

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.H.** 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.H.

APPEARANCES:

For the Registrar: Present
Emily Lawrence and Karim Karsan, Counsel

For J.H.: Present and Self-Represented (January 23, 2026)

Heard: January 7 and 23, 2026

Decision and Interim Order effective: January 7, 2026

Final Order effective: February 2, 2026

Release of written reasons: February 18, 2026

**REASONS FOR THE DECISION AND INTERIM ORDER DATED JANUARY 7, 2026 AND
FINAL ORDER DATED FEBRUARY 2, 2026**

I. OVERVIEW

- [1] The Registrar of the Chartered Professional Accountants of Ontario (“CPA Ontario”) applied to the Capacity Committee for a determination of whether J.H. (“the Member”) was incapacitated as defined in section 43 of the *Chartered Professional Accountants Act, 2017* (“the Act”).
- [2] A Panel of the Capacity Committee (“the Panel”) was convened to determine whether the Member was incapacitated and to impose the appropriate order should a finding of

incapacity be made. Under section 43 of the *Act*, a member will be deemed to be incapacitated if, by reason of physical or mental illness, or addiction, they are incapable of meeting their obligations under the *Act*.¹

II. PRELIMINARY ISSUES

Proceeding in the Member's Absence

- [3] This hearing was held over two days, January 7 and January 23, 2026. The Member did not appear on January 7, 2026. The Panel was tasked with determining whether the Member had been properly served as required by Rule 8 of the *Rules of Practice and Procedure* ("the Rules").
- [4] The Registrar tendered the Affidavit of CG, affirmed December 19, 2025. According to CG, the Member was served with the Notice of Application filed July 22, 2025, via email to the Member's email address on file with CPA Ontario. It appears a Pre-Hearing Conference ("PHC") was scheduled for September 26, 2025. Although this is sufficient to satisfy the Panel that the Member was served with the Notice of Application, the following evidence demonstrates that not only was the Member served with the Notice of Application, but that he in fact knew that a capacity proceeding was underway. On September 22, 2025, the Member's treating psychiatrist, Dr. K., wrote a note indicating the Member was unable to participate in the PHC scheduled for September 26, 2025. The only reasonable inference to draw is that the Member informed Dr. K. about the PHC. The Panel is satisfied that the Member was served with, and did in fact receive, the Notice of Application.
- [5] CG also affirmed that on October 20, 2025, the Tribunals Office sent both parties, that is, the Registrar and the Member with the Notice of Hearing setting out the date