CVBC File No. 23-067
Citation Authorized May 11, 2023
Citation Issued April 25, 2024
Amended Citation Authorized May 16, 2024
Amended Citation Issued September 10, 2024
Further Amended Citation Issued November 18, 2024

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

**AND**

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

**AND**

**DR. PAVITAR BAJWA**

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| **Panel Members** | **C. Baird Ellan, K.C., Chair**<br>**Dr. A. Cheung**<br>**Dr. Al Runnells** |
| **Counsel for the Respondent** | **C. Parfitt** |
| **Counsel for the College** | **A. Gay, K.C.** |
| **Date of Ruling** | **October 8, 2025** |

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**RULING ON PROCEDURAL ISSUES – REDACTED FOR PUBLICATION**

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**NOTICE: This Ruling contains an Interim Order for Suspension pursuant to Section 65(2) of the *Act*. The Respondent's right to appeal is set out below in paragraph 48.**

## 1. Overview: Procedural History

[1] The Respondent faces numerous allegations of failure to cooperate in a College investigation over the period of June 2022 to April 2024, which the College says amount to non-

compliance with several sections of the *Veterinarians Act* (the "Act") and Bylaws, and professional misconduct. At a Case Management Conference (the "CMC") on October 6, 2025, some issues arose pertaining to the continued conduct of the disciplinary proceeding. The Panel provided some preliminary direction to the parties at the CMC, with this written ruling to follow.

[2] The Panel has issued prior rulings on April 1, 2025 (the "April Ruling")[1] and June 16, 2025 (the "June Ruling") as well as Orders on July 30, 2025 (the "July Order") and September 3, 2025 (the "September Order") relating to the conduct of the discipline hearing. The hearing has been adjourned from scheduled dates in the weeks of March 24, 2025, and June 9, 2025 due to the Respondent's unavailability for reasons that are documented in the April and June Rulings. One of the considerations that figured into the Rulings was the matter of good faith on the part of the Respondent.

[3] The Respondent has a documented [redacted] which has been described in the Rulings and in decisions by other panels in discipline proceedings brought against the Respondent by the College. This Panel has previously recognized that the [redacted] amounts to a [redacted] for which the Respondent is entitled to some [redacted] in relation to the scheduling of his disciplinary matters. Beyond that, in both the April and June Rulings[2] this Panel took issue with the Respondent's level of good faith in relation to the materials he produced in support of the need for an adjournment:

> 36. … We do not perceive that sufficient efforts have been made to assure the Panel that the Respondent intends to be present when he is able and accepts his need to be accountable to his regulator. Failing to provide that kind of supportive material suggests a *laissez faire*, or presumptive, attitude to the adjournment application and the task of the Panel. While the adjournment of the Respondent's June hearing dates became an inevitability, and the Panel is sympathetic to the [redacted], we have not seen anything in the materials that prevents more attention being given to better evidence and communication on Dr. Bajwa's part.

[4] Both prior adjournments were necessitated by the fact that in March 2025, the Respondent left Canada to pursue options [redacted] in India.

[1] 2025-04-01 CVBC v Bajwa No. 23-067, Ruling on Panel Validity, Bias, and Adjournment (the "April Ruling")
[2] 2025-06-16 CVBC v Bajwa No. 23-067, Ruling on Adjournment, paragraph 36, April Ruling, paragraph 53 – 54

Documents filed in this matter since then have established that the options did not pan out, and while in India, the Respondent [redacted].

[5] The Respondent's Counsel advised at the time of the June adjournment application that he was "not [redacted] to prepare for and participate in a disciplinary hearing from a remote location and time zone."[3] Before that application was considered by this Panel, two other discipline hearings had been adjourned by other panels. Those panels imposed multiple conditions on the Respondent as part of their rulings.[4]

[6] The June Ruling in this matter adopted similar conditions. In its Ruling, the Panel observed that, "this matter is part of a body of citations that are currently facing the Respondent and which cannot be left to languish on an open-ended basis. The public interest in regulation of the veterinary profession demands timely resolutions and closure of outstanding complaints, even in matters in which there is no 'public' complainant."[5]

[7] For reasons related to that observation, the Panel included the following term in the June Ruling, which was carried forward into the July and September Orders[6]:

> 6. In the event that the Respondent expresses an intention to return to veterinary practice in British Columbia, if the Panel so directs with notice to Counsel, submissions as to whether the Respondent's continued inability to complete this and other outstanding CVBC disciplinary hearings requires the Panel or the Discipline Committee to take action under Section 65 in the public interest, including the interests of finality and closure, pending the completion of the outstanding matters…

## 2. Conditions and Subsequent Events

[8] The terms included in the June Ruling read as follows in entirety:

[3] June Ruling, paragraph 13
[4] CVBC File No. 21-091 on May 22, 2025, and CVBC File No. 21-104
[5] June Ruling, paragraph 38
[6] This term is paragraph 3.f. in both Orders.

