

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. JANICE POSNIKOFF

Decision on Sanctions and Costs

Sections 61(2) and 63

Counsel for the Respondent

Scott Nicholls

Counsel for the College

Allan L. Doolittle and Natasha E. John

Panel:

Carol Baird Ellan K.C., Chair

Dr. Al Runnells

Dr. Ian Welch

Decision Date

May 12, 2026

A. Overview

[1] This is a decision on sanctions and costs under Sections 61(2) and 63 of the *Veterinarians Act* after a finding that the Respondent breached Section 203(2) of the *CVBC Bylaws*, which requires that a registrant be courteous, respectful and professional in all dealings with clients and the public. The finding arises out of an incident involving the death of a horse on July 21, 2024.

[2] The Panel issued its breach finding (the “Liability Decision”) on July 16, 2025, following which the Panel sought submissions on the matter of sanctions and costs. After some time for the Respondent to obtain counsel, submissions were initially completed on December 5, 2025. The Panel sought further submissions on the issue of whether an apology was an available sanction

under Section 61(2), in light of the absence of any precedents under the Act. Those submissions were completed on April 24, 2026.

[3] The College seeks the following orders:

- a. a reprimand under Section 61(2)(a); and
- b. pursuant to s. 61(2)(b), at the Respondent's expense, four hours of R.A.C.E.¹-approved continuing education in the areas of empathy in end-of-life situations and professionalism and/or managing emotions in difficult situations, to be completed within six months of the date of the Panel's order and in addition to any other CVBC continuing education requirements; and
- c. Pursuant to s. 63(2), the Respondent pay the amount of \$45,337, which is 50% of the CVBC's costs, within 90 days of the date of the Panel's order.

[4] The Respondent in her submission agrees to complete four hours of RACE-approved continuing education in (only) empathy in end-of-life situations at her own expense, but proposes she have 12 months to do so and that it count towards her existing continuing education requirements. She also proposes that she bear none of the CVBC's costs, or at most, \$7,556.

[5] For the reasons that follow, the Panel has decided that the appropriate orders in this matter are those set out in Part D.

B. Actions Under Section 61(2)

[6] Section 61(2) sets out the sanctions that a panel may make after a finding of non-compliance or breach. These are: (a) reprimand; (b) impose limits or conditions on practice; (c) suspend registration; (d) cancel registration; or (e) impose a fine. Beyond those available options, the Act provides no guidance as to the principles to be applied in determining an appropriate set of sanctions.

[7] The College suggests that the Panel follow the framework for analysis adopted in the CVBC decisions of *Chaudhry*,² *Salhotra*,³ and *Bajwa*.⁴ Those decisions used headings for the relevant factors which come from a decision of the BC Law Society called *Dent*.⁵ The Respondent agrees that these decisions provide a helpful framework. The Panel has therefore adopted those headings, and will discuss the parties' submissions under the applicable headings.

¹ American Association of Veterinary State Boards, [Registry of Approved Continuing Education](#)

² *CVBC v. Chaudhry*, No. 20-105(b), Ruling on Penalty and Costs, December 20, 2024

³ *CVBC v. Salhotra*, No. 21-065(b), Decision on Sanction and Costs, March 17, 2025

⁴ *CVBC v. Bajwa*, No. 19-084, Decision on Sanction and Costs, September 29, 2025

⁵ *Law Society of British Columbia v. Dent*, 2016 LSBC 05

1. Nature, Gravity and Consequences of the Non-Compliance

[8] The Panel found that the Respondent behaved unprofessionally in her interactions with a group of individuals at the scene of the tragic sudden death of a horse. The Respondent was the first veterinarian called but the second on the scene, and she expressed displeasure at having attended unnecessarily and having to leave a foal that was in her care. The specific findings of the Panel were as follows:

[147] What we have distilled, in terms of established conduct, is that the Respondent displayed visible anger about having been called out unnecessarily to the incident, rebuked the Friend for not calling her back when the Primary Vet arrived, and complained about having to leave the ailing foal. While directing her remarks to the Friend and the Mother, her demeanour and displeasure were apparent to others present, including the Complainant and the Primary Vet.

[9] The Panel found that the conduct met the description of two kinds of Bylaw non-compliance: Sections 203(2), which requires courtesy, respect and professionalism in dealings with clients and members of the public; and 209(a), which requires that a registrant “uphold and advance the honour and dignity of the profession and promote its high standards of ethical conduct.” The Panel elected to enter a finding only on the single allegation under Section 203(2) in light of the fact that the incident involved a single transaction.

[10] In considering whether the conduct amounted to behaviour that required sanction, the Panel observed:

[161] Clearly ...there was nothing trivial about the entire set of events that transpired on July 21, 2021, for any of the participants. The animal’s death was a clear, traumatic, tragic accident, and it is very clear that the Respondent’s attendance, and perceived brusque or abrasive demeanour, far from helping, exacerbated the experience for all of the College witnesses.

[11] The Panel further observed that the Respondent had taken her personal frustrations out on clients she was expected to help.⁶

[12] In its submissions the College points out that the Panel characterized the misconduct as having “crossed the line” into discourtesy; entailing remarks and a demeanour that were “ill-considered and badly timed” and fell short of the obligation to uphold the honour and dignity of the profession. The College concedes, as advanced by the Respondent, that the behaviour did not amount to professional misconduct and was not egregious.

⁶ Liability Decision, para. 152

[13] The Respondent characterizes the misconduct as a minor, merely technical violation, and notes that no animals or persons were harmed. The College replies that the persons present experienced increased emotional anguish due to the Respondent's demeanour at what was already a deeply traumatic situation, and the misconduct therefore cannot be considered technical.

[14] The Panel's observes that the Respondent's breach of the relevant section was an overt action as opposed to a breach of non-compliance. While it took the Panel some thought to determine that the conduct crossed the line of professionalism, the Panel also found that the Respondent clearly aggravated the participants' experience of a dramatic tragedy, and as already stated, could not be considered trivial.

