

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

AND

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

AND

DR. HARDEEP KATARIA

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

**Clea Parfitt
David Volk**

Panel Members

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

Date of Decision

February 17, 2026

Decision of Sanctions and Costs

[1] On May 13, 2025, we issued our decision finding that Dr. Kataria had committed professional misconduct by failing to cooperate with an investigation respecting a complaint filed by a member of the public.

[2] The complaint alleged that Dr. Kataria had placed the wrong microchip in a kitten that she adopted from a cat rescue agency. Dr. Kataria had agreed to spay and microchip the kittens and placed microchips in each of the seven kittens in the litter.

[3] A copy of the complaint was sent to Dr. Kataria on December 1, 2020, along with correspondence from the College requesting his medical records. A response was requested by

January 11, 2021. He was also sent a package of information reminding him of his obligation to respond promptly to the College.

[4] In his evidence, Dr. Kataria acknowledged that he read the material and that he was aware of his professional obligation to cooperate with the investigation. In an email message to the College dated December 28, 2020, Dr. Kataria advised that his lawyer would be handling the matter and that she would be in touch “soon”.

[5] Following a period of several months where there was no further communication from Dr. Kataria or his counsel, the College engaged Dr. Weinberger as the investigator of the complaint. Dr. Weinberger made several attempts to obtain a response from Dr. Kataria or his lawyer but was unsuccessful in obtaining the information he was seeking.

[6] Finally, a deadline of January 20, 2022, was set for Dr. Kataria to provide a response as the matter of his failure to respond was to be considered by the College Investigation Committee at its meeting in January to consider what further action was to be taken respecting his failure to respond.

[7] It was not until January 19, 2022, one day prior to the deadline, that a response to the original complaint was received from Dr. Kataria’s counsel. After considering all the information, including the January 19, 2022, correspondence from counsel, the College issued this Citation.

1. College Submissions on Penalty

[8] The College submits that an appropriate penalty in this case is a reprimand, a suspension of Dr. Kataria’s registration with the College for a period of 4 months, a direction that Dr. Kataria complete the Bylaw and Ethics seminar and pass the bylaw examination, and an order that Dr. Kataria pay 50% of \$102,541.56 which is the amount of the costs incurred by the College.

[9] The College submits that Dr. Kataria failed to cooperate with the investigation by failing to promptly and appropriately respond to communications from the College respecting the complaint. The College argues that Dr. Kataria’s failure turned what should have been a straightforward matter into a lengthy disciplinary matter that frustrated the complainant and resulted in significantly increased costs.

[10] The College submits that Dr. Kataria's failure to cooperate with the investigation is a serious matter. It says that self-regulating professions cannot operate effectively without the cooperation of registrants. It submits that failure to cooperate delays investigations and erodes public confidence. See: *Kuny v. College of Registered Nurses of Manitoba*, 2017 MBCA 111 and *Law Society of Upper Canada v. Joseph Dannial Ernest Stewart Baker* [2006] L.S.D.D. No. 31.

[11] As we have already noted in our reasons on liability, Dr. Kataria's conduct contributed to the frustration of the complainant, to the point they wanted nothing further to do with the matter. Also, the complaint may have been resolved very quickly had Dr. Kataria cooperated as there is a clear suggestion that the complaint may have arisen because of the delivery of the wrong kitten from the litter of similar looking kittens rather than an error in placing the microchip. It is not clear from the evidence who delivered the kitten to the complainant.

[12] The College argues that Dr. Kataria's conduct caused the College to dedicate scarce resources to a relatively minor matter and he delayed the processing of the complaint for more than a year. The College argues that instead of fulfilling his responsibility to cooperate in a simple matter, he sought production of irrelevant documents, brought "doomed-to-fail" motions and spent two days cross-examining the investigator on mostly irrelevant topics.

