

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

**CAPACITY COMMITTEE**

**IN THE MATTER OF:** An application by the Registrar, CPA Ontario, to the Capacity Committee to determine if J [REDACTED] G [REDACTED] is incapacitated as defined in section 43 of the *Chartered Professional Accountants of Ontario Act, 2017*, under Regulation 16-1: Capacity.

**BETWEEN:**

Chartered Professional Accountants of Ontario  
Registrar

-and-

J [REDACTED] G [REDACTED]

**APPEARANCES:**

**For the Registrar:** Karen Jones and Karim Karsan, Counsel

**For J [REDACTED] G [REDACTED]:**  
February 3, 2025: Present and Self-Represented  
June 5, 2025: Present and Self-Represented  
July 22, 2025: Not Present and Not Represented

**Heard:** February 3, June 5 and July 22, 2025

**Decision and Order effective:** July 22, 2025

**Release of written reasons:** September 9, 2025

**REASONS FOR THE DECISION ON J [REDACTED] G [REDACTED]'S MOTION FOR DISCLOSURE,  
FINDING OF PROCEDURAL MISCONDUCT AND STAY OF PROCEEDINGS**

**I. OVERVIEW**

- [1] On July 26, 2024, the Registrar applied to the Capacity Committee seeking a determination as to whether J [REDACTED] G [REDACTED] ("Member"), a member of CPA Ontario, is incapacitated.
- [2] Prior to the hearing of the Registrar's application, the Member brought a motion seeking further disclosure related to all CPA Ontario investigations and proceedings against the Member; a declaration of procedural misconduct on the part of CPA Ontario, and a stay or dismissal of all CPA Ontario proceedings related to the Member

(“the Member’s Motion”).

- [3] The Member brought three requests for an adjournment of ■■■ motion all of which were opposed by the Registrar. The first two requests were granted. On June 5, 2025, the date the second adjournment request was granted, the Panel ordered that the Member’s Motion be heard on July 22, 2025, and marked the date as peremptory.
- [4] On July 18, 2025, the Member submitted a written request that the scheduled motion date of July 22, 2025 be adjourned. The Member was advised that ■■■ request for an adjournment would have to be brought before the Panel on ■■■ Motion date. The Member did not appear to argue ■■■ adjournment request. After considering the Member’s written communications, and the submissions of the Registrar, the Member’s request for an adjournment of ■■■ motion was denied.
- [5] Given that the Member did not attend the hearing of ■■■ motion on July 22, 2025, pursuant to Rule 13.05(2) of CPA Ontario’s [Rules of Practice and Procedure](#), the Member’s Motion was deemed to have been abandoned and was dismissed by the Panel.

## II. PRELIMINARY MATTERS

### *Background*

- [6] On October 2, 2024, a Notice of Application to the Capacity Committee dated July 26, 2024 was filed by the Registrar with the Tribunals Office in which the Registrar. The Registrar requested that the Capacity Committee determine if the Member is incapacitated, and if so, make an order requiring the Member to undergo a medical or psychological examination, and an appropriate order to protect the public interest.
- [7] On October 24, 2024, the Registrar provided the Member with disclosure relating to the capacity proceeding.
- [8] Following a pre-hearing conference on December 9, 2024, a date of February 3, 2025 was set to hear a motion brought by the Member prior to the hearing of the capacity application. The parties were given deadlines by which their motion materials were to be filed.
- [9] On January 13, 2025, the Member filed ■■■ materials in support of ■■■ motion, including a Notice of Motion. The Member asked that the Panel find that ■■■ had not received full disclosure and that ■■■ had been denied procedural fairness. The Member also asked that the Panel stay the proceedings.
- [10] On January 21, 2025, further disclosure was provided to the Member by the Registrar. Counsel for the Registrar described the materials as mostly being comprised of documents the Member would have received previously, or which had been referred to in previous disclosure. The Registrar also included copies of correspondence from the Member ■■■■■ to CPA Ontario or the Registrar in the interests of providing full disclosure.
- [11] On January 22, 2025, the Registrar filed their factum and responding motion record containing supporting materials responding to the Member’s Motion. The Registrar took the position that the Member had already been provided with the disclosure

relevant to the capacity application and the documents being sought by the Member were not relevant to the capacity application. The Registrar also argued that the Member was seeking documents related to other ongoing proceedings related to other matters and proceedings outside the jurisdiction of the Capacity Committee. Finally, the Registrar took the position that the Member had failed to establish any tenable allegation of procedural unfairness or abuse of process. It was the position of the Registrar that there was no basis for the Capacity Committee to make any of the findings or orders requested by the Member and asked that the Member's Motion be dismissed.