[15] In terms of a breach of the duty of disrespect, in the view of the Panel, this misconduct should be characterized as moderate, or medium, on the scale of seriousness. This accords with the College's submission that a "more moderate penalty" is appropriate, and less with the Respondent's suggestion of a "light penalty."

2. Character and Professional Conduct Record

[16] The parties agree that the lack of a discipline record is a mitigating factor for the Respondent, (or perhaps, more properly, the lack of an aggravating factor). Under this heading, the Panel also takes into account the history of the Respondent; firstly, as somewhat basically outlined in the materials provided by the College:

According to the College's records, the Respondent's birthday is November 27, 1969. She became a registrant of the College on January 26, 2021. She is a current registrant with a Full License in Private Practice, as reflected on the College's public register... The Respondent's registration status has been "Active" without interruption since January 26, 2021.⁷

[17] Secondly, the Respondent provided some background and personal context in her testimony, which we consider is properly taken into account under this heading as evidence of her character and personal circumstances.

[18] As Counsel have noted, the Panel commented in the Liability Decision:

[175] We have considered the Respondent's personal challenges at some length, and while we have not found that they amount to a full defence to her conduct on this occasion, we believe they may have relevance as mitigation in relation to the question of appropriate sanctions and costs. We will be inviting submissions on the next phase as to

⁷ Affidavit #1 of Darcie Light, November 14, 2025, para. 3

how the Respondent might be supported, in the measures available to the Panel, to face her challenges without permitting discourtesy and frustration to seep into her interpersonal interactions, and without succumbing to her admitted temptation to leave practice. We have gained the impression from the evidence in this matter that the Respondent is a skilled and competent equine emergency veterinarian with a considerable client base, and it seems likely her departure would be a significant blow to the equine community. We hasten to add that we have not yet heard submissions on sanctions, nor have we been informed of whether the Respondent has any disciplinary history.

[19] The Respondent submits that the Panel should now consider her personal challenges as a mitigating factor in assessing the appropriate penalty, relying on the decision of *Knight*.⁸ The College submits that the Respondent has not provided any evidence in support of her mental health challenges, and points out that the panel in *Knight* received medical evidence in support of their finding that the registrant's impaired judgement was a mitigating factor.

[20] In this matter, the Respondent testified in some depth about her personal challenges and emotional stressors. While the Panel did not find any impairment of the Respondent's judgement or capacity to understand her professional obligations, there is evidence to support not only the College's concession that she was having a "bad day," but that she was under considerable stress arising from the combined effect of her workload, the way in which she interpreted her work ethic, and what she perceived as changing public attitudes to equine veterinarian services.

[21] Sometimes, as in *Salhotra*, registrants will provide more by way of background in their sanctions submissions, but we consider that we have a fairly full picture of the Respondent's practice history from her fulsome testimony under oath. It is not a question of assessing a medical condition as much as taking into account the context of the Respondent's behaviour, particularly in order to address appropriate remedial measures. We consider the Respondent's personal circumstances to be a mitigating factor that supports a focus on available remedial programs over penalties.

3. Acknowledgement of Non-Compliance and Remedial Action

[22] The parties differ significantly on whether the Respondent has accepted responsibility for her conduct during the incident. The College submits that she has not acknowledged that she breached or fell short of professional standards, and that during the hearing she attempted to ascribe responsibility for her behaviour to the Complainant and others present.

[23] The Respondent submits that she has "not denied" the actions at issue in the matter, and was originally (and immediately) willing to enter into a remedial action by consent ("RAC")

⁸ *Knight (Re)*, 2021 LSBC 36

arrangement, accepting some of the sanctions now proposed by the College, although it did not complete due to a dispute as to costs. This aspect of the matter's history will be considered more fully under the analysis of costs; however, it is also necessary to consider it here because of the relevance it may have to the Respondent's acceptance of responsibility. Acknowledgement and remedial action already taken by a registrant can be good predictors of the likelihood of future compliance.

[24] In its Reply, the College takes the position that the Respondent has never admitted wrongdoing and that the breakdown of negotiations negates her acceptance of responsibility, particularly when considered in light of her testimony that she did not believe she had breached any of the Bylaws specified in the Citation.

[25] The Panel has some concerns that discussions about an RAC are arguably in the nature of settlement negotiations, and may, or perhaps should, be subject to privilege. Admissions made in that context, if they were made, would presumably be made on a without-prejudice basis. The content of the discussions and the fact that negotiations failed are therefore likely privileged and not admissible for proof of the Respondent's mindset, because the negotiations were made by her Counsel on her behalf, and because they were made for the purpose of settlement.

[26] In considering the content of the RAC discussions here, the Panel observes that it was the Respondent's Counsel that raised them as support for acceptance of responsibility, and so, setting aside the discussion below about Section 67(7), arguably the Respondent had waived privilege and it was not inappropriate for the College to reply with more detail about the context of those discussions.

[27] In this respect, the content of the RAC discussions becomes relevant here, and the situation may be compared with *Salhotra*,⁹ where the registrant also raised the issue of an RAC and the College responded with some detail about the terms of the registrant's rejection of the RAC proposal, which included a denial of wrongdoing. We are told, here, that discussions broke down over payment of the College's costs, and not a denial of responsibility. The parties were in the process of discussing the extent of the Respondent's responsibility and the wording of the post on the website when negotiations reached an impasse.

[28] Viewed in context, therefore, we consider that the content of the RAC discussions operate in favour of the Respondent, who was apparently willing to accept some level of responsibility for being discourteous, despite remaining unwilling to pay any portion of the College's costs.