1. The Respondent provide, by June 30, 2025, [redacted], and whether and how these impact his ability to participate in a disciplinary hearing by videoconference; along with [redacted] (as they relate to the issue of attendance);

2. If the Respondent thereafter maintains he is unable to participate in the hearing, and seeks its continued adjournment, he provide update reports [redacted] on or before July 15th and 31st, to include information relating to his current or intended [redacted] ability to participate in a virtual hearing;

3. *The Respondent will notify the College and the Panel immediately if:*

    i. *He makes travel arrangements to return to British Columbia; or*

    ii. *He decides to return to the practice of veterinary medicine British Columbia and if so, the intended date of his return;*

4. The discipline hearing will reconvene for a case management conference on or before August 7, 2025 at 10:00 a.m. This appearance is subject to the participants' availability, which shall be confirmed by email, but shall not be later than August 15. The agenda of the case management conference will include:

    i. Rescheduling the discipline hearing or determining the likely duration of its continued adjournment, based on the Respondent's [redacted] (matters for which Dr. Bajwa will be expected to provide contemporaneous evidence);

    ii. *The timing of Dr. Bajwa's return to the practice of veterinary medicine in British Columbia;*

    iii. Whether the Respondent should be directed to provide his hearing evidence or any of it in the form of an affidavit;

    iv. Whether the Respondent will be directed to provide a will-say statement detailing the evidence he intends to give at the hearing and if so, by what date;

5. If the Panel so directs with notice to Counsel, submissions as to whether the Respondent's continued inability to complete this matter requires the Panel to take action under Section 59(4) in the interests of finality and closure;

6. *In the event that the Respondent expresses an intention to return to veterinary practice in British Columbia, if the Panel so directs with notice to Counsel, submissions as to whether the Respondent's continued inability to complete this and other outstanding CVBC disciplinary hearings requires the Panel or the Discipline*

*Committee to take action under Section 65 in the public interest, including the interests of finality and closure, pending the completion of the outstanding matters; and*

7. Future appearances on this matter will be peremptory on the Respondent.

(Emphasis added).

[9] The Respondent provided the directed updates on June 30 and July 15, 2025 and the directed case management conference was convened on July 30, 2025. Counsel had agreed on the terms included in the July Order, including that a further case conference be held on September 3, 2025. At that conference, Counsel consented to the terms of the September Order, which was in place at the time of the CMC. Those terms are as follows:

1. Dr. Bajwa, through his counsel, shall provide Mr. Gay with a written bi-monthly update, commencing on September 15, 2025, reporting on:
   a. Dr. Bajwa's current [redacted], including the expected duration of the same;
   b. Any information and/or [redacted] addressing whether he is [redacted] able to attend his hearing by videoconference or, if not, when he might become able to do so, including by providing [redacted], notes or other documents provided by [redacted];
   c. Any [redacted] Dr. Bajwa might require in order to facilitate his attendance at the continuation of the hearing of this matter; and
   d. Such further and other information as may be ordered by the Panel in the interests of managing the hearing of this matter.

2. The Respondent will notify the Panel and the College:
   *a. Immediately, if he makes travel arrangements to return to British Columbia; and*
   *b. Three weeks prior to engaging in the practice of veterinary medicine in British Columbia, whether in person or virtually.*

3. The discipline hearing will reconvene on October 3, 2025 at 4:00 p.m. *without the Respondent (unless he is able to attend)* for a case management conference, to hear submissions and address the following:
   a. Rescheduling the hearing in this matter or, if necessary, the length and terms of any further adjournment;

b. The timing of the Respondent's anticipated return to British Columbia and/or his return to the practice of veterinary medicine in British Columbia;

c. Whether the Respondent should provide his evidence in chief in writing and if so, by what date;

d. Whether the Respondent should be directed to provide a detailed will-say statement stating the topics he will address and summarizing the substantive evidence he will give at the hearing and if so, by what date;

e. If the Panel so directs with notice to counsel, submissions as to whether the Respondent's continued inability to complete this matter means the Panel should make an order under Section 59(4) in the interests of finality and closure; and

*f. In the event that the Respondent expresses an intention to return to veterinary practice in British Columbia, if the Panel so directs with notice to Counsel, submissions as to whether the Respondent's continued inability to complete this and other outstanding CVBC disciplinary hearings requires the Panel or the Discipline Committee to take action under Section 65 in the public interest, including the interests of finality and closure, pending the completion of the outstanding matters.*

(Emphasis added.)