- [12] The Member was to have filed ■■■ reply, if any, to the Registrar's motion materials by January 24, 2025. The Member did not file any reply materials before the motion date.

*First Adjournment of Member's Motion Date Granted*

- [13] On January 27, 2025, the Member wrote to the Tribunals Office requesting an adjournment of the February 3, 2025 date for the hearing of ■■■ motion (Exhibit 1). The Member requested that the motion be adjourned for 120 days so that ■■■ could thoroughly review disclosure, obtain and consult with legal counsel and prepare a comprehensive response addressing procedural and substantive concerns ■■■ had raised in ■■■ letter.

- [14] As the Registrar did not consent to the adjournment request, the parties were required to argue the adjournment request before the Panel on February 3, 2025.

- [15] The parties appeared before the Panel on February 3, 2025. Before proceeding with the Member's Motion, the Member confirmed that ■■■ still wanted a 120-day adjournment of ■■■ motion.

- [16] The Registrar objected to the Member's adjournment request. Addressing the merits of the Member's adjournment request, the Registrar argued that the Panel did not have the requisite jurisdiction to grant disclosure as requested by the Member. The Registrar took the position that the Capacity Committee does not have jurisdiction to order the disclosure sought by the Member, namely all documents, correspondence, evidence and materials relating to all investigations and ongoing proceedings involving the Member. Counsel for the Registrar advised that initial disclosure had been provided in October of 2024 and that the disclosure recently provided on January 21, 2025 amounted to 75 pages and contained a handful of new documents which the Registrar considered relevant and non privileged. With respect to the Member's position that ■■■ needed sufficient time to review disclosure, Registrar's counsel also advised that many of the documents recently disclosed amounted to a reiteration of information found in documents already in the Member's possession. In response to the Member's position that ■■■ needed more time to retain and consult with counsel, the Registrar took the position that the Member had legal counsel in the past and had sufficient time to retain counsel for ■■■ Motion. Finally, it was the Registrar's position that the Panel had a full record before it to consider the Member's Motion and that granting the adjournment was not in the public interest as it would further delay the determination as to whether the Member is capable of fulfilling ■■■ obligations to CPA Ontario and to the public.

- [17] In response to the arguments raised by the Registrar, the Member took the position this was ■■■ first adjournment request of ■■■ motion hearing date. ■■■ explained why ■■■ believed the documents relating to conduct proceedings, which ■■■ was seeking, were relevant to ■■■ ability to make full answer and defence. ■■■ outlined ■■■ allegations of procedural unfairness. The Member advised that ■■■ had been “locked out” of the disclosure “envelope” created by counsel for the Registrar since the late fall of 2024, being only able to access it seven or eight days before the motion date. ■■■ also advised ■■■ had not had time to properly review the disclosed documents. The Member confirmed that ■■■ had not considered the Registrar’s argument as set out in their responding materials that the Panel did not have jurisdiction to grant some of the remedies sought by the Member. The Member informed the Panel that ■■■ had retained counsel for advice but that ■■■ was not putting counsel on the record.
- [18] After carefully considering the submissions of both parties and the factors found in Rule 14.03 of CPA Ontario’s *Rules of Practice and Procedure*, the Panel granted the Member’s request to adjourn ■■■ motion.
- [19] In coming to its determination, the Panel found that this was the Member’s first request for an adjournment of ■■■ motion hearing date. The Member had largely complied with the filing requirements, filing ■■■ motion materials on January 13, 2025. After the Member filed ■■■ motion materials, the Registrar provided further disclosure on January 21, 2025. The Registrar filed their responding materials on January 22, 2025. The Member was to have filed ■■■ reply, if any, by January 24, 2025. The Member submitted, and the Panel accepted, that ■■■ did not have sufficient time to review the disclosure, determine if any disclosure remained outstanding, and provide submissions in response to the Registrar’s responding submissions. The Panel noted that without sufficient time to review the disclosure provided, the Member would not be able to determine whether any further disclosure remained outstanding. This review could impact the Member’s decision as to whether to continue with ■■■ motion regarding disclosure. The adjournment would also provide the Member with time to provide any reply to the Registrar’s submissions and provide a list identifying outstanding disclosure and its relevance which would assist the Panel when considering the Member’s Motion.
- [20] With regard to the length of the adjournment request, the Member had requested 120 days, arguing that ■■■ had significant work commitments to address at this time of year. The Panel noted that the capacity application was filed in October 2024 and that it was in the interest of the public, and in the Member’s interest, to address that application in a timely fashion. It was and is incumbent on the Member to prioritize the capacity proceedings. In order to properly balance the requirement for a fair hearing with the public interest, the Panel determined that a two-month adjournment would provide the Member sufficient time to complete ■■■ review of the disclosed documents, advise whether there was further relevant disclosure to be provided, and respond to the submissions filed by the Registrar on January 22, 2025.
- [21] The Panel canvassed the availability of the parties for a date upon which the Member’s Motion would be argued. While the Registrar was able to confirm their availability, the Member advised that ■■■ was not in a position to confirm dates because ■■■ had a

