

CHARTERED PROFESSIONAL ACCOUNTANTS OF ONTARIO
CHARTERED PROFESSIONAL ACCOUNTANTS OF ONTARIO ACT, 2017

B E T W E E N:

REGISTRAR, CHARTERED PROFESSIONAL ACCOUNTANTS OF ONTARIO

Applicant

- and -

J [REDACTED] H [REDACTED], CPA, CMA ONTARIO ID [REDACTED]

Respondent

NOTICE OF APPLICATION TO THE CAPACITY COMMITTEE

THE REGISTRAR OF THE CHARTERED PROFESSIONAL ACCOUNTANTS OF ONTARIO

is applying to the Capacity Committee to determine if J [REDACTED] H [REDACTED] ("Member") is incapacitated, as that term is defined in section 43 of the *Chartered Professional Accountants Act, 2017*, S.O. 2017, c.8, Sched. 3, at a date, time, and via a hearing method to be determined by the Capacity Committee.

THIS APPLICATION IS FOR:

- a) an order requiring the Member to undergo a medical or psychological examination;
- b) a determination of whether the Member is incapacitated; and
- c) if the Capacity Committee determines the Member is incapacitated, an appropriate order to protect the public interest, which could include an order: i) suspending [REDACTED] membership; ii) imposing restrictions or conditions on [REDACTED] right to practice as a

Chartered Professional Accountant; or iii) any order, other than revoking [REDACTED] membership, that the Registrar considers necessary to protect the public interest.

THE GROUNDS FOR the application are:

1. The Member has been a member of CPA Ontario since 2006.
2. [REDACTED] current status with CPA Ontario is active.
3. In 2022, CPA Ontario notified the Member that it was conducting a review of a complaint regarding [REDACTED] conduct in [REDACTED] workplace ("Complaint"). On October 12, 2022, the Member was asked to provide a written response to the allegations in the Complaint.
4. During the course of the review of the Complaint, the Member provided medical notes to CPA Ontario dated September 6, 2022, October 6, 2022, November 24, 2022, and December 19, 2022 which indicated the Member was unable to work. The Member also advised CPA Ontario that [REDACTED] was unable to respond to the allegations contained in the Complaint because of [REDACTED] health.
5. The Member then provided CPA Ontario with a medical note dated February 1, 2023 in which a physician indicated the Member's symptoms were significantly impacting [REDACTED] ability to produce a response to the Complaint. The Member provided a further medical note dated May 30, 2023, in which a physician indicated that [REDACTED] condition prevented [REDACTED] from responding to the allegations in a timely manner.
6. On July 12, 2023, the Professional Conduct Committee decided to refer the matter to the Registrar for consideration as a Potential Capacity Application, as provided in Regulation 16-1, and to defer the review of the Complaint pending a determination from the Registrar on the capacity referral.

7. In a letter dated November 24, 2023, the Registrar advised the Member that she was commencing an investigation into whether ■ was incapacitated, had appointed an investigator ("Investigator"), and ■ was required to co-operate with the investigation.
8. On January 30, 2024, the Investigator interviewed the Member and ■ told her that ■ had been diagnosed with, among other things, anxiety, depression and post-traumatic stress disorder. The Member also told the Investigator that ■ did not have the ability to respond to the Complaint because of ■ mental health issues.
9. On January 30, 2024, the Investigator sent the Member a Consent to Release Health Information form to sign so that she could get information from ■ treating health professionals about ■ health status. The Member did not sign the form and did not respond to any of the Investigator's communications thereafter. Since then, the Member has not provided consent to the Investigator to obtain ■ health information and has not otherwise co-operated with the investigation.
10. On October 23, 2024, the Registrar sent a letter to the Member, informing ■ that she had determined, pursuant to section 11 of Regulation 16-1 Capacity, to apply to the Capacity Committee to determine if ■ was incapacitated.
11. It is necessary to obtain the opinion of a physician in order to determine whether the Member is incapacitated, and, if so, to what extent, and to obtain relevant information regarding the medical and/or psychological issues affecting the Member.
12. The Applicant will bring a motion to obtain an order to require the Member to undergo a medical examination in the event the Capacity Committee does not order the Member to undergo a medical examination on its own.
13. Sections 43-46 of the *Chartered Professional Accountants of Ontario Act, 2017*, S.O. 2017 c.8, Sched.3.

14. By-law of CPA Ontario.

15. Regulation 16-1: Capacity.

16. *Statutory Powers Procedures Act*, R.S.O. 1990, Chapter S.22

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the application:

1. The affidavit of C [REDACTED] G [REDACTED] sworn October 29, 2024.
2. The documents required by Rule 10.01(1)(a) of the Rules of Practice and Procedure.

Date: October 29, 2024

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TO: J [REDACTED] H [REDACTED] CPA, CMA

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Respondent in the Application