[10] On September 15, 2025, the Respondent provided an update (the September Update) through his Counsel that stated as follows (emphasis added):

> In response to my request for more information last week, *on September 13, 2025* Dr. Bajwa provided copies of the [redacted] (attached) which I believe are related to [redacted] our last report. I take it that he remains in India. Other than that, he has not provided a further update. I was not able to reach Dr. Bajwa today, despite emailing him Sunday to request him to call or provide more information, and attempting to call today. The extreme time difference remains a significant challenge. I will follow up with Dr. Bajwa over the next few days and report if further information is provided.

[11] On September 18, 2025 at 7:30 p.m., Counsel for the Respondent sent a further letter to Counsel for the College (the "Arrival Letter"), which was provided to the Panel on September 19. It stated:

> Further to the update below, I write to advise that Dr. Bajwa called me this evening to advise that he arrived back in Vancouver yesterday evening. He advises that he is jet

> lagged but expects to take steps to prepare to return to practice once he is through his jet lag. He is aware of the requirement that notice be provided to the College before he resumes practice.
>
> I also attach a [redacted] provided by Dr. Bajwa just now dated September 15, 2025 from [redacted]

[12] Counsel for the College responded to the Arrival Letter on September 19, 2025 as follows:

> I acknowledge receipt of your email, thank you. In my view, Dr. Bajwa has not complied with paragraph 1 of the panel's most recent order (attached). His September 15 update did not address any of the matters in subparagraphs 1(a) to (c). This is of particular importance in light of your advice that Dr. Bajwa has returned to British Columbia and apparently intends to resume practice. The College demands that he immediately and fully bring himself into compliance with the panel's order. It is further apparent that Dr. Bajwa did not comply with paragraph 2(a) of the panel's order. I reserve the right to put this email message to the panel as and when necessary.

[13] On September 25, 2025 the Panel Chair initiated a change of the Case Management Conference scheduled for October 3, 2025 due to a schedule conflict. On that day, September 25, the conference was rescheduled to October 14.

[14] On October 1, 2025, Counsel for the Respondent sent a letter to the Panel, described as "an update" (the "October Update"), advising that the Respondent departed from New Delhi on September 16, 2025, arriving in Vancouver on September 17; providing some [redacted] information; and concluding with the following sentence:

> Currently Dr. Bajwa expects to return to work when he is permitted to do so by his agreements with the College (October 8, 2025).

[15] The Panel then requested that the Case Management Conference be reset for October 6, 2025, and it was convened on that date. The Respondent did not attend and his absence was not addressed at the conference. Counsel addressed several issues arising from the September Order: whether (or when) the Respondent had provided notice of his intention to return to veterinary practice under paragraph 2. b.; whether the Respondent was in breach of the Panel's directions

under paragraphs 1. a., b. and c. and 2. a.; and whether the Panel should direct submissions relating to an order under Section 65, pursuant to paragraph 3. f.

### 3. Submissions

[16] For the College, at the CMC, Mr. Gay pointed out that the Panel's concerns underlying the June Ruling centred on firstly: the effect on the public interest of the continual adjournments of this matter and other disciplinary matters due to the Respondent's [redacted]. Mr. Gay submitted that the inability of a regulator to prosecute proceedings in a timely way, or at all, and thereby regulate the profession, is a matter of the public interest. The second concern reflected in the ruling, he submitted, pertained to the Respondent's ability to [redacted] continue in practice. Mr. Gay pointed to the [redacted] information provided by the Respondent since the adjournment, which he said gave rise to concerns about whether the Respondent may be putting patients at risk.

[17] Mr. Gay submitted, in relation to the [redacted] concerns, that the Respondent's latest update did not provide information about his current [redacted] plan, his ability to attend hearings, and what [redacted] he required. The College's concerns about the Respondent's current [redacted] status centred on the availability of continuation dates and the Respondent's ongoing ability to be present for his scheduled matters.