matter scheduled in court around the same time but ■ could not reach the court to confirm the date. The parties were asked to hold three dates, namely April 7, 10, 11, 2025 for the hearing of the Member's Motion and the Member was ordered to confirm ■ availability by February 7, 2025.

- [22] In order to ensure the timely exchange of materials between the parties, the Panel proposed a series of deadlines. It was agreed that the Member would provide a list of relevant disclosure that ■ was seeking by February 18, 2025. The Member was to provide ■ reply submissions, if any, to the Registrar's submissions dated January 22, 2025 by March 5, 2025. The Registrar was to file sur-reply, if any, by March 14, 2025.
- [23] During the course of the morning's discussions, counsel for the Registrar noted what appeared to be duplication in the Member's filings. It was proposed that Independent Legal Counsel (ILC) to the Panel review the filings of both parties in order to address duplication concerns and ensure efficiency during the hearing of the Member's Motion.
- [24] On February 13, 2025, the findings of ILC regarding the duplication of materials filed by the parties and a proposed means of proceeding was sent to the parties. The parties were asked to provide their position on the findings and proposal by April 1, 2025.

#### *Rescheduling of Member's Motion Date*

- [25] The Member did not provide ■ availability to argue ■ motion by February 7, 2025, as ordered. On February 11 and 18, 2025, the Tribunals Office reached out to the parties and requested the Member provide ■ availability regarding the three proposed dates for the hearing of ■ motion. In the February 18, 2025 email, the Member was advised that the Tribunals Office would proceed to schedule the hearing date without ■ input if ■ did not provide ■ availability by the end of the day. The Member filed ■ list of outstanding disclosure which ■ believed was relevant that day. The Member also sent a number of documents to the Tribunals Office that day in which ■ raised a series of complaints and demanded a meeting with counsel for the Registrar and the Chair of the Panel. The Member did not confirm ■ availability for the proposed hearing dates (Exhibit 2).
- [26] On February 19, 2025, the Tribunals Office wrote to the parties confirming receipt of the Member's disclosure list and advising that the date to hear the Member's Motion was scheduled to proceed on April 10, 2025 at 9:30 a.m. electronically (by videoconference) (Exhibit 2).
- [27] On February 20 and 21, 2025, the Member wrote to the Tribunals Office questioning the scheduling of the hearing date and the authority of the Panel and the Tribunals Office to make "rulings, book proceedings, or schedule hearing dates". The Tribunals Office responded to both communications, providing explanations regarding the scheduling process and inviting the Member to raise any of the concerns set out in ■ correspondence with the Panel on April 10, 2025. The Member continued to raise objections regarding the scheduling of the hearing date in emails sent on February 26, 2025 (Exhibit 2).
- [28] On March 5, 2025, the Member filed ■ reply submissions. Counsel for the Registrar advised that sur-reply would not be filed. According to the correspondence found in Exhibit 2, on March 5, 10, 13, 14, 19 and 20, 2025, the Member sent emails and

