

**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**

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

**Clea Parfitt  
Andrew Gay, K.C.**

**Panel Members**

**Keith Bracken, Chair  
Dr. Carsten Bandt  
Dr. Teresa Cook**

**Date of Decision**

**March 3, 2026**

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**DECISION ON SANCTIONS AND COSTS**

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[1] On March 20, 2025, we released our decision respecting the above Citation. In that decision we found Dr. Bajwa had failed to comply with s. 52(3) of the Veterinarians Act, [SBC 2010] c. 15, (“the Act”) by failing to cooperate with an investigation into a complaint. We held that Dr. Bajwa breached the Act by failing or refusing to attend an interview as directed by the College Inspector and subsequently by the Investigation Committee. We found that Dr. Bajwa’s conduct violated the Act and the College’s *Professional Standard: Registrant Cooperation During Investigations and Accreditations* and constituted professional misconduct. This is our decision respecting the appropriate penalty.

[2] Dr. Bajwa submits that there is no need for a suspension or fine in these circumstances and any costs award should be limited by the principle of restraint. He also seeks time to pay any order for costs and that he be allowed to pay at the rate of \$2,000 per month.

### 1. Background of the Complaint

[3] The complaint at the root of this matter was that Dr. Bajwa allowed a non-veterinarian to treat the complainant's dog "Archie". The complaint was received on February 9, 2022.

[4] As part of the investigation into the complaint, the investigator appointed by the College asked Dr. Bajwa to attend for an interview respecting the complaint, however, Dr. Bajwa failed or refused to attend the interview. The Registrar of the College repeated the request and advised that Dr. Bajwa could have his counsel present and that any information obtained by the College would be used only for the purposes of dealing with the investigation into the complaint respecting Archie's treatment and for no other purpose. Dr. Bajwa never complied with the request.

### 2. Submissions of the College

[5] The College submits that the failure of a registrant to cooperate with an investigation of a complaint is a serious matter. *Kuny v. College of Registered Nurses of Manitoba*, 2017 MBCA 111 at para. 79. It argues that it is essential for effective self-regulation of professions that registrants comply with the requirement of cooperation in the investigation of complaints. The College submits that Dr. Bajwa's failure to cooperate caused significant delay of the investigation of the complaint and undermined the public interest.

[6] In its written submissions on penalty, Counsel for the College stated at paragraph 5:

The College submits that a registrant's non-cooperation with College investigations is a serious matter. 1 Self-governing professions cannot operate effectively and in the public interest without cooperation from their members. Effective self-regulation requires that members of the self-regulated professions fulfill their statutory and professional obligations, including the obligation to cooperate with investigations. The public interest demands that professionals be held to account when they fail to do so.

[7] The College argues that Dr. Bajwa's failure to cooperate caused a significant delay in the processing of the complaint. The College also notes that the underlying complaint, allowing unqualified employees to perform veterinary medicine is a serious matter.

[8] The College also referred to *Law Society of Ontario v. Diamond*, 2021 ONCA 255 at para. 66 where the court said:

The reputation of the legal profession rests on the public's confidence that self-regulation is taken seriously by the legal profession. This can only occur where the legal profession has hand effective and efficient tools by which to achieve accountability among its members. This is fundamental to the health and vibrancy of the legal profession.

[9] The College seeks a penalty comprised of a reprimand, a fine of \$1500 and a suspension of Dr. Bajwa's registration for a period which is the latter of five months from its commencement and the date on which Dr. Bajwa attends the interview that was originally requested by the College.

[10] The College also seeks an order that Dr. Bajwa pay 50% of \$123,132.54, which is the total cost incurred by the College in dealing with the complaint and the resulting hearings. Thus, the College seeks an order that Dr. Bajwa pay the sum of \$61,566.27 in addition to any penalty we order.

### 3. Submissions of Dr. Bajwa

[11] Dr. Bajwa is opposed to the penalties sought by the College. At the outset, we note that Dr. Bajwa's submissions contain material respecting his intentions and conduct in response to the complaint and the investigation conducted by the College. However, Dr. Bajwa did not give evidence at the hearing and there is no evidence of what Dr. Bajwa intended before the panel.