[18] Mr. Gay also submitted that the Respondent was in breach of both paragraph 2. a. and b. of the September Order, in that he did not appear to have advised "immediately" when he made his travel arrangements, nor had he provided three weeks' notice of his intention to return to practice on October 8. Mr. Gay submitted that the Order was put into place to give the Panel and the College an opportunity to consider measures that might be imposed under Section 65 to address the need to protect the public arising from the June adjournment and the Respondent's [redacted], as now disclosed by his updates.

[19] Mr. Gay asked the Panel to direct that the Respondent had not provided three weeks' notice and to seek compliance with the September Order by providing information on the Respondent's current [redacted] ability to attend hearings. The College also urged that a continuation date be set at the earliest opportunity.

[20] Counsel for the Respondent, Ms. Parfitt submitted at the CMC that the September Update was provided by her without the knowledge that the Respondent was returning to Canada. She suggested that his [redacted] was not engaged by his return and the first paragraph of the September Order was meant to address his [redacted] ability to attend hearings against the backdrop of whether he is [redacted] to attend to his disciplinary requirements. She pointed to other proceedings initiated by the College that were intended to address his [redacted] as a veterinarian and that inquiries about that were not engaged by the June Ruling or the subsequent updates, which, she stated, go further than required of the Respondent by law in terms of providing information about his [redacted] situation. For the College to ask at this point if the Respondent is [redacted] to attend a continuation puts the cart before the horse, Ms. Parfitt submitted, as the issue is not whether he is [redacted] at this moment rather than on the continuation date, which she said was likely to be in the New Year.

[21] Ms. Parfitt confirmed however that the Respondent's [redacted] challenges giving rise to prior adjournments continue; he has been [redacted] since his return; and he will continue to have short notice [redacted]. Information about that is being gathered in the other CVBC process, she said, and the [redacted] updates directed in this matter should be confined to the period of his absence from the country. While acknowledging the direction that the Respondent notify the Panel and the College immediately upon making travel arrangements, Ms. Parfitt states that arrangements for the Respondent's return from India were made only a couple of days prior to the travel.

[22] Ms. Parfitt conceded at the CMC that three weeks from September 18, 2025 would actually be October 9, 2025 and that she had miscalculated in providing the date of October 8 when writing the October Update. She submitted that the "minute" she knew the Respondent was back in Canada, she communicated with College Counsel and the Panel to advise that he anticipated returning to practice. Ms. Parfitt urged that the wording of the Arrival Letter was "clear notice," signifying the Respondent's return to practice in three weeks; as she now concedes, on October 9, 2025.

[23] Ms. Parfitt resisted an order under Section 65 on the basis that placing a restriction on the Respondent's ability to return to practice on the date he planned to do so would violate his right

under the *Human Rights Code* not to be discriminated against [redacted]. She urged as well that the Panel adopt principles of administrative fairness and not make a unilateral decision that would interfere with the Respondent's ability to engage in veterinary medicine.

[24] Ms. Parfitt reminded the Panel that the *Human Rights Code* prevails over the *Veterinarians Act* and cautioned against any assumption that because the Respondent had returned and may be in breach of the September Order, he should be suspended from practice. She said that, as Counsel, she anticipated that upon the Respondent providing notice of his intention to return to practice, the Panel would invite submissions on the issue and provide a considered ruling, rather than, as was suggested (by the Panel) during the CMC, acting peremptorily under the section. Ms. Parfitt agreed that the Panel needs to decide when it received notice but that it should not act out of convenience by basing the serious measure of a suspension on the limited terms of the September Order. Ms. Parfitt noted that the allegations in this matter relate to non-cooperation with an investigation and do not engage the interests of a complainant or matters of competence.

[25] In reply, Mr. Gay submitted that there was no assurance the discipline proceeding would ever be completed in light of the Respondent's Counsel's description of [redacted]. This would place the Panel in a situation of permitting the Respondent to say there may be no imminent resolution of his disciplinary proceedings, with no capacity to ensure that the public interest in timely resolution could be addressed. He submitted that taking action in relation to the current breaches of the Panel's directions would not be a failure to [redacted] the Respondent's [redacted], and in any event the Respondent had provided no current evidence of it or what [redacted] might be required in order for him to complete the matters. Mr. Gay submitted that the Respondent consented to the September Order and yet elected not to comply with it, and that suggestions that he [redacted] return to practice but may never [redacted] complete his discipline proceedings "do not sit easily together". He submitted that in light of that, the Panel may well need to consider the application of Section 65 and the public interest in the College's ability to regulate.