2. Submissions of Dr. Kataria

[13] Dr. Kataria denies any "wilful" disregard of his obligations to cooperate. He says that he responded to the College when he received notice of the complaint and advised that he was referring the matter to his lawyer. He provided his medical records when requested. He submits that once he understood that the College was moving forward with the complaint, he provided his full response to the questions posed by the College. He said he was not aware of all the correspondence between his counsel and the College.

[14] He also denies that his conduct caused significant delay. He argues that he was not aware of and did not contribute to the frustration of the complaint and that his conduct was not the sole cause of the delay. He points to the conduct of the College as a contributing factor to the frustration of the complainant and the delay in processing this matter.

[15] Dr. Kataria acknowledges he was aware of his obligation to respond and cooperate and denies he was trying to avoid his obligation and just claims he simply wanted to respond fully and accurately. He says part of the problem is that he was not “fully apprised” of where things were at between his counsel and the College.

[16] Dr. Kataria argues that a reprimand is unnecessary in all the circumstances. He says there is no need for any education on the bylaws and ethics of the College as he was aware of his responsibility at all relevant times and there is nothing that a reprimand or attending seminars would accomplish. He submits that he has already received consequences because of the publication of his name associated with this complaint on the College website and notes that disciplinary decisions are published prominently on the College website. He has also lost time from his practice and incurred legal expense.

3. Legal Framework

[17] The College submits that two recent decisions of the Discipline Committee address the factors relevant to penalty. The cases are: *Re Chaudhry, Panel Ruling on Penalty and Costs*, CVBC File No. 20-105(b) (December 20, 2024) (“*Chaudhry*”) and *Re Salhotra, Sanction and Costs Decision*, CVBC File No. 21-065(b) (March 17, 2025) (“*Salhotra*”). As the College points out in its written submission, those cases relied on the factors set out in *Law Society of British Columbia v Ogilvie*, [1999] LSBC 172 (“*Ogilvie*”) as consolidated in *Law Society of British Columbia v Dent*, [2016] LSBC 5 (“*Dent*”). The Panel in *Chaudhry* outlined the consolidated *Dent* factors as follows (at para 9).

[9] The above cases set out four general categories to be considered in determining an appropriate penalty. The factors are not in dispute between the parties and 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?

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?

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?

Public Confidence in the 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?

[18] The College submits that failing to cooperate with an investigation is a serious matter that undermines the ability of the regulator to properly govern the profession. The College argues that Dr. Kataria knew and understood his obligations and wilfully ignored them.

[19] The College alleges that Dr. Kataria continued his failure to cooperate for a prolonged period and while he sent his medical records to the College, he sent records for two kittens without any explanation of why he did so, suggesting that at a very early stage of the matter he was aware of the possibility that the wrong kitten had been delivered to the complainant. Had he provided an explanation at that time much of what transpired in this matter might have been avoided.

[20] The College argues that the failure of Dr. Kataria to cooperate is a serious matter and resulted in significant cost and delay to the College.

[21] The next factor for consideration is Dr. Kataria's professional conduct record and character. He is forty-nine years old, and he has no history of previous discipline matters with the College. He has been a registrant of the College for over fifteen years. His long discipline-free record is a positive factor in the consideration of the appropriate penalty.

[22] As to the issue of his acknowledgement of misconduct or remedial action, there is no evidence of an admission or acknowledgement of wrongdoing from Dr. Kataria. As the College points out in its submission, the absence of remorse or an acknowledgement of wrongdoing is not a basis for a harsher penalty, but if he had acknowledged wrongdoing or expressed remorse or regret for his conduct, that fact would be a mitigating factor.

[23] The College also notes that in the conduct of his defence, Dr. Kataria, through his counsel, alleged bias on the part of the investigator, Dr. Weinberger. We found no foundation whatsoever for that allegation. During the hearing, Dr. Kataria's counsel conducted what in our view was a largely unproductive cross-examination that lasted two days.