[12] Dr. Bajwa submits that much of his conduct in failing to cooperate with the investigation was justified because of his concern that any information provided to the College through his cooperation might compromise his position in other unrelated matters between him and the College. Once again, none of that evidence was before the panel at the hearing of the Citation.

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[13] Dr. Bajwa submits that in considering an appropriate penalty to impose in this matter, we must consider the objective of the Act to identify issues in a registrant's practice and to take steps to correct those issues rather than simply imposing a punishment. Dr. Bajwa says that a corrective and educative approach rather than a punitive approach is more effective and more consistent with the public interest.

[14] He also submits that there was no financial gain to the respondent that arose from his conduct and this was not a case involving dishonesty, breach of trust or any harm that resulted to a patient. Dr. Bajwa also argues that the College could have proceeded with a Citation without Dr. Bajwa's cooperation. He argues that the College has not provided any reason for not pursuing the investigation without Dr. Bajwa attending an interview and says that any delay in this matter resulted from the decisions of the College.

[15] Dr. Bajwa also says that his conduct was not such that it constituted a grave or severe matter. He also argues that he made his position clear to the College by way of correspondence from his counsel and submits that he took the position he did for "reasonable and good faith" reasons. He says the circumstances of this matter support a penalty at the lowest end of the scale.

[16] Dr. Bajwa also notes that he has already been impacted by this matter. He points out that the matter has been ongoing since December 2022, his name has been published on the College website, and he has incurred significant legal fees. His name will continue to be published in relation to this matter for an additional five years which will impact his professional reputation. In view of these factors, Dr. Bajwa submits that the consequences he has already experienced are sufficient and no further sanctions are necessary.

[17] Dr. Bajwa argues further that a reprimand is unnecessary because its only purpose is to confirm that the conduct at issue was unprofessional, and that has already been accomplished by the decision of the panel on liability. (See: *Charkhandeh 2025 (cite)*).

[18] He also submits that a suspension is unnecessarily harsh and the College has not identified any remedial purpose to warrant a suspension. He argues further that the College request for an order that he attend an interview respecting the complaint in this matter is inappropriate. He opposes the imposition of a fine as the College is also seeking a substantial payment of costs.

[19] He says that given the decision of the College to pursue the complaint respecting failure to cooperate, the College has chosen its remedy, and the College should not now be allowed to compel him to attend the interview.

[20] Finally, Dr. Bajwa argues any order for costs should be considered in accordance with the principles established by the Alberta Court of Appeal in *Charkhandeh 2025 ABCA 258*, and the panel should exercise considerable restraint if it makes any award of costs.

#### 4. Legal Framework

[21] The parties are not in serious disagreement respecting the factors relevant to the imposition of penalties in professional discipline cases. The *Act* provides authority to order a penalty in s. 61 and the power to award costs in s. 63.

[22] The College referred to two recent cases of the Discipline Committee that address the factors to be considered; *Re: Chaudry, Panel Ruling on Penalty and Costs*, CVBC File No. 20-105(b) (December 20, 2024) and *Re: Salhotra, Sanction and Costs Decision*, CVBC File 21-065(b) (March 17, 2025). In each case the panel relied on *The Law Society of British Columbia v. Ogilvie*, [1999] LSBC 172, and *Law Society of British Columbia v. Dent*, [2016] LSBC 5.

[23] In its written submission the College set out the relevant passages from *Dent* at paragraphs 20-23:

##### **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?

[24] The College argues that a registrant's failure to cooperate with an investigation is a form of misconduct that "harms the fabric of self-regulation as it undermines the ability of the regulator to properly govern the profession in the public interest".

[25] The College also submits that the allegation made by a member of the public that Dr. Bajwa was permitting non-veterinarians in his clinic to engage in the practice of veterinary medicine is a serious one with a strong public interest component.

[26] The College also points to the persistent nature of Dr. Bajwa's refusal to cooperate despite several opportunities to do so over a period of several months. The College submits that Dr. Bajwa is an experienced veterinarian who must be taken to know his obligations under the *Act* and Bylaws of the College.