[26] Following the CMC, Ms. Parfitt provided copies of the Respondent's confirmation dated September 13, 2025 for the purchase of a ticket from Delhi to London, with a bank receipt dated

September 12. Likely the latter is attributable to the time difference between India and Canada, and the Panel is prepared to accept that the booking was made on September 13.

[27] Ms. Parfitt submitted further materials on October 7, 2025. These materials consist of a letter from the Respondent's [redacted] in Canada (the "[redacted] Letter") affirming his current [redacted] to resume practice, a copy of the Arrival Letter, and a submission from Ms. Parfitt in which she asserts: 1) there is no further [redacted] reason to hold the Respondent out of practice; 2) the September Order had expired in light of the resumption of the hearing at the CMC; and that if the Panel was of the view that the three weeks' notice had not been provided by the Arrival Letter, the Panel consider amending the September Order to abbreviate the notice period to permit the Respondent to resume his practice "now."

[28] Mr. Gay provided a response to Ms. Parfitt's additional materials which may be summarized as follows:

- The September Order has not expired and in any event the Respondent's breaches of it preceded the CMC.
- The Respondent's submission that in light of the [redacted] Letter there is "no longer a rationale" for the Respondent to provide his "[redacted] plan" is a "remarkable" in view of Mr. Parfitt's inability to confirm that her client is currently [redacted] to attend hearings.
- The suggestion that the sole concern during the Respondent's absence was his absence in India for [redacted] reasons ignores his lengthy history of non-attendance and non-compliance with past orders of panels.
- If the Respondent seeks to vary an order he must give proper notice and in any event the purpose of the three-week notice was in part to give the College time to consider what actions to take in the public interest, which does not evaporate with the [redacted] letter.
- It is not clear from the [redacted] Letter how much information he received about the Respondent's [redacted] in India; much of it appears to be based on self-reporting, and it does not address his [redacted] and it appears to be inconsistent with his most recent reports.

## 4. Ruling

[29] As noted, in the Arrival Letter, the Respondent's Counsel states that he "is jet lagged but expects to take steps to prepare to return to practice once he is through his jet lag." She further states, "He is aware of the requirement that notice be provided to the College before he resumes practice," and concludes with the information that his [redacted]."

[30] The suggestion that the wording of this letter somehow constitutes the directed "three weeks notice prior to engaging in the practice of veterinary medicine in British Columbia," is in the Panel's view remarkable. It should be noted that the June Ruling required that the Respondent provide "the intended date of his return" to practice, which, although it was not a term that continued into the September Order, arguably set the parameters of what was expected of the Respondent, if indeed those are not set by common sense. It must be observed that Ms. Parfitt, who in the Panel's experience is a skilled draftsperson, wrote the Arrival Letter, and that this communication occurred within the context of weeks of close attention to the wording of the Panel's orders and directions for status updates and [redacted] reports. In the face of all of that, if Ms. Parfitt intended that letter as notice of a return to practice by a particular date, she surely would have said so, rather than citing the Respondent's expectation to take "steps to prepare" to return to practice. At best, the statements that the Respondent will be working through his jet lag and "is aware of the requirement" for notice can be taken only as an indication of some future intention to provide notice.

[31] It is instructive as well to note the accompanying behaviour of the parties, including the fact that Mr. Gay clearly took issue with compliance with Paragraph 2. a., b. and c. in his letter of September 19, 2025, and raised no issue regarding notice of a return to practice. Presumably he would have done so if he had perceived that the Respondent had a scheduled or imminent intention to do so, just as he has done now in response to the October Update.

[32] In addition, to the knowledge of the Chair, the Arrival Letter was provided to at least two other panels in matters on which similar orders were in place. Those involved the same Chair as on this Panel but three different Counsel for the College and two different independent legal

counsel for the panels. The other two matters involving this Chair were called forward for case conferences on October 6, 2025, before this matter proceeded, immediately upon receipt of the October Update indicating the Respondent's intention to return to work on "October 8". The Chair observed to Ms. Parfitt at the CMC that none of the other professionals involved appeared to have interpreted the Arrival Letter as notice under the orders.