[24] Dr. Weinberger was clearly frustrated and offended by the tone of the cross-examination, particularly the underlying suggestion of bias. Dr. Kataria was present throughout that cross-examination and must be taken to have approved. While the conduct of a registrant's defence cannot be an aggravating factor in assessing a penalty, it does have relevance in the quantum of costs ordered.

[25] The final factor for consideration is the issue of public confidence in the profession and the disciplinary process. It is our view that Dr. Kataria's conduct in failing to cooperate clearly contributed to the long delay in this matter and to the frustration of the complainant. As we noted in our reasons on liability and, as noted by the College, on the facts of this matter, Dr. Kataria's cooperation may have resulted in an early resolution of the underlying complaint.

[26] The College submits that Dr. Kataria's conduct deserves sanction for the purpose of specific deterrence as well as general deterrence. It says that a clear message must be sent to all registrants that they must cooperate with an investigation into a complaint respecting their conduct.

[27] In our view, registrants must also clearly understand that the obligation is theirs and theirs alone. It is not an option to pass the matter on the counsel and leave it entirely in the hands of counsel with no follow up over several months. The ultimate responsibility and penalty, as well as costs are borne by the registrant and no one else.

4. Reprimand and Suspension

[28] The College notes that it is usual for a suspension to be ordered in cases of non-cooperation by a registrant. The Manitoba Court of Appeal upheld a suspension of four months in *Kuny* finding that “Failure to cooperate with an investigation is a serious matter which makes it impossible to determine if the complaint is substantiated or not.” (para 79).

[29] The College referred to several cases where suspensions were imposed. It says that the facts in *Re Gill*, 2021 ONPSDT 51, where a four-month suspension was imposed for a failure to cooperate over a period of 9 months is like the facts of this case. The College also referred to *College of Registered Nurses of British Columbia v. Cunningham*, 2017 BCCNM 4, where a three-month suspension was imposed, and *Re Luchkiw*, 2024 ONPSDT 4, where a six-month suspension was ordered. The College also noted that a one-month suspension was ordered in *Law Society of Upper Canada v. Ari Benjamin Kulidjian*, 2011 ONLDHP 6, even though the registrant signed an agreed statement of facts, admitted wrongdoing, expressed genuine remorse and was experiencing difficult personal circumstances at the time of the offence.

5. Decision on Penalty

[30] We find this to be a difficult case. Dr. Kataria has no prior history of discipline and is an experienced practitioner. The facts of the case, suggest that there is a possibility that Dr. Kataria did not do anything wrong. He was engaged in the process of neutering and microchipping kittens for a rescue society and if the wrong kitten was delivered to the complainant rather than the wrong microchip placed, it may be that the kittens were delivered by the rescue society and not Dr. Kataria.

[31] Further, while he admits that he was aware of his obligation to cooperate he turned the matter of the complaint over to his lawyer and relied on his counsel to take the necessary steps in the process. While he did not follow up with his counsel, we are of the view that the approach taken by Dr. Kataria’s counsel is at the root of this matter. Thus, we find it difficult to order a suspension of Dr. Kataria’s registration for conduct that largely consisted of relying on his counsel.

[32] We note that when he was asked by his counsel to produce information, he did so. We also note that he had prepared his response to the complaint long before it was provided to the

College. Nevertheless, we believe that for the most part, lawyers give advice *to* and take instructions *from* clients, and it must be emphasized that the ultimate responsibility for the outcome in this case, belongs to Dr. Kataria.

[33] As to the issue of a reprimand, we find that given the finding of liability in the discipline proceeding, it is neither necessary nor appropriate to order a reprimand. We consider a reprimand to be the first level of consequence in a finding of liability for a disciplinary offence, and we find a reprimand is not necessary or appropriate once a finding of professional misconduct has been made.