- materials to the Tribunals Office setting out, amongst other issues, ■■■ concerns regarding the scheduling of the April motion date, procedural fairness and allegations of procedural misconduct. The Tribunals Office responded to ■■■ inquiries regarding the scheduling of the motion date and directed the Member to address all other concerns with the Panel on the next appearance (Exhibit 2).
- [29] On April 3, 2025, the Member wrote to the Tribunals Office requesting an adjournment of the motion date based on medical concerns. ■■■ did not specify the length of the adjournment ■■■ was seeking. In support of ■■■ request, the Member provided a letter from ■■■ physician dated April 2, 2025 (Exhibit 2).
- [30] On April 7, 2025, before counsel for the Registrar could provide the Registrar's position on the adjournment request, the Tribunals Office rescheduled the motion date of April 10, 2025 due to unforeseen and unrelated circumstances. The Tribunals Office noted that the rescheduling of the motion date was not due to the Member's request for an adjournment (Exhibit 2).
- [31] A number of dates in May and June 2025 were offered for the hearing of the Member's Motion, and the parties were asked to provide their availability to argue the motion by April 11, 2025. Counsel for the Registrar provided the Registrar's availability on April 8, 2025. The Member did not provide ■■■ availability by April 11, 2025. In an email dated April 15, 2025, the Tribunals office reminded the Member to provide ■■■ availability, and provided an extension to April 16, 2025 to do so.. Despite the reminder and extension, the Member did not provide ■■■ availability. On April 24, 2025, the Tribunals Office wrote to the parties advising that the Member's Motion had been rescheduled to June 5, 2025 at 9:30 a.m. and was to proceed electronically (by videoconference) (Exhibit 2).

#### *Second Adjournment of Member's Motion Date Granted*

- [32] On April 25, 2025, the Member initially declined the motion date invitation sent by the Tribunals Office and later marked ■■■ attendance as tentative, raising a number of objections regarding the scheduling of ■■■ motion date. ■■■ alleged that ■■■ had not received a Notice of Motion or any motion materials, complained that the hearing had been scheduled without consultation and took the position that "the proposed hearing was procedurally invalid and unauthorized". ■■■ also advised ■■■ had conflicting matters scheduled on the same date, which ■■■ claimed ■■■ had previously advised of. ■■■ indicated ■■■ would be proceeding "on my own motion to confirm my filings and correct the record" although ■■■ filed no materials and provided no proposed date for ■■■ motion. In this email, the Member did not request an adjournment of ■■■ motion date (Exhibit 2).
- [33] The Tribunals Office responded that same day reminding the Member that ■■■ had brought the preliminary motion for further disclosure and that it was ■■■ motion that was to be heard on June 5, 2025. The Member was reminded that if ■■■ did not appear on the motion date, ■■■ motion may be deemed abandoned by the Panel pursuant to Rule 13.05(2) of the *Rules of Practice and Procedure* (Exhibit 2).
- [34] On June 5, 2025, at 9:22 a.m. the Member wrote to the Tribunals Office raising concerns regarding the presence of "several people from CPA" who were in