[33] Ms. Parfitt confirmed at the CMC that she instructed her client that he was eligible to return to practice on October 8, 2025, on the strength of the Arrival Letter. In the Panel's view, that instruction was precipitous; arguably disingenuous, and out of an abundance of caution, at the CMC, the Panel signalled to Ms. Parfitt that she should advise her client that the Panel's ruling was likely not to confirm her interpretation of the correspondence, and that the Respondent should not plan on returning to practice on October 8th or 9th.

[34] The Panel's view is that the October Update is the earliest communication that could constitute notice under the September Order, and that in order to comply with the Order, the Respondent should have specified October 22, 2025 as the date of his planned return to practice. While issue might be taken with whether the October Update itself suffices as notice, the College has reasonably acceded to it.

[35] The Panel will add that it is clear from the printouts pertaining to the Respondent's travel booking that he booked the flights, or someone did that on his behalf, around the time that Ms. Parfitt said in her September Update that she had spoken with him about his recent [redacted]. Notably there was no mention in that Update of his imminent, and possibly already booked, return to Canada. That is a clear breach of paragraph 2. a. of the September Order which is conceded by Ms. Parfitt. In the Panel's view, this breach colours the Respondent's subsequent actions, which demonstrate characteristic inattention and arguably negligence about his obligations to the Panel and the disciplinary process. A review of the history giving rise to the April and June Rulings and the findings of the Panel in relation to good will raise issues pertaining to the maintenance of the public interest that we agree with the College will need to be canvassed as the disciplinary process in this and other matters unfolds.

[36] Turning to the additional materials provided by Ms. Parfitt on October 7, 2025, the Panel observes, and agrees with Mr. Gay, that the issue at this stage is not primarily the Respondent's [redacted] to engage in the practice of veterinary medicine, although that is one concern. The Panel shares Mr. Gay's view that it is remarkable that the [redacted] outlined as recently as three weeks ago appear to have [redacted] to a point where the Respondent is able to [redacted] contemplate engaging in his veterinary practice, although the Panel notes that he anticipates that he will self-limit his practice [redacted]. [redacted]

[37] However, the additional issues of his ongoing non-compliance, apparent unwillingness or inability to adhere to or respect the directions of the Panel, and the lengthy delay in the completion of this, and other, disciplinary matters, remain as problems. The lengthy delay in achieving resolution of these matters has been caused not only by the Respondent's [redacted], but also by his election to travel to India on what now appears unfortunately to have been a fruitless endeavour; one that the Panel previously observed was apparently [redacted].

[38] Added to that, the Respondent's recent election to return to Canada without the notice required by the September Order, which was clearly in effect at the time of his return, and his insistence on a return to practice while abjectly failing to address his disciplinary responsibilities, collectively display a remarkable level of disregard for the efforts of the Panel to conduct its regulatory role. With the benefit of hindsight, the Respondent's unannounced return, his insistence on a return to practice, and this new [redacted] information arguably raise issues as to whether the trip was less a [redacted] than a decision on the part of the Respondent simply to avoid his mounting disciplinary woes.

[39] Given the position the Respondent now takes, that the Panel should essentially disregard or reverse the directions it has provided regarding his return and completely forgo the exploration of Section 65 issues raised in the June Ruling, the Panel is led to wonder whether the Respondent had any intention, when he precipitated the June adjournment, to genuinely submit to the regulatory process, at any time. His absence from the CMC, when the Panel repeatedly extended the "invitation" to him to attend, does nothing to instil confidence in his respect for the

disciplinary process. At very least, the suggestion that the Respondent may simply return to Canada and immediately ("now") resume practice after a six-month absence; in the face of several adjournments of discipline hearings, his apparent continuing disregard for the directions of this Panel, and his Counsel's inability to assure the Panel that he will [redacted] attend a continuation; raises serious issues about his governability, from a regulatory perspective.

[40] In any event, the Panel is unpersuaded by the Respondent's latest submissions that he should be permitted to wholly disregard all of the terms in the September Order pertaining to the terms of his return to practice. The result of the Panel's interpretation of the Arrival Letter is that the Respondent did not provide notice of his return to practice until the October Update, which in the Panel's view effectively suspends, or bars, him from returning to practice until October 22, 2025. As to the effect of that interpretation, if the Respondent were to elect to disregard it, he would appear to be placing himself in jeopardy of an allegation of misconduct under the *Act* in the nature of a continuing breach for each day prior to October 22 that he decided to engage in veterinary services.