[34] In view of all the circumstances in this case, we are of the view that the proper approach given Dr. Kataria's previously clear discipline history is to limit the consequences in this matter to the costs we order him to pay and a direction for further education, rather than the professional sanctions of a reprimand and a suspension. For these reasons we decline to order a reprimand or a suspension of his registration with the College.

[35] The College also seeks an order that Dr. Kataria take the College education seminar on the Bylaws and Ethics seminar and pass the examination. While we believe Dr. Kataria was always aware of his obligations under the Bylaws, we believe it would be of benefit to him to refresh his knowledge in this area and we order that he take the Bylaw and Ethics seminar and pass the examination. It is not clear whether this seminar is online and available or if it is only offered at certain times. If it is online we direct that he complies with the order no later than May 31, 2026. If it is not online, we direct that Dr. Kataria comply with a direction of the College respecting the time for compliance.

[36] Our decision in this matter should not be taken as a signal that we do not view a registrant's failure to cooperate as a serious matter, our opinion is just the opposite. However, in the unique circumstances of this case, we find that a message sufficient to serve the purposes of specific and general deterrence can be delivered through an order for education along with the payment of costs.

6. Costs

[37] The College seeks an order that Dr. Kataria pay fifty per cent of \$102,541.56, being the total costs of the College. That amount is \$51,270.78, a significant amount of money for a registrant to pay. As the College notes, fifty per cent of the total costs is the maximum the law allows us to order.

[38] In its written submissions on penalty, the College set out a summary of the costs it claims. Upon a review of that summary we find the hourly rates charged, the steps taken, and the costs incurred to be reasonable and fair.

[39] The College argues that this proceeding became a “...multi-year odyssey involving meritless pre-hearing motions, repeated requests for irrelevant documents, and extensive hearing time devoted to irrelevant issues.” The College submits that Dr. Kataria’s conduct drove up costs for the College and other registrants whose fees support the College.

[40] Once again, much of the conduct the College refers to is likely the result of advice given by counsel and Dr. Kataria’s decision to follow that advice. In addition, we are reminded by counsel for Dr. Kataria that we must take a “balanced” approach to making an award of costs. As the College also notes, costs are not intended to be a punitive measure but rather to place responsibility for the costs of a proceeding proportionately heavier on the unsuccessful party.

[41] Although an award of costs is not to be treated as a penalty or a substitution for a penalty, the fact is that a significant award of costs will no doubt be seen as a penalty by a registrant who is ordered to pay. It is therefore one part of the constellation of orders that may be ordered in a disciplinary matter that must be viewed in its entirety.

[42] We believe that a balanced approach to costs requires a “stepped” approach and when an order is made respecting a registrant’s first disciplinary matter an award of costs should be less than the maximum allowable under the law. This is consistent with the approach taken by the Alberta Court of Appeal recently in *Charkhandeh v. College of Dental Surgeons*, 2025 ABCA 258.

[43] We find that an appropriate award of costs in this case is the amount of \$35,889.55 which represents thirty-five percent of the total costs incurred by the College. We allow Dr. Kataria six months to pay that amount.

7. Conclusion

[44] We direct that Dr. Kataria take and complete the Bylaw and Ethics seminar offered by the College and pass the examination. If online, we direct that Dr. Kataria complete the program and examination by May 31, 2026. If the course is not online, Dr. Kataria is to take and complete the program and examination at a time and place directed by the Registrar of the College.

[45] We order that Dr. Kataria pay to the College the sum of \$35,889.55 on account of costs by August 31, 2026.

[46] Pursuant to Section 61(6)(b)(ii) of the Act this Panel, having made an order under Section 61 of the Act, hereby notifies the Respondent that he has the right to appeal that order to the Supreme Court under s. 64 of the Act.

[47] The Panel directs the College to publish its decision as provided for in Section 68(1)(a) of the Act.

Keith Bracken

Keith Bracken, Chair

Allan Runnells

Dr. Allan Runnells

Rayna Gunvaldsen

Dr. Rayna Gunvaldsen