- attendance at the hearing. The Member complained that the presence of these people was in violation of the Rules and that their presence had not been disclosed to ■■■. When the hearing commenced at 9:30 a.m., the Member did not appear, and the matter was held down to see if the Member would attend. An email was sent by the Tribunals Office to the Member advising ■■■ that the proceeding was being held down for 30 minutes, until approximately 10:05 a.m., to allow for the Member's attendance. The Tribunals Office included the Zoom link to the hearing in its email. The Member responded advising ■■■ was willing to attend for 30 minutes only if the Tribunal provided information regarding the identities of those attending the motion and responding to ■■■ request for a meeting with the Chair of the Panel and counsel for the Registrar made on February 3, 2025 (Exhibit 2).
- [35] The hearing resumed at 10:30 a.m. with the Member in attendance. The Member initially advised ■■■ did not understand the purpose of the appearance. The purpose of the proceedings were reviewed with the Member who maintained that the motion date had been set over ■■■ objections. The Member referenced two medical notes dated April 3 and 28, 2025 in support of ■■■ objections over proceeding on the motion date of June 5, 2025. The medical notes were not filed by the Member, although counsel for the Registrar confirmed that the Member had provided a note from ■■■ physician dated April 2, 2025 which had been sent to the Tribunals Office on April 3, 2025 by the Member in support of ■■■ previous request for the adjournment of the April 10 motion date. The Member advised the Panel ■■■ was unable to proceed with the motion before the end of June but would be prepared to address the motion in July.
- [36] The Registrar objected to the Member's request for an adjournment, noting that this was not the first time such a request had been made. The Registrar argued that the basis of the Member's adjournment appeared to be that ■■■ was too busy to address the motion in June. The Registrar noted that both parties had filed the materials in support of and in reply to the Member's Motion and that the motion should be heard as scheduled. It was the Registrar's position that if the Member was not ready to proceed with ■■■ motion, it ought to be dismissed.
- [37] As a number of email exchanges between the Member, the Tribunals Office and the Registrar had been referenced by the parties on the record, it was ultimately proposed and agreed that counsel for the Registrar would compile and provide a copy of the correspondence referenced for the Panel to assist in its determination as to whether the Member's request for an adjournment should be granted. These documents would later be filed as Exhibit 2.
- [38] The Member was invited to provide any further materials ■■■ wished to rely upon in support of ■■■ request for an adjournment. At 11:23 a.m., the Panel recessed for the lunch hour and to allow counsel for the Registrar to compile the emails setting out the history of the matter. It was proposed the parties return at 1:30 p.m. In response to the Member's comment that ■■■ was "going back to work" and was "done for the day", the Panel made it clear that the Member's adjournment request would be considered after the recess and if the request was denied, ■■■ motion would be considered that afternoon.
- [39] The proceeding resumed at 2:07 p.m. The Member did not appear. Over the recess,

- the Member sent an email addressed to the Capacity Committee and a number of others advising that the Member did not intend to appear and that ■ objected to the matter proceeding that day. The Registrar argued that despite the Member's absence, the Panel should proceed to consider the adjournment request, and if the request was denied, the Registrar submitted that the Member's Motion should be deemed abandoned pursuant to Rule 13.05(2) of CPA Ontario's *Rules of Practice and Procedure* and subsequently dismissed.
- [40] The Panel proceeded to hear submissions from the Registrar regarding the communications which had been referenced earlier in the day, copies of which were provided to the Member and the Panel (Exhibit 2). It was the position of the Registrar that the history of events that transpired between February 7, 2025 to April 25, 2025 showed that the Member clearly had knowledge of the purpose of the proceeding date, as well as ample notice of the date to hear the motion. The Registrar noted that the Member also had been advised of the possible outcomes should ■ not participate in the scheduling of the motion, or in the hearing of the motion itself.
- [41] At 2:30 p.m., as counsel for the Registrar was reviewing an email dated February 18, 2025 found in Exhibit 2, the Member returned to the hearing. The Registrar continued to review the emails and attachments found in Exhibit 2, including the letter written by the Member's physician dated April 2, 2025 in which the doctor requested that the Member be granted an accommodation by postponing the hearing until the Member's condition stabilizes. The doctor provided no date by which it was anticipated that the Member's condition would be stabilized. It was the Registrar's position that the Member's responsibility to ■ regulator required ■ to prioritize the proceedings and that any further delay was not in the public interest.
- [42] The Member was provided with an opportunity to reply to the Registrar's submissions. The Member maintained that ■ had not agreed to the hearing of the motion on the date set and that ■ would not have agreed to proceed in the month of June due to ■ commitments to ■ clients. The Member advised ■ would be prepared to proceed with the motion in the month of July 2025, noting ■ availability during the last two weeks of July.
- [43] Following a brief recess, the hearing resumed at 3:07 p.m. While the Member was initially present, ■ disappeared off screen as the Panel sought the Registrar's position on what if any conditions should be imposed if an adjournment was granted. The Registrar proposed that if the adjournment was granted, it should be marked peremptory on the Member. The Registrar was asked to provide, and did provide, their availability for a hearing of the motion in July 2025, in the event the adjournment was granted.
- [44] The Member, whose camera had remained on, but whose microphone appeared muted, returned on-screen. In discussing the possibility of adjourning the motion to the month of July, the Member confirmed that ■ would be available to proceed on July 22, 2025. It was made clear to the parties that if the matter was adjourned, the Member's Motion for disclosure, finding of procedural misconduct and a stay of the proceedings would be heard on the next scheduled date.
- [45] The Panel recessed at 3:25 p.m. to consider the parties' final submissions on the

adjournment request.