[41] While the Respondent's Counsel suggested that it would be precipitous for the Panel to prohibit the Respondent from resuming practice in these circumstances, the Panel sees no other alternative arising from what it considers to be the only reasonable interpretation of the September Order and the Respondent's conduct. In relation to Ms. Parfitt's suggestion that *Human Rights Code* violations may ensue from the application of the Panel's authority under the *Act*, the Panel previously observed as follows in relation to the factors pertaining to an adjournment of the proceedings:

> 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. Far from serving any purpose, submissions of this kind do disservice to a client by distracting from the merits of the matter.[7]

[7] June Ruling, paragraph 46.

[42] In terms of alternatives, the Panel is at a loss, at this point, as to how the public interest could be served by effectively acquiescing in the Respondent's "right" to return to practice on any date prior to October 22, 2025, or alternatively by waiting to see if the Respondent further flouts the notice period. The options of inviting the Investigative Committee to surveil the Respondent's attendance at his office and consider daily breaches if he appears to be practicing, or threatening an *ex parte* suspension under Section 65 only if the Respondent ignores the Panel's notice requirement, would place the Panel in the role of inspector, and clearly take it outside its statutory mandate. More importantly, either approach would not adequately permit the Panel, as a regulatory tribunal, to control and enforce its own regulatory process.

[43] For the sake of certainty, therefore, in order to control its process, and to maintain the public interest, the Panel considers it necessary to exercise its power under Section 65 of the *Act* at this point, to impose an *interim* suspension on the Respondent until October 22, 2025, "without providing the registrant an opportunity to make submissions." While characterizing in that fashion the action the Panel considers necessary, it must be observed that the parties were afforded some opportunity to address the issue at the CMC, and that, given the interim nature of the suspension, there will be a further opportunity to fully address Section 65(2), including conditions on practice, in due course. In the view of the Panel, all that this interim measure will do is confirm to the Respondent the view of the Panel regarding his need to comply with the terms of the September Order.

[44] In referring above to "conduct," the Panel takes into account the apparent breaches of Paragraphs 1 and 2 of the Order, given the inadequacy of the September Update to provide information that was apparently available to him by that date, such as his travel plans, and his current [redacted], which at very least must have encompassed an assessment that he was [redacted] to travel. As it turns out, the [redacted] now confirms as much.

[45] The information provided to the Panel up to that point, as alluded to in the September Update, had suggested that the Respondent was [redacted]. The Panel notes [redacted] that the Respondent no doubt was, and remains, occupied with matters other than

compliance with its directions. However, that [redacted] history, the recent events, and the Respondent's past difficulties with compliance, including the nature of the allegations at stake in the Citation, figure into the Panel's decision at this point that it is necessary to impose this interim suspension to address the immediate risk posed to the public interest if the Respondent is permitted to return to practice, essentially unfettered by any means of enforcing conditions that were designed to encourage him submit to the disciplinary process.

[46] The reasons for this suspension, beyond caution, control of process, certainty and addressing immediate risk, are to provide the Panel and the College time to consider, as directed in the September Order, whether the Respondent's "continued inability to complete this and other outstanding CVBC disciplinary hearings requires the Panel or the Discipline Committee to take action under Section 65 in the public interest, including the interests of finality and closure, pending the completion of the outstanding matters."

[47] The Panel therefore invites submissions from Counsel as to whether a (further) Section 65(2) order should be made in relation to the Respondent's return to practice pending the completion of this matter. The College will be asked to provide its submissions (or application, if it sees fit) by October 14, 2025; the Respondent to respond by October 20, 2025; and a right of (necessary) reply to the College by October 21, 2025.

## 5. Right to Appeal

[48] Section 65(6) of the *Act* provides that this Order may be appealed in accordance with Section 64, which reads (in part) as follows:

> *Appeal of discipline committee decision to Supreme Court*
>
> **64** (1) Subject to subsection (2), an order of the discipline committee under section 61 *[action by discipline committee]* may be appealed by the respondent to the Supreme Court.
>
> (2) An appeal of an order made by the discipline committee must be commenced within 30 days after the date the order is received by the respondent by personal service or registered mail.

(3) An appeal must be commenced by filing a petition in any registry of the Supreme Court.

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

Amy Cheung
Dr. Amy Cheung

Al Runnells
Dr. Al Runnells