[27] We agree with the College on this point and find that Dr. Bajwa's failure to cooperate with the investigation constituted a serious misconduct that prevented the investigator from finding the facts necessary to deal with the complaint from the public and contributed to the delay of the investigation.

[28] The next factor for consideration is Dr. Bajwa's character and professional conduct record. The College refers to three recent cases in which Dr. Bajwa has been found by a panel of the Discipline Committee to have engaged in professional misconduct. No penalty decisions have previously been issued. The College says that this is the second occasion of his failure to cooperate.

[29] However, Dr. Bajwa submits that this case is the first case in time that Dr. Bajwa has been found to have breached the *Act* and Bylaws and it should be treated as a first offence. He argues

that he had a good faith reason to act as he did and this case should be treated as a “stand-alone” case.

[30] The College also points to the fact that Dr. Bajwa claimed he was unable to attend a scheduled interview because of the effect of some dental work he had undergone that day. He did not explain the fact that his records indicate that on the same day he performed surgery at his clinic.

[31] We find that Dr. Bajwa was aware of his duty to cooperate with the investigation and chose not to cooperate. He also tried to impose conditions or limits on what he was prepared to do. However, we accept that to some extent at least, his conduct was based on reasons he had come to believe were legitimate rather than simple defiance of his professional obligations.

[32] The College also says that Dr. Bajwa has failed to show any acknowledgement or admission of misconduct, nor has he shown any remorse. The College does not seek any increased penalty; however, it argues we should not accept any submission of mitigation in the absence of an expression of remorse or regret.

[33] Finally, the College submits significant delay resulted from Dr. Bajwa’s conduct in this case. As was noted in our reasons on liability in this case, delay can result in members of the public losing confidence in the self-regulating authority of the College. As noted, the initial complaint was received by the College in February 2022 and the citation that resulted from the original complaint has still not proceeded to hearing. The College attributes this delay to Dr. Bajwa’s failure to cooperate with the investigation.

[34] However, Dr. Bajwa argues that there was no reason to delay the process of the original investigation while this matter proceeded, and he says he is not responsible for the resulting delay.

[35] While we confirm our view that delay does cause a loss of confidence in the complaint process, we agree that the College could have proceeded with the original citation on the evidence from the complainant and any other witnesses available, or, the allegation of non-cooperation could have been added to the original citation and the matters proceeded together. This is not to excuse Dr. Bajwa’s conduct but it does mitigate somewhat in the consideration of the penalty to be imposed.

[36] The College referred to several cases where penalties were imposed for non-cooperation by a registrant of a professional body. *Kuny v. College of Registered Nurses of Manitoba*, 2017 MBCA 111; *Re Gill*, 2021 ONPSDT 51; *Re Luchkiw*, 2024 ONPSDT 4; and *Reid v. College of Chiropractors of Ontario*, 2016 ONSC 1041.

[37] In those cases, penalties resulted in suspensions from practice from 4 months to 12 months. A fine of \$10,000 was also imposed in *Reid*.

[38] Section 61(2) of the *Act* establishes a framework for the penalties that may be imposed. The section provides that penalties may include a reprimand; the imposition of conditions or restrictions on the practice of a registrant; a suspension of the registrant's registration; cancellation of the registrant's registration and a fine.

[39] As noted above, the College seeks a reprimand, a suspension of five months and a fine. The College also seeks an order that Dr. Bajwa attend the interview that was requested by the Investigator in November 2022 and an extension of any suspension imposed until he has done so. The College also seeks a substantial order for costs.

#### 5. Penalties to be Imposed

[40] We do not believe it is appropriate at this late date to make an order that Dr. Bajwa attend for an interview on the original complaint. Nor do we agree that any suspension be extended until he does so.

[41] Further, we do not agree that a reprimand is necessary given our findings on professional misconduct. While it appears open to us to impose a reprimand in addition to the finding of misconduct, it is our view that a reprimand is intended to be a first step in the available penalties and once a finding of misconduct has been made, we find it is unnecessary to impose a reprimand as well.