⁹ *Salhotra, supra*, at paras. 44 – 47

[29] In relation to positions taken at the hearing itself, the panel in *Salhotra* observed that, “[d]ecisions relating to litigation tactics and arguments to raise at the hearing are based on legal advice and the right to defend oneself against allegations of professional deficiencies, and no matter how tenuous or pernicious they may be, our view is that they ought not to be relied upon to draw conclusions about the Respondent’s willingness to accept the eventual finding. ...however, they may be relevant to the assessment of costs.”¹⁰

[30] The Panel notes that in *Salhotra*, the registrant filed an affidavit acknowledging willingness to accept the findings of the panel. Here, the submissions characterize the Respondent as willing from the outset to accept responsibility, but do not directly address her response to the Panel’s findings. Overall, we accept that there is some degree of acceptance on the Respondent’s part of the nature of her conduct as amounting to breaches of the Bylaws. With the Liability Decision and the sanctions we intend to impose, we believe the Respondent will be encouraged to recognize the harm done and to refrain in future from similar discourtesy.

4. Public Confidence in the Profession and Disciplinary Process

[31] It was accepted in *Chaudhry* and *Salhotra* that this third factor relates to general and specific deterrence as well as to decisions in similar cases. In *Salhotra*, the College provided a survey of prior sanction decisions in support of general deterrence. It relied on the registrant’s continued deflection of responsibility in support of the need for specific deterrence, and advanced the Complainant’s motivations in bringing the complaint as relevant to matters of both public confidence and general deterrence. Here, the College submits that the Liability Decision serves some measure of general deterrence. While it points to the Respondent’s failure to accept responsibility as an indication of the need for specific deterrence, the College acknowledges that the incident was a single occasion of misconduct on a “bad day” for the Respondent, making sanctions centred on remediation and education appropriate.

[32] In relation to these factors, the Respondent points again to early acceptance of responsibility and submits that because the misconduct did not involve quality of care or delivery of services, there is no risk of undermining public confidence. The Respondent joins the College in submitting that the liability findings serve some measure of general deterrence by providing a message that such conduct will be regulated and decisions will be publicly posted. Counsel agree that the appropriate sanctions to address this factor are in the nature of remediation through continuing education.

[33] In relation to the message we perceived was required by the misconduct, the Panel stated as follows in the Liability Decision:

¹⁰ *Salhotra, supra*, at para. 33

[174] We consider it important that members of the profession be aware of the need to place clients' needs ahead of their own; particularly in sensitive situations such as this most unfortunate matter; and not to advance personal circumstances as justification for discourteous, disrespectful or unprofessional behaviour.

[34] Considering the Complainant's sentiments around pursuing the complaint, and setting aside her later reluctance to proceed in the face of delays by the College, the Panel notes that she directed the following remarks to the Respondent, in her initial email:¹¹

I hope you actually take this to heart and reconsider your actions... criticism is hard to take but you ruined [an] already traumatic experience for me, and trust me this isn't even close to the type of pain I felt, on top of your remarks that definitely impacted me to a worse state. I hope the next time you approach a situation like that you don't ruin it for someone else.

[35] As noted, in later correspondence, the Complainant indicated that she and the witnesses wanted to put the incident behind them, and did not want to pursue the complaint; however, as will be discussed in due course, the College did not have the option of declining to proceed, and the witnesses were ultimately required to attend the hearing and testify.

[36] The Panel's view is that the original motivation for the complaint engages a need for specific and general deterrence, and arguably, a measure of reparation. We accept that the Respondent's experience of undergoing a discipline hearing and a published outcome, along with the sanctions proposed by the College, will largely address the deterrence factors. However, as discussed in the next section, we had concerns about whether there also needed to be something more in the nature of acknowledgement to the Complainant of the effects of the Respondent's conduct on her, and whether, if that was our conclusion, it was open to us to impose that.

[37] The Respondent submits that a minor penalty is consistent with the *Dent* factors in this matter and accordingly that a reprimand is not required. She also submits that the education sanction should not be in addition to ongoing continuing education requirements. The College replies that to include the education term as part of the Respondent's existing professional requirements negates its character as a penalty.

[38] The Panel notes that a sanction requiring training or education is generally intended as a remedial or educative measure rather than a penalty, and we have already observed that Counsel appear to agree that remediation is required, and sufficient, here, as does the Panel. No fine is sought by the College, and in burdening the Respondent with additional fees for her own

¹¹ Liability Decision, para. 17

remediation, the Panel will need to also be mindful of the costs that will be ordered under the following section. The Panel is not convinced that in order to achieve general deterrence, an educative measure must in all cases be accompanied by the additional costs that will apply if it is above and beyond the registrant's ongoing education obligations. This reasoning has figured into the decision the Panel has made about whether to include the education terms in the Respondent's annual obligations, which we believe should happen in relation to one of the education terms we will impose, but not the other.

[39] In relation to the range of sanctions imposed in other cases, no similar cases were cited by Counsel, and the Panel considers it unnecessary to canvass outcomes in other matters, both because it is unlikely there are many similar decisions, and because the parties are not particularly far apart in relation to the outcome.

5. Apology

[40] Arising from the concerns about the availability of a sanction that might further address the harm caused to the Complainant, the Panel considered whether it might provide the Respondent with the option of an apology as an alternative to a reprimand. The matter had not been addressed in submissions and Counsel were asked for further submissions, which they kindly obliged.

[41] The Respondent takes the position that as a matter of jurisdiction, it is not open to a discipline panel to impose an apology; that it would not serve the "forward thinking" aim of sanctions available under the Act; and that in any event it would have little utility. Respondent's Counsel further states that the options provided for in Section 61(2) are exhaustive, and adds:

5. This limited grant of authority stands in deliberate contrast to s. 66 of the Act, which permits the Investigation Committee, in the consent context, to require broader and more individualized undertakings, including "any other action specified." The Legislature thus knew how to authorize expansive, personalized remedies where it intended to do so. It did not confer such open-ended authority on the Discipline Committee under s. 61(2). (References omitted.)

[42] The College agrees with the Respondent that an apology is not an available sanction under the Act, submitting as follows:

3. First, if such a requirement were imposed pursuant to s. 61(2)(b) as a limit or condition on the Respondent's practice of veterinary medicine, it would follow that a failure to meet that requirement would result in a limitation or prohibition on her practice of veterinary medicine. This potential outcome would be more serious than what the CVBC has sought and, in particular, more serious than a reprimand.

