

WHAT'S NEW? RECENT REGULATORY CASES YOU SHOULD KNOW ABOUT

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Before we begin...

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- If listening by phone:
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Electronic Hearings

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- *Hearings in Tribunal Proceedings (Temporary Measures) Act, 2020*
- *Association of Professional Engineers v Rew, 2020 ONSC 2589*
 - Consent not required to proceed electronically
 - Loss of “courtroom dynamic” not sufficient
- *Kaushal v Vasudeva et al, 2021 ONSC 440*
 - Presence of unidentified individuals during electronic cross-examinations



Duty to Cooperate

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- *Law Society of Ontario v Diamond*, 2021 ONCA 255
 - Practitioner must act in good faith and be honest, open, and helpful to the regulator
 - Contrast with *Reid v College of Chiropractors of Ontario*, 2016 ONSC 1041 (Div Ct)
- Courts emphasize importance of cooperating with regulators in both investigations and assessments:
 - *Mirolo v College of Physicians and Surgeons of Newfoundland and Labrador*, 2021 NLSC 12
 - *Cusack v Law Society of Ontario*, 2019 ONSC 5015



Social Media

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- *Ontario (College of Physicians and Surgeons of Ontario) v Waddell*, 2020 ONCPSD 9
 - Unprofessional emails and Facebook posts
- *Complainant v College of Physicians and Surgeons of British Columbia (No 1)*, 2021 BCHPRB 48
 - Patient's posts put personal information into public domain
- *Ontario College of Teachers v Clark*, 2021 ONOCT 4
 - Inappropriate Facebook posts on personal account



Joint Submissions

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- *Timothy Edward Bradley v Ontario College of Teachers*, 2021 ONSC 2303
 - Confirmation from Divisional Court that the test from *R v Anthony-Cook* applies to disciplinary hearings
- Departing from joint submission is very rare, but it does happen:
 - *College of Physicians and Surgeons of Ontario v Young*, 2021 ONCPSD 12



Contact Us

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