[42] We do accept the College submission that a suspension is appropriate in these circumstances. We agree that a suspension is warranted on the grounds of both general and specific deterrence. It is a fundamental requirement that registrants cooperate with the investigation of a complaint. Failure to do so is contrary to the public interest. Dr. Bajwa was aware of the requirement to cooperate and failed to do so as required by the *Act* and the Bylaws of the College.

[43] It is our view that a suspension of four months is appropriate. We find that a suspension is necessary to properly reflect the seriousness of the conduct of Dr. Bajwa in failing to cooperate with the investigation. The suspension will commence on the date of release of these reasons and will end on the same date 4 months later.

## 6. Costs

[44] The College also seeks a costs award of \$61,566.27, being one half of the total costs incurred by the College in the amount of \$123,132.54. Dr. Bajwa argues that an order for costs is not appropriate, but if an order is made it should be a much smaller amount and that he be allowed time to pay.

[45] The College referred to *Re Chaudry (Penalty and Costs)* and *Re Salhotra (Sanction and Costs)*. The cases are clearly relevant to awards of costs in College discipline cases.

[46] These cases take a similar but not identical view of awarding costs. Both cases suggest that the proper approach is to determine the percentage of costs to be awarded up to the statutory limit of 50%. Secondly, the reasonableness of the costs incurred should be assessed at each stage of the proceedings. The appropriate percentage as determined by the panel is then applied to the total of costs found to be appropriate. In *Chaudry* the panel awarded 35% of the total reasonable costs and in *Salhotra*, the panel awarded 37.5%.

[47] Dr. Bajwa referred to the recent case of *Charkhandeh v. College of Dental Surgeons*. The case was heard by a panel of five judges. While not binding upon us, the decision is persuasive and must be carefully considered.

[48] The thrust of *Charkhandeh* is that a panel should conduct a careful analysis of the facts and circumstances of each case before deciding on the quantum of costs to be ordered. At para. 162 of the decision, the court said:

[162] It is problematic that the Hearing Tribunal simply ordered 75% of the costs incurred, without examining in any way the source of those costs. It does not appear the Hearing Tribunal had any breakdown of the costs at a level that would enable it to determine their reasonableness, and whether it was reasonable to pass some or all of them on to the appellant. The bulk of the costs were legal fees, but the Hearing Tribunal did not examine at all the basis on which those fees were charged.

[49] In its thorough analysis of the principles to be applied in assessing the quantum of costs, the court reviewed the factors to be considered. It noted that the list of factors can never be exhaustive and must depend on the facts and circumstances of each case.

[50] In *Charkhandeh*, the Alberta Court of Appeal reduced the award of costs from over \$429,000 to \$50,000, at least partly on the rationale that a costs order more than \$400,000 would impose a crushing burden on the registrant that he would not likely recover from. The Court made it clear that costs were not intended to be an additional punitive component to the outcome of disciplinary proceedings.

[51] In this case, the College is seeking an award of 50% of the costs it incurred. *Chaudry* states that the first step assessing costs sought by the College is to determine what proportion of the actual costs Dr. Bajwa should bear. Second, the panel should assess the reasonableness of the College's costs "pertaining to each step in the journey." *Chaudry* at paras. 60-61, *Salhotra* at paras. 77-79 and 117-118.

[52] In *Charkhandeh*, the court took a different approach, essentially reversing the order of the steps. At para. 146 the court said:

A tribunal should not make an "in gross" percentage award of costs without having a clear idea of what is included. Merely knowing the approximate quantum is not sufficient. While the tribunal need not know the details of every dollar spent, it must have a reasonable idea of the types of expenses that are included and make some assessment of whether those expenses were reasonably incurred. Otherwise, the tribunal cannot properly know if it is reasonable and proportionate to transfer any of those costs to the professional. The tribunal must not simply award a percentage of the expenses incurred without examining the reasonableness of those expenses at a more granular level.

[53] In its submission, beginning at para. 69, the College summarized the steps in the proceedings that it says are relevant to costs. In its summation, the College noted that the hearing was adjourned several times.