4. Second, as addressed by the Respondent, true and genuine apologies must be voluntary. An ordered apology would be meaningless for the Complainant and the others who were present and impacted by the Respondent's conduct for the same reasons the BC Civil Resolution Tribunal and the BC Human Rights Tribunal have respectively declined to order apologies.¹²
5. The CVBC is not aware of any authority from this discipline committee on this topic. Some other professional regulatory bodies have addressed this issue...

[43] The College points to several administrative tribunals whose websites preclude the option of an apology as a remedy for a complaint.

[44] With the kind assistance of Counsel, the Panel has reached the conclusion that an apology is not an option that is available under Section 61(2). We largely agree with both Counsel's submissions in this respect, that it is not included in the available sanctions as a limit or condition under Section 61(2)(b); that it is not consistent with the forward-looking aims of sanctions included in Section 61(2) and could amount to a form of penalty that is not provided for; and that in any event, it would serve little utility, as expressed in the Human Rights Tribunal and Civil Resolution Tribunal cases cited. The Panel is aware that cases decided under the *Police Act* have taken a different view¹³, but they rely on wording in that statute that is not present here.

[45] In addition, the Panel's interpretation of Section 61(2) is that it does not contemplate reparation to a complainant beyond the public interest considerations that otherwise arise in assessing the appropriate sanction from among those available.

[46] Accordingly, while the early offer of an apology could have served as a mitigating factor (and indeed, as we have commented, could potentially have resolved the matter), there is here simply the absence of that potentially mitigating feature.

[47] In submissions on the issue of an apology, the Respondent's Counsel for the first time raised a separate issue regarding the application of Section 67(7), which prohibits a panel from considering a registrant's rejected proposal for resolution, made under Section 67, in determining liability, sanctions, or costs. The Respondent's submission, at this stage, is that Section 67(7) supports a conclusion that discussions of remedial consent resolutions under Section 66 also should not be considered by a panel at a discipline proceeding. Counsel submits that the wording of Section 67(7) is clear: "the terms or history of a failed proposal cannot be relied upon to

¹² *Cha v. Hollyburn*, 20005 BCHRT 409 at para. 12; *The Owners, Strata Plan BCS 983 v. Law*, 2018 BCCRT 214 at para. 32.

¹³ <https://opcc.bc.ca/resources/discipline-decisions-digest/>

support sanction.” The Respondent submits that a similar limitation should be placed on failed discussions of an RAC resolution conducted under Section 66.

[48] The College responds by echoing the Respondent’s submission in paragraph 5 set out above, and submits that because Section 66 is silent as to a panel’s authority to consider resolution discussions conducted under that section, the legislators intended not to provide for it.

[49] The Respondent submits in reply that she should not be penalized for the fact that she declined to provide an apology as part of the RAC discussions, because it is not a remedy that the Panel can order, and was not an available sanction that could have been mandated by the Investigation Committee.

[50] We do not accept the Respondent’s submission that the Panel is prohibited from considering the RAC discussions, in this matter. Section 67 deals with a proposal made by a registrant that is rejected by the investigative committee or the discipline committee. As discussed above, it is reasonable that what essentially may amount to a without-prejudice admission not be used against the registrant, if it is not accepted; however, Section 66 pointedly does not contain that restriction, and as is the case in this matter, RAC discussions may have relevance both to accountability and to responsibility for costs. That is, these issues should at least be open for a panel to consider, in relation to Section 66.

[51] As we have pointed out, it was the Respondent who raised the RAC discussions in submissions before the Panel as an indication of acceptance of responsibility. We have observed that the RAC was ultimately rejected, or not accepted, by the Respondent. Those circumstances differentiate the situation from a proposal by a registrant that is rejected by the College. We also observe that Counsel for the Respondent and for the College initially made comprehensive submissions regarding the relevance of the remedial action discussions, and the Respondent raised the Section 67(7) objection only in her submissions regarding the apology issue.

[52] The issue of the RAC discussions is dealt with further below in relation to costs; however, it is sufficient here to observe that the Panel has concluded that the discussions broke down because of a dispute about costs, not over the issue of apology, and that in any event, the Panel agrees that it should not consider the Respondent’s failure to offer an apology as part of the RAC discussions, if that occurred, on the issue of sanctions. We have already observed that the failure to provide an apology is not an aggravating factor; rather, the absence of a mitigating one.

6. Conclusion

[53] In light of the above discussion of the relevant factors, the Panel characterizes this misconduct as moderate, or medium, on the scale of seriousness and need for sanction, in relation to conduct under the category of discourtesy. We are not satisfied that the single sanction

proposed by the Respondent will sufficiently bring home the effects of the Respondent's conduct on the Complainant, the others present, and the honour of the profession. We largely agree with the sanctions proposed by the College, with some adjustments and the addition of a course directed toward stress management.

[54] The measures we have set out in Part D below are therefore what we consider necessary to address the relevant factors and recognize the level of misconduct in the scheme of CVBC disciplinary regulation.

C. Costs and Disbursements [Section 63(2)]

[55] The College's actual costs in this matter are documented as \$93,570.05, but it has discounted those by \$2,638.75 for reasons discussed below. It claims 50% of the discounted figure, or \$45,337.

[56] The Respondent submits that none of the College's costs should be assessed against her, or in the alternative, at most 1/6 of 50%, or 8.33%, of the College's costs, a figure of \$7,556.

[57] The parties rely on the same three CVBC cases, *Chaudhry, Salhotra* and *Bajwa*, in relation to the assessment of costs. Those cases adopt a framework for considering the application of section 63(2) of the *Act*, derived from James T. Casey, *Regulation of the Professions in Canada*, Chapter 14.4. Professor Casey set out a list of ten factors (the "Casey Factors") to be considered in assessing a regulatory award for costs, which include those most heavily emphasized by the parties here: in the College's case, the reasons behind the litigation path (and therefore the costs of the proceeding), and, in the Respondent's case, the degree of the unsuccessful party's success.