[46] The hearing resumed at 3:36 p.m. The Member again was not in attendance.

[47] The Panel proceeded in the absence of the Member, granting the Member's adjournment request with some reluctance. In arriving at its decision, the Panel considered a number of factors. The Member had requested and was granted an initial adjournment of the motion date of February 3, 2025. While ■ requested an adjournment of the April 10, 2025 motion date based on medical reasons, the Tribunals Office rescheduled the motion date for reasons not related to the Member's request. The Panel concluded that the rescheduling of the April 10, 2025 motion date did not fall at the feet of the Member, and considered the Member's request to adjourn the June 5, 2025 motion date to be ■ second adjournment request. The Panel also noted that the motion date of June 5, 2025 had not been marked preemptory on the Member, and that the Member had complied with the Panel's February 7, 2025 Order, providing ■ list of outstanding disclosure, as well as ■ response to the Registrar's submissions.

[48] The majority of the motion hearing on June 5, 2025 had been spent on the adjournment request, and it was unlikely that the parties would have been able to complete their arguments in the time left if the adjournment was not granted. The Panel balanced the importance of determining whether the Member had full disclosure required to address the capacity application, with the interests of the public in having the capacity concerns addressed in a timely fashion. Given that the Member had agreed on the record to proceed with ■ motion on July 22, 2025, the Panel granted the Member's adjournment request, marking the matter preemptory on the Member.

*Member Requests a Further Adjournment of ■ Motion*

[49] On Friday, July 18, 2025, at 4:43 p.m. the Member sent an email to the Tribunals Office and to counsel for the Registrar, attaching a letter in which ■ advised that ■ was seeking a short adjournment of the July 22, 2025 motion date (Exhibit 3).

[50] In ■ letter, the Member advised there had been an unforeseen breakdown of a transformer which powered the HVAC system in ■ office. ■ further advised ■ had been unable to safely operate in ■ office for several days. Repair technicians had advised the Member that full restoration would not occur until at least Tuesday, July 23, 2025 (the Panel noted that while there is a Tuesday, July 22, 2025 and a Wednesday, July 23, 2025, there is no Tuesday, July 23, 2025). The Member also advised that ■ office's primary server had been damaged resulting in the temporary loss of access to court documents and supporting materials. ■ advised that the server damage impaired ■ ability to finalize filings and exhibits and to present ■ materials in an orderly and professional manner. ■ did not advise when the server issues would be rectified. The Member also submitted that the Registrar had not filed any materials to date. ■ requested a two-week adjournment in order to allow for ■ return to ■ office and time to prepare materials (Exhibit 3).

[51] On Sunday, July 20, 2025, counsel for the Registrar responded advising that the Registrar objected to the adjournment request, noting that the motion had been marked preemptory following numerous delays. The Registrar argued that there was

no evidence that the Member had made reasonable efforts to arrange for an alternate location to participate in the hearing. Contrary to the Member's assertion that the Registrar had not filed any materials to date, the Registrar noted that multiple materials had been filed, including by the Registrar (Exhibit 3).

