearances. The Chair was paid an honorarium of $1,000.00 per day or $125.00 per hour for shorter appearances and time spent preparing reasons. Meals and parking were also paid.

[123] The Respondent raised no specific objections to the cost and expenses of Panel members.

[124] We find the Panel costs and expenses of $20,056.03 are reasonable.

C. (v) Costs Conclusion

[125] We find the total costs, expenses and disbursement incurred by the College in the total amount of $182,271.05 are reasonable. The Respondent must pay 45% of those in the amount of $82,012.97.

V. CONCLUSION

[126] We make the following orders:

(a) Pursuant to s. 61(2)(a) of the Act, the Respondent is reprimanded as follows; You are hereby reprimanded for failing to obtain informed consent before administering a general anesthetic and for failing to keep adequate medical records contrary to Bylaw 245 and the Standard. You deprived the owners of the opportunity to decide whether to subject their dog to the risks of a general anesthetic for a dental cleaning.

(b) Pursuant to s. 61(2)(b) of the Act, in addition to any other continuing education requirements for registrants of the College, the Respondent shall complete the course, Medical Recordkeeping for Veterinarians (DRIP129-2024 Self Study (6 credits), at his own expense and within 90 days from the date of the Panel's order;

(c) Pursuant to s. 61(2)(b) of the Act, the Respondent shall complete the College Bylaw and Ethics Seminar, including taking and passing the College Bylaw and Ethics Exam, at his own expense and within 90 days from the date of the Panel's order;

(d) Pursuant to s. 61(2)(c) of the Act, the Respondent is suspended for a period of one (1) month, which suspension shall commence within 90 days of the date of the Panel's order, or other such date as approved by the College; and

(e) Pursuant to s. 63(2) of the Act, the Respondent shall pay the College's costs in the amount of $82,012.97 within 90 days of the date of the Panel's order, or other such time as approved by the College.

[127] Pursuant to 61 (6) (b) (ii) we give notice to the Respondent that he has the right to appeal these orders to the Supreme Court of British Columbia.

[128] We direct the Registrar to notify the public of this decision in accordance with s. 68 of the Act.

Herman Van Ommen
Herman Van Ommen, K.C., Chair

Carsten Bandt
Dr. Carsten Bandt

Tatjana Mirkovic
Dr. Tatjana Mirkovic

Citation Issued: September 9, 2022
Citation Amended: June 16, 2023
CVBC File No. 19-045

IN THE MATTER OF THE *VETERINARIANS ACT,* SBC 2010, c. 15, as amended

AND

IN THE MATTER OF
THE COLLEGE OF VETERINARIANS OF BRITISH COLUMBIA
(the "CVBC" or the "College") and a
hearing before a DISCIPLINE PANEL of the
COLLEGE DISCIPLINE COMMITTEE

and

DR. PAVITAR BAJWA
(the "Respondent")

SUPPLEMENTARY REASONS ON SANCTIONS AND COSTS

Counsel for the Respondent	**Clea Parfitt**
Counsel for the College	**Allan Doolittle**
Panel Members	**Herman Van Ommen KC, Chair** **Dr. Carsten Bandt** **Dr. Tatjana Mirkovic**
Date of Decision	**September 29, 2025**
Date of Supplemental Reasons	**October 10, 2025**

[1] After the release of our decision on Sanctions we received submissions from counsel for the College and a reply from counsel for the Respondent.

[2] College counsel pointed out an inconsistency in our Reasons concerning the start date for the Respondent's suspension. In paragraph 5 (d) we stated the Respondent was suspended

"commencing 90 days from the date of this order." In paragraph 126 (d) we stated the suspension was to commence "<u>within</u> 90 days "of the order. (*underlining added*)

[3] College counsel also pointed out two other errors. The heading between paragraphs 27 and 28 states "Public Confidence in the Legal Profession." It should state "Public Confidence in the Veterinary Profession." Also, the second sentence in paragraph 67 states:

> "We disagree this additional education is needed because he has shown significant inadequacies in his recordkeeping and needs that additional education."

That sentence should state:

> "We disagree this additional education is **<u>not</u>** needed because he has shown significant inadequacies in his recordkeeping and needs that additional education." *(Underlining and bolding added)*

[4] We also noticed that in paragraph 5 (d) we specified the suspension was to be for 30 days and in paragraph 126 (d) we specified a suspension of one month. As not all months contain 30 days this is potentially inconsistent. We clarify by setting the the period of suspension to be 30 days.

[5] In addition to pointing out the errors referred to above counsel for the College provided additional information and submissions concerning the start date of the suspension and renewed a submission previously made but not accepted by the Panel as set out in paragraph 65 of our Reasons.

[6] The Respondent's Reply, other than advising that he intended to appeal and apply for a stay, was limited to the submission that the suspension should not start any earlier than 30 days after the date of our order plus a reasonable amount of time to bring a stay application.

[7] The College's position in its Reply Submissions in the sanction phase was that the suspension should commence upon the Respondent's return to practice. In paragraph 65 of our Reasons we declined to do that because we were not aware of how the College would determine when the Respondent was able to return to work.

[8] The College has now, after our decision was released, advised that in another

proceeding the Respondent was required to give the College three weeks notice before returning to practice and on October 1, 2025 had given that notice. As a result the College now seeks to have the 30 day suspension commence October 22, 2025.

[9] Section 300 (1) of the Bylaws provides that a discipline panel remains active until it "releases its final written discipline decision…". Our final written decision was made on September 29, 2025. We do not have jurisdiction to reopen the hearing to reconsider, on the basis of new evidence, the appropriate start date of the suspension.

[10] We clarify that we intended the 30 day suspension to commence 90 days after the date of our order or such other date agreed to by the College.

[11] We direct that a Corrigendum be issued as follows:

a) The heading between paragraphs 27 and 28 should state "Public Confidence in the Veterinary Profession".

b) The second sentence in paragraph 67 should state:

> "We disagree this additional education is not needed because he has shown significant inadequacies in his recordkeeping and needs that additional education."

c) Paragraph 126(d) should state :

> Pursuant to s. 61(2)(c) of the Act, the Respondent is suspended for a period of 30 days, which suspension shall commence 90 days after the date of the Panel's order, or other such date as approved by the College; and

Herman Van Ommen
Herman Van Ommen, K.C., Chair

Carsten Bandt
Dr. Carsten Bandt

Tatjana Mirkovic
Dr. Tatjana Mirkovic