[58] In *Salhotra*, the panel observed as follows:

Given the emphasis in recent cases on an assessment of each party's contribution to the length and cost of a proceeding, the area is fraught with blameworthy language and ostensible finger pointing, which if allowed to proliferate, this Panel fears could have a detrimental effect on public confidence in the profession's frugal use of its limited resources. Those considerations, however, are beyond the scope of a single panel's mandate, and we offer them only as a preface to our reluctance to rubber stamp what at first glance may appear to be exorbitant expenses.¹⁴

[59] This Panel is hopeful that as case law is developed under the *Act*, less may need to be said about the twists and turns of the litigation and what caused each particular procedural step. For instance, in light of the detailed analysis of the reasonableness of costs contained in the three

¹⁴ *Salhotra, supra*, at para. 75

cases cited here, and in the absence of argument challenging the hourly rates, hours spent, or personnel assigned, the Panel in this matter finds it necessary to perform only a cursory analysis of that aspect, considered under heading 6 below.

[60] We are also hopeful that a body of case law and foresight of the potential costs of litigation will encourage the College and registrants to arrive at consent resolutions in more matters than appears to be the case, at present. In the end, the panel in *Salhotra* found that registrants had some notice from existing regulatory cases of the magnitude of costs that could be awarded following an unsuccessful defence. By the same token, the College has the same notice in considering the merits of advancing a complaint through to completion of a disciplinary hearing, as opposed for instance to pursuing a consent resolution, where ultimately fairly nominal sanctions are being sought and the experience of being investigated may itself serve to bring home the existence or degree of the misconduct.

[61] The most contentious factor in assessing costs based on the parties' submissions is the relevance of the Respondent's rejection of the College's proposed RAC. That aspect will be assessed under the second heading below; however, the Panel observes that the Respondent agreed, in her testimony, that she was aware of the potential for costs to be assessed against her if she was unsuccessful at the hearing. We will add, as well, that while the matter of insurance has not been canvassed by the parties, and may be inadmissible as it is in assessing damages in a civil case, it arguably has relevance to the Casey Factor of the effect of costs on the profession. By the same token, the absence of evidence of the financial impact of a costs award on the Registrant, also a Casey Factor, means that the Panel is not in a position to find that she does not have some means to pay both her own costs and a portion of those of the College assessed against her. As those factors have not been addressed by Counsel other than an observation by the College that there is no evidence of the potential impact on the Respondent, they will also not be addressed further here.

[62] We turn to consider what we find to be the relevant factors for assessing a costs award in this matter, roughly adopting the factors prescribed by the prior cases, under a few consolidated headings.

1. Applicable Legislative Provisions and Case Law

[63] Section 63 of the *Act* and Section 302 of the Bylaws provide a cap of 50% as the portion of the "actual costs" of the successful party that may be assessed against the unsuccessful party. The panel in *Chaudhry* expressed the view that 50% should not be the default position and

should be “reserved for the most complex cases involving very serious misconduct.”¹⁵ In *Salhotra*, the panel observed that the cap may build in some of the *Casey* factors.

[64] The percentages applied in *Chaudhry*, *Salhotra* and *Bajwa* were 35%, 37.5% and 45%, respectively. In each of those cases, fault of one kind or another was found with the conduct of the defence. The Panel notes that each of those cases featured multiple applications and procedural tactics that the panels took into account in arriving at the applicable percentage.

[65] Since the Liability Decision was rendered, and after Counsel filed their initial submissions, two further decisions on sanctions and costs have been published on the CVBC website, *Bajwa* and *Kataria*,¹⁶ in which costs were assessed at 37.5% and 35% respectively.

[66] The College submits in this matter that the statutory cap takes account of fairness and proportionality, as a “reflection of the Legislature’s balancing of the need for disciplined registrants to shoulder the cost burden when they pursue matters unsuccessfully (rather than other members of the profession) and the need not to overly deter registrants from raising defences.”¹⁷

[67] The College cited a number of cases from other regulatory schemes which set out a range of costs that have been assessed in similar matters. These must be considered against the backdrop of the applicable legislation, including whether it includes a cap. Nonetheless, it serves to bracket a range of costs incurred by unsuccessful members of the various professions of between \$50,000 and slightly over \$100,000, in 2025 dollars. This range serves both as a yardstick and as notice to the parties of the potential cost to them of failing to settle.

2. Time and Expense of Investigation and Hearing and Parties’ Conduct

[68] The College relies most heavily on the combination of these two factors in advancing its claim for a full 50% of its costs. In doing so, it outlines the discussions between the College and the Respondent’s then counsel in relation to the proposed RAC. We adopt the College’s description of that discussion contained in its submissions at paragraphs 54 to 60, and its summary of those discussions, as follows:

62. It was clear from the parties’ discussions on the RAC that the CVBC was amenable to negotiating the content of the acknowledgments, public notifications, and undertakings, save for the payment of 50% of the investigation costs, which it requires in all cases.

¹⁵ *Chaudhry* at paragraph 78.

¹⁶ 2026-03-03 *CVBC v. Bajwa*, File No. 23-012, *Decision on Sanctions and Costs*; 2026-02-17 *CVBC v. Kataria*, File No. 20-064, *Decision on Sanctions and Costs*

¹⁷ CVBC Submission Re Sanctions and Costs, para. 46

[69] The Respondent's position as communicated by her Counsel was that costs were not appropriate, in part, because the "incident did not warrant a complaint or an investigation by the CVBC." The College submits that this position was "indicative of her consistent lack of acknowledgment of any wrongdoing and attempts to defer blame [to] the Complainant and others."

[70] In the Panel's view, this is the crux of the matter. Nothing that occurred in the hearing was attributable to significant unreasonableness on either party's part, except perhaps for the number of prehearing conferences necessitated by the Respondent's failure to respond to communications from the College, which likely did not add significantly to the costs. The College essentially concedes that the hearing was not unduly prolonged due to prolix applications and arguments made on behalf of the Respondent, like the proceedings in the three cases cited. This matter proceeded to hearing solely because the RAC fell through. The Respondent might question the College's decision to proceed to hearing in the face of the Complainant's reluctance to pursue her complaint; however, as will be seen, apart perhaps from events giving rise to loss of evidence, or making further efforts to pursue the RAC, it was not open to the College to decline to proceed.