- [52] On Monday, July 21, 2025, the Tribunals Office responded to the Member's request for an adjournment advising ■■■ that ■■■ request would have to be made before the Panel at the hearing scheduled for July 22, 2025 at 9:30 a.m. The Tribunals Office advised that the Panel would be informed of the Member's adjournment request and of the Registrar's position on the adjournment request. The Tribunals Office also confirmed that the Member's written materials would be provided to the Panel (Exhibit 3).
- [53] That same day, the Member replied by email at 10:47 a.m., attaching a letter objecting to the submissions of the Registrar. In ■■■ letter, the Member argued that having marked the motion date as peremptory was "irrelevant" when considered against the "mechanical and environmental emergency" ■■■ faced. The Member advised that the HVAC and transformer failure resulted in a "complete shutdown of ■■■] office space, preventing safe access to documentation, servers and exhibits." (Exhibit 4).
- [54] The Member sent another email at 3:16 p.m. re-attaching the letter ■■■ had sent that morning at 10:47 a.m. In this email, addressed to the Tribunals Office, the Member listed a series of complaints regarding anonymous communications from the Tribunals Office, and failures to disclose documentation and information to the Member. The Member claimed that the hearing process was "an administrative façade" and advised that ■■■ would bring the matter to the Superior Court of Justice (Exhibit 5).
- [55] At 4:37 p.m., the Member sent yet another email, attaching a letter addressed to the Tribunals Office setting out ■■■ objections to the hearing process. ■■■ argued that the Panel had failed to properly consider ■■■ adjournment request, claiming the Panel had failed to ensure procedural fairness and natural justice. ■■■ argued that despite the matter having been marked peremptory, ■■■ should be granted an adjournment given "mechanical failures and loss of operational capacity". The Member submitted that the process was being "hijacked" by counsel for the Registrar through ■■■ objections and positions taken. ■■■ again complained that the Tribunals Office continued to refuse to identify its employees. In light of these concerns, the Member advised ■■■ could not participate in the hearing process in a meaningful way and that ■■■ was being denied due process (Exhibit 6).
- [56] On July 22, 2025, the hearing of the Member's Motion commenced at 9:30 a.m. The Member did not attend. The matter was held down for half an hour to afford the Member an opportunity to attend. An email was sent to the Member by the Tribunals Office at 9:43 a.m. advising ■■■ that the Panel would hold down the matter until 10:03 a.m. to allow for the Member's attendance and providing the Zoom link for the proceeding. At 9:47 a.m., the Tribunals Office sent an email to the Member providing the call-in details for the proceeding, which consisted of a number of telephone numbers by which the Member could access the hearing (Exhibit 7). At 10:06 a.m., the hearing resumed. The Member was not present.
- [57] The Panel invited the Registrar to provide their submissions on how the matter should

proceed in light of the mechanical and operational issues raised by the Member in ■■■ adjournment request of July 18, 2025. The Registrar asked that the Panel deny the Member's adjournment request, and in light of the Member's absence, dismiss ■■■ motion pursuant to Rule 13.05(2) of CPA Ontario's *Rules of Practice and Procedure*. The Registrar argued the matter had been marked preemptory on the Member and that ■■■ had already been granted two other adjournment requests. The Registrar noted that the Member's letter of July 18, 2025 did not specify when the transformer broke down, what if any efforts were made by the Member to arrange for an alternate location from which to attend the hearing of ■■■ motion, or why ■■■ could not attend the hearing by telephone. Contrary to the Member's assertion that the Registrar had filed no materials to date, the Registrar again confirmed that all materials required for the Member's Motion had in fact been served and filed by both parties for some time. The Registrar also observed that the Member clearly knew that ■■■ motion for disclosure was set to be heard on that date and that the Tribunals Office had clearly indicated to the Member in its email of July 21, 2025, that if ■■■ wished to seek an adjournment of ■■■ motion, ■■■ request would have to be made before the Panel.

[58] On July 22, 2025 at 10:33 a.m., the Member sent an email to the Tribunals Office advising that until the identities and qualifications of the individuals involved in adjudicating the matter were provided, and until the Tribunal acknowledged "the systemic and procedural failures that have occurred", ■■■ would have no confidence in the process and would not be participating in the proceedings. The email was provided to the Panel and to the Registrar (Exhibit 7).

[59] The Panel invited the Registrar to provide any further submissions on the adjournment request in light of the email sent by the Member at 10:33 a.m. The Registrar noted that the systemic and procedural failings alleged by the Member have been repeatedly alleged throughout the proceedings by the Member and that had ■■■ wanted to address those failings, ■■■ could have done so by arguing ■■■ motion as scheduled.

### III. ISSUE

[60] The preliminary issue before the Panel was whether to grant the adjournment of the July 22, 2025 motion date as requested by the Member.

### IV. ANALYSIS AND DECISION

[61] The Panel denied the Member's request for an adjournment of the July 22, 2025 motion date. In arriving at this decision, the Panel carefully considered Rule 14.03 of CPA Ontario's *Rules of Practice and Procedure* which provides a list of factors a Panel may consider when deciding whether to grant an adjournment:

- (a) Prejudice to a person;
- (b) The timing of the request or motion for the adjournment;
- (c) The number of prior requests and motions for adjournment;
- (d) The number of adjournments already granted;
- (e) Prior directions or orders with respect to the scheduling of future hearings;

- (f) The public interest;
- (g) The costs of an adjournment;
- (h) The availability of witnesses;
- (i) The efforts made to avoid the adjournment;
- (j) The requirement for a fair hearing; and
- (k) Any other relevant factor.