[54] There was an unsuccessful application by Dr. Bajwa seeking the recusal of the chair of the panel; a demand for additional document production that was made almost two months after the College disclosure and three days before the start of the adjourned hearing; and an application that the Citation had been unlawfully issued. The latter application was made both to the panel and the Investigation Committee, requiring the College to respond to both. All the applications were ultimately rejected.

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[55] The College argues that a considerable amount of time in this proceeding consisted of applications that were misconceived. We have already given our decisions in the applications, and we do not wish to comment further other than to say that Dr. Bajwa took a strong defensive approach to the proceeding, and we agree that approach clearly increased costs for the College and no doubt, also for Dr. Bajwa.

[56] The College submits that the proceeding was longer and more expensive than it should have been. It argues that the cross-examination of the College's witness Dr. Bergman could have been completed in one or two hours but in fact, took a day and a half.

[57] The conduct of the defence is a matter for counsel. We do not feel it appropriate to second-guess the conduct of Dr. Bajwa's defence, other than to say that it should be obvious that the longer and more complicated the proceeding becomes the more expensive it gets.

[58] The Act provides a mechanism to allocate the costs incurred in an appropriate manner. Section 63 of the Act provides authority to make an allocation of costs to the successful party, in this case, the College. The Act also provides a maximum percentage of 50% of the total costs incurred for the costs of the investigation and the discipline hearing, the remuneration of persons engaged to conduct the hearing and members of the Discipline Committee and for the cost of legal representation.

[59] The College argues that in this case, the maximum allowed of 50% of the total costs should be awarded. It submits that by the terms of the Act, the Legislature has already "balanced" the need for registrants to pay a fair portion of the costs by setting the 50% limit on the amount of costs for which a registrant may be found responsible. Thus, the College argues that the panel should not reduce that amount further by ordering a percentage payment less than 50%.

[60] The College further argues that the proceedings were far longer and more complicated than was necessary. The College says that Dr. Bajwa's defence to the allegations "was premised on an entirely misconceived view of the law and of his responsibility as a regulated professional." Counsel for the College argues that during Dr. Bajwa's conduct of his defence he took several steps that were rejected and had the effect of delaying and prolonging the hearing and directly led to an increase in costs.

[61] In its submissions, the College set out itemized list of the events the College alleges are relevant to its argument respecting its submissions for a maximum award of costs. The College also summarized the costs it incurred in conducting the proceeding. We find those costs to be fair and reasonable.

[62] We have carefully considered the submissions of counsel for the College and for Dr. Bajwa. We have also considered the prior decisions of other panels and the Alberta Court of Appeal. While we agree with the College submission that the length of this proceeding was largely driven by Dr. Bajwa's decisions in presenting his defence, we are not prepared to order the maximum percentage of costs.

[63] In reaching this conclusion we have considered the impact of a significant award of costs on an individual registrant. We also take note that, although there are other proceedings pending between Dr. Bajwa and the College, this is technically at least the first penalty decision.

[64] After a careful consideration of all the relevant factors in this case, it is our view that an order that Dr. Bajwa pay 37.5% of the total costs is appropriate order for costs in the circumstances of this case. Thus, we make an order that Dr. Bajwa pay to the College the amount of \$46,174.70.

[65] While Dr. Bajwa has requested time to pay at the rate of \$2,000.00 per month, we have little information about his ability to pay. Absent such information we are of the view that Dr. Bajwa should be allowed a period of 6 months from the date of these reasons to pay the costs we have ordered. If he needs more time, he may apply to extend the time to pay.

## 7. Conclusion

[66] We decline to order a reprimand or impose a fine. We order that Dr. Bajwa's registration be suspended for a period of four months commencing on the date of release of these reasons. We also order Dr. Bajwa to pay the sum of \$46,174.40 to the College. We allow six months from the date of the release of these reasons to pay.

[67] 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.

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

***Keith Bracken***

Mr. Keith Bracken

***Carsten Bandt***

Dr. Carsten Bandt

***Teresa Cook***

Dr. Teresa Cook