[71] Before turning to that issue, we will consider the underpinnings of the failed settlement negotiations. In doing so, we are again mindful of the potentially privileged nature of those discussions; however, we consider it to be in the interests of the Respondent to canvass whether the analysis might provide any relief from a potentially onerous financial obligation, and also, as observed in relation to the discussion above of the admissibility of the RAC negotiations on the issue of sanctions, the parties have essentially waived any privilege that might apply by directly addressing the issue in their submissions.

[72] In relation to the Respondent's Counsel's challenge to the investigation costs on the basis that the matter did not "warrant a complaint or investigation," the Panel observed in the Liability Decision that the Respondent had failed to respond to the Complainant's initial email to her office. As a result, the Complainant wrote a further email to the Respondent's office a month later, indicating that she would be filing a complaint with the CVBC. The Panel expressed the sentiment that it was unfortunate the Respondent had not provided a response, with an apology, at that time. The Panel acknowledged that her motivation to do so was clouded by her mindset regarding the burden and treatment of equine veterinarians; however, the Panel observed that she was the professional in the situation, and concluded that it was likely that her decision not to provide a response was the "catalyst for the complaint."

[73] We note that the materials now filed by the College on sanctions and costs include a letter sent to the Respondent in April 2024 in which the College essentially accepted all of the Respondent's proposed terms except for the waiver of costs. After that, however, it appears that the Respondent elected to disengage with her counsel and ignore further communications from

the College. After a letter to the Respondent in July requesting a response by July 19, 2024, the next communication with the Respondent appears to have been a telephone conversation with a College paralegal in August 2024, in which the Respondent questioned her legal advice and said she was prepared to accept the consequences of failing to accept the RAC proposal. She apparently communicated no further with College personnel after that.

[74] The next event was a review by the Investigation Committee in September 2024, documenting the efforts to reach agreement and to communicate with the Respondent. Presumably the Investigation Committee decided at that meeting to issue the Citation. It was issued on April 8, 2025. There is no indication in the materials that the Respondent ever responded to the last communication from the College about the RAC.

[75] The Panel notes that the reason College personnel gave in the correspondence for not forgoing the costs assessment was that it was policy to require it. Whether or not that policy is always justified, the fact that an investigation occurred in this matter lay at the feet of the Respondent. It is important to note, as well, that failing completion of an RAC, the combined effect of Sections 57(1)(a) and 57(2) of the Act is that the Investigation Committee may only decline to proceed with a citation in certain limited situations, none of which applied here. There was no reasonable option for the College but to conduct the discipline hearing, in the absence of any response from the Respondent to its efforts to pursue the RAC.

[76] Thereafter it remained open to the Respondent under Section 67 to make a proposal for a consent order, which she apparently did not do. She may suggest that she was not properly advised of her options, but that is not supported by the materials, and she appears to have made a clear decision to represent herself, as noted by the Panel in the Liability Decision.

[77] In addition, in light of the content of the RAC discussions and the outcome of the hearing, it appears that the Respondent's decision to take the matter to hearing, if she indeed made that decision rather than simply permitting it to happen, was ill-advised. Given her level of acceptance of the fact pattern during the hearing, the Panel would expect that her advice, had she taken it, would consistently and reasonably only have been to accept the remedial action or enter a consent order; given that the only impasse was the costs provision, that the result of the hearing would likely be a breach finding, and that a hearing would increase the costs burden astronomically.

[78] In *Salhotra*, the panel stated:

Deciding to proceed to hearing in the face of a strong case might arguably justify a greater share of the expense of the proceeding. Conversely, while registrants found to have committed serious misconduct might be reasonably required to compensate for the natural costs of their transgressions, by the same token, they ought not to be discouraged

from mounting a reasonable defence in light of potentially serious consequences, particularly if there are legitimate challenges to proof of the breach.¹⁸

[79] In the view of the Panel, this factor, the time and expense of the hearing and the parties' conduct in relation to it, operates in favour of a higher share of the College's costs of the hearing being paid by the Respondent. At very least, this factor does not favour a reduction on the basis that the investigation was not warranted or the proceeding could have been avoided.

3. Mixed Success

[80] This is the factor upon which the Respondent bases her submission that she should bear no more than 1/6 of 50% of the College's costs. Although not fully articulated, presumably this calculation is derived from taking the single allegation on which a breach was registered and dividing it into the six Act and Bylaw provisions specified in the Citation.

[81] The Respondent submits as follows:

76. As the CVBC has not provided a breakdown associating costs to specific allegations made against the Respondent, it is impossible to attribute which costs the Respondent should bear under the Casey Factors.

77. Accordingly, barring the CVBC supplying a breakdown of which of the investigation costs, legal fees, disbursements, Panel honorariums, professional services and ILC were incurred for the sole purpose of determining whether the Respondent violated s.203(2) of the Bylaws, there is no valid justification for the Respondent bearing any portion of these costs, let alone 50% of these costs.

[82] This is a valiant argument without much in the way of merit, in the view of the Panel.

[83] The College responds as follows in its Reply:

38. There were not "six allegations". The "allegations" at issue in this proceeding were all set out in paragraph 1 of the Citation.

39. Paragraphs 2 and 3 of the Citation concern the legal determination of how the alleged conduct at paragraph 1 ought to be characterized – namely, whether it constitutes professional misconduct or conduct unbecoming, or non-compliance with any of several noted Bylaws. These are not additional allegations but rather potential "available findings" if the alleged conduct at paragraph 1 was proved.

¹⁸ *Salhotra, supra*, at para. 94

40. No additional costs flow from the fact that CVBC pursued several options for how the allegations could be characterized, nor is this what the Casey factors are intended to address in considering whether there is mixed success.
41. This is consistent with how panels of this discipline committee have addressed the “mixed success” factor in past decisions.