[62] This was the Member's third adjournment request. The Member was aware that the Registrar objected to ■■■ request and that the hearing of ■■■ motion had been marked peremptory on ■■■ to proceed. It had been made clear to the Member by the Tribunals Office that ■■■ adjournment request would have to be made before the Panel on July 22, 2025. Despite this information, the Member chose not to appear on the hearing date. The Tribunals Office wrote to the Member to advise that the hearing was being held down for half an hour so that ■■■ could attend by telephone or by videoconference. The Member did not appear, but within an hour, the Member sent an email advising ■■■ had no confidence in the process and would not be attending the hearing. This left the Panel unable to obtain additional information from the Member to assist in determining whether a third adjournment should be granted. The Member was obviously able to send emails, yet ■■■ offered no information as to why ■■■ could not conduct the hearing from another location or by telephone. Based on the record before it and considering the public interest in having the capacity application ultimately determined, the Panel denied the Member's request for adjournment.

[63] Having denied the request for an adjournment, the Panel was left with the Member's Motion. It was the position of the Registrar that the Member's Motion should be dismissed pursuant to Rule 13.05(2) of CPA Ontario's *Rules of Practice and Procedure* which reads as follows:

- (2) Where a moving party serves a motion record but does not file it or appear at the hearing of the motion, the motion is deemed to have been abandoned by the moving party.

[64] Based on the history of this proceeding, as well as correspondence from the Tribunals Office and from the Member ■■■■■■■■■■, it was clear that the Member knew that ■■■ motion requesting disclosure, a finding of procedural misconduct and a stay of the proceedings, was set to be argued before the Panel on July 22, 2025. The Member had been advised by the Tribunals Office on April 25, 2025 (Exhibit 2) that if ■■■ failed to appear at the hearing of ■■■ motion, then pursuant to Rule 13.05(2) of CPA Ontario's *Rules of Practice and Procedure* the Panel might deem ■■■ motion to have been abandoned. The Tribunals Office sent emails to the Member on the morning of the proceeding advising ■■■ that ■■■ matter was being held down to allow for ■■■ attendance, and providing both the Zoom link to the hearing, as well as telephone numbers by which ■■■ could call in. The communications sent by the Member to counsel for the Registrar and to the Tribunals Office on July 21 and 22, 2025 clearly set out the Member's distrust in the process and a refusal to continue to engage in the proceedings. Despite these efforts to engage the Member, ■■■ chose not to attend and

argue ■ motion.

[65] It is unfortunate that the Member refused to attend the proceedings on July 22, 2025 which would have allowed the Panel to not only obtain additional information regarding the Member's adjournment request, but to also address some of the concerns and misunderstandings ■ voiced in ■ recent correspondence regarding the process. Without ■ attendance, and with ■ stated intention to disengage from the process, pursuant to Rule 13.05(2) of CPA Ontario's *Rules of Practice and Procedure*, the Panel deemed the Member's Motion to have been abandoned and dismissed the motion.

## V. ORDER

[66] The Panel ordered the following relief:

- i) The preliminary motion brought by the Member for further disclosure, a finding of procedural misconduct, and a request for a stay of proceedings is hereby dismissed;
- ii) The motion by the Registrar for an order requiring the Member to undergo a medical or psychological examination is to proceed electronically (via videoconference) at 9:30 a.m. on one (1) of the following dates: September 3, 17, 23, or 30, 2025;
- iii) The Tribunals Office will canvass the Member's availability for a one (1) day hearing of the Registrar's motion to be conducted electronically (via videoconference) on September 3, 17, 23, or 30, 2025 at 9:30 a.m.; and
- iv) By July 28, 2025, the Member shall provide ■ availability in writing to the Tribunals Office, copying the Registrar, for each of the four dates being held by the Tribunal and the Registrar: September 3, 17, 23, or 30, 2025. Should the Member not provide ■ availability by July 28, 2025, a Notice of Hearing for the Registrar's motion will be issued to the parties and the hearing will proceed on one of the dates.

**DATED** this 9<sup>th</sup> day of September, 2025



John Love, CPA, CMA  
Capacity Committee – Chair

Independent Legal Counsel  
Nadia Liva, Barrister & Solicitor