[84] The College goes on to point out that in *Chaudhry* and *Bajwa*, some of the allegations were ultimately not established, and the panels found that the pursuit of those aspects did not add considerably, or at all, to the length of the proceeding.

[85] The Panel observes, and agrees with the College, that the Citation in this matter pertains to a single incident alleged in paragraph 1 which the College sought to characterize as various types of misconduct in paragraphs 2 and 3. However, the degree of success should take into account that the incident was resolved as a single allegation of discourtesy contrary to Section 203(2) of the *Bylaws*, and not the more serious allegation of professional misconduct under Section 61 of the *Act*. Arguably, if the matter had proceeded because the College insisted on pursuing professional misconduct in the face of a potential resolution as discourtesy, a greater share of the costs of the hearing would lie at the feet of the College.

[86] In considering the effect of this mixed result, however, the RAC discussions between the parties again have some relevance, in the view of the Panel. Our interpretation of those discussions is that it would have been open to the Respondent to enter into a disposition very similar in nature to the result, a single finding of discourtesy, but that was rejected by the Respondent. Moreover, had the College elected to proceed on a single allegation under Section 203(2), it seems unlikely the path of the proceedings would have been much different.

[87] In any event, that is not what is submitted on the Respondent’s behalf. It is that there is no breakdown to divide the costs among the various legislative provisions and that because only one finding was registered, a formulaic approach should be taken. The Panel rejects this approach, and finds that this factor does not operate in favour of the Respondent paying a lower share of the College’s costs.

4. Additional Factors

[88] The Panel will consider the remaining Casey Factors under this single heading. Starting with the burden of costs on the profession and on the Respondent, these aspects are discussed to some extent above. In the absence of evidence on either aspect, with one exception, the Panel is unable to conclude that either of those two factors has much relevance in tipping the scale for or against a particular costs award. The exception, in our view, is the emotional state of the Respondent, as outlined above. We are of the view that there should be some recognition that the Respondent was labouring under apparently unmanaged personal stress at the time she was

making the decisions of whether to accept her lawyer's advice, represent herself, and proceed with the hearing.

[89] The Panel again recognizes the College's challenge on the basis that no medical evidence has been led; however, in light of the Respondent's testimony about her personal challenges, we are of the view that her decision not to accept the RAC, and thereafter to proceed with the hearing, must be considered in that context, and the consequences somewhat tempered to account for both her emotional condition, and the consequent unwise decision to proceed without her lawyer. The Panel recognizes, also, that this decision will have saved the Respondent her own legal costs, and perhaps the result of that is ultimately almost neutral. Nonetheless, the Panel considers these factors to be relevant and to operate in the Respondent's favour to some extent in assessing the costs award here.

[90] Another Casey Factor, the consideration of costs as a disincentive to defending allegations, is captured in the above passage from *Salhotra*, and in the Panel's view, is a lesser factor here.

[91] In relation to the impact of the other sanctions the Panel intends to impose, there is no financial consequence beyond the additional cost of four hours of continuing education above what the Respondent would otherwise pay for her annual education requirement. In the absence of evidence regarding her ability to pay or the source of the payment, and in light of the likely contrast between education costs and the legal costs applicable to the hearing, the Panel is unable to conclude that the sanctions will have much effect on the Respondent's ability to pay costs.

[92] As a final factor, the Panel will bear in mind that the Respondent should not be penalized more than once for what we have characterized as an ill-advised decision to defend against the allegations. The panel in *Salhotra* observed as follows:

In our view a panel needs to be wary of double counting in relation to defence tactics, and should import an assessment of overall fairness into the process. We are also reminded that in *Chaudhry*, despite similar conduct, the panel did not assess any additional costs for counsel's conduct.¹⁹

[93] This factor has more relevance where litigation tactics figure into the Casey analysis and also into the necessary assessment of overall reasonableness of the costs award, which we discuss below. In this matter, there are no defence counsel tactics to contend with, and we have observed that neither party unduly drew out the proceedings. Notably, there is no submission on

¹⁹ *Salhotra, supra*, at para. 116

the Respondent's behalf that any aspects of the proceeding, whether before the hearing or during it, were unnecessary or caused by unreasonable conduct on the part of the College.

[94] The final factor imported by the CVBC cases is one of fairness, which in this matter we consider to be subsumed into the analysis of the various factors that we have already conducted, particularly that relating to the impact of the Respondent's emotional state. As pointed out by the College, it is also arguably taken into account by the legislative cap.

5. Application of the Casey Factors

[95] The application of the Casey Factors in this case, in the view of the Panel, results in a finding that the Respondent should pay 35% of the College's costs. This finding is based on the following: 1) the findings in prior cases, and their relative complexity; 2) the Respondent's degree of responsibility for the length of the proceeding; and 3) the impact of the Respondent's emotional state on her decision-making and the fairness of the award.

6. Reasonableness of Costs

[96] The Respondent does not challenge the reasonableness of the various figures advanced by the College for the items specified under Section 63(2). The College performed its own analysis of them in its submission, and discounted one aspect, the cost of the investigation, by 50% in recognition of the inexperience of the investigator. Presumably the College used its own internal yardstick of comparing with other investigation costs. The College has also deducted the whole amount of legal fees of senior counsel (which looks to be about half an hour), and observes that the rates charged by the other two counsel were below market rate. Apart from that, the College asserts that the costs it claims, totalling \$60,166.12, are reasonable, and claims 50% of them, or \$30,083.06.

[97] The inclusion of a detailed reasonableness assessment comes from *Chaudhry*, and appears to arise from an exhaustive challenge brought by the respondent's counsel to each item of the costs advanced by the College. The applicable section of the Bylaws, Section 302(1)(b), imports reasonableness, and necessity, into claims for disbursements under paragraphs (ii) and (iii), but notably not into claims for legal fees under (i). That wording, coupled with the use of the term "actual" costs in Section 63(3)(b), arguably specifically precludes an assessment of the reasonableness of the costs of legal representation. Issues of privilege might suggest a conscious decision on the part of the legislators.

[98] Whatever might be said about that, the analysis of reasonableness of legal fees was performed in the three prior cases, in the face of challenges by the registrants. Again, there is no such challenge here, and as indicated above, as case law develops, and legal costs are laid out by the successful party for comparison with those in other cases, perhaps less analysis will be

entailed. It may be that the absence of submissions on the Respondent's behalf here acknowledges the reasonableness of the costs advanced.

[99] Out of an abundance of caution, the Panel has nonetheless compared the costs and fees incurred in this matter to those considered in the three prior CVBC matters, as the College has done. This comparison is set out below.

[100] The Panel firstly observes that there are slight differences in the categorization of costs as between the Act and the Bylaw. Section 63(2) of the Act provides for recovery of costs under three headings: (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. Section 63(3) defers to a "tariff of costs" established in bylaws under Section 18, and imposes the 50% cap.

[101] Section 302(1) of the Bylaw breaks down the costs that the Discipline Committee "can award" into specific headings: (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. There is no "tariff of costs" in relation to these items.

[102] There is discussion in the *Bajwa* decision of the cost per day of hearing as one measure of reasonableness of legal costs:

[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.

[103] As stated, the legal fees claimed in this matter were just over \$60,000, amounting to \$30,000 per day for the two days of hearings. As pointed out by the College, counsel were required to attend at four pre-hearing conferences due to the Respondent's failure to respond to correspondence from the College and those appearances would have added about the equivalent of half a day or perhaps a bit less to the time spent before the Panel. If that additional half day is factored in, the legal fees are closer to \$24,000 per day, which is in line with the fees charged in other CVBC cases.

[104] The difference between those legal fees and the total costs of the College, about \$30,000, is broken down into the (discounted) investigation fees of about \$2500, \$6800 for court reporting and hearing transcripts, some nominal amounts for disbursements, and the costs of the Panel. By comparison with those costs as detailed in *Bajwa*, all of these amounts are the same as, or less than amounts found to be reasonable in that case, which in turn considered amounts claimed in the other two CVBC cases. In the absence of a challenge on the basis of reasonableness, the Panel has no basis for finding other than these costs were all in the accepted range, and therefore reasonable.

[105] However, the Panel also notes that in some other cases where the cost of independent legal counsel to the panel has been challenged, the panel has decided not to include that expense. Presumably, the issue is whether that expense might be considered “reasonable and necessary professional services contracted for the purposes of the ... hearing” under Section 302(1)(iii) of the Bylaws. The matter was not raised in this matter, but was discussed at some length in *Salhotra*, where it was observed that in the absence of advice that engages Section 59(9), arguably the provision of independent counsel might not be considered “necessary.” In the interests of consistency and fairness, this Panel will follow that approach here.

7. Conclusion as to Costs

[106] The Panel’s conclusion is therefore that of the costs sought by the College, which it sets out in its submission, are reasonable, and that the Respondent will pay 35% of those costs. The costs claimed by the College in its submissions are broken down as follows:

- a. \$2,638.74 for investigation costs;
- b. \$60,166.12 for legal fees;
- c. \$7,420.26 for disbursements; and
- d. \$20,449.37 for Panel honorariums, professional services, less the cost of independent legal counsel (\$10,231.87) = \$10,217.50.

[107] The total amount for costs and disbursements claimed by the College that the Panel will allow is therefore \$80,442.62, and the portion of those that the Respondent is required to pay, at 35%, is therefore \$28,154.92. In the absence of submissions by the Respondent relating to time to pay, we assign a period of 90 days from the date on which the Respondent receives a copy of this Decision.

D. Orders

[108] The Orders the Panel makes in this matter are as follows:

1. The Respondent is reprimanded as follows:

You are hereby reprimanded for failing to be courteous, respectful and professional in your dealings with the Complainant and other persons present on

July 21, 2024 when you attended as a veterinarian to an equine euthanasia call and expressed anger and irritation at being called unnecessarily, thereby breaching Section 203(2) of Part 4 of the CVBC Bylaws.

Your breach of this provision caused additional grief to the Complainant and other persons present at a time when they deserved compassion from you rather than discourtesy, disrespect and unprofessionalism.

2. Pursuant to Section 61(2)(b), in addition to the Respondent's annual continuing professional development requirements, the Respondent is ordered to complete a total of 4 hours of RACE-approved continuing education, at her own expense, within 6 months of the date of delivery of this Decision to the Respondent, in the following areas:
 - i. Empathy in end-of-life situations; and
 - ii. Professionalism and/or managing emotions in difficult situations.
3. Pursuant to Section 61(2)(b), as part of her annual continuing professional development requirements, the Respondent is ordered to complete the course, *I'm Just Tired: Strategies for Preventing Burnout & Creating Momentum*, the details of which are available at: <https://learn.unchartedvet.com/courses/Strategies-for-Preventing-Burnout-andCreating-Momentum>, at her own expense and within 6 months of delivery of this Decision to the Respondent. If this specific course is not available, the Respondent may submit a similar course for approval by the Registrar.
4. Pursuant to Section 63(2), the Respondent is ordered to pay costs and disbursements in the total amount of \$28,154.92, within 90 days of delivery of a copy of this Decision to the Respondent.
5. Pursuant to Section 65(3), the Respondent is hereby notified of her right to appeal this Decision pursuant to Section 64 of the Act.
6. Pursuant to Sections 68(1) and (2), the Registrar is hereby directed to notify the public of this decision by posting a copy of it on the CVBC website after making any necessary redactions to address the requirements of the Act and Bylaws.

[109] The Panel hereby gives notice to the Respondent pursuant to Section 61(6)(b)(ii) of the Act of his right to appeal this decision to the Supreme Court of British Columbia under Section 64 of the Act. The Panel also directs the College Registrar to publish this decision as required under Section 68(1)(a) of the Act, after any appropriate redactions are applied.

Carol Baird Ellan

Carol Baird Ellan K.C.
Chair of the Panel

Al Runnells

Dr. Al Runnells

Ian Welch

Dr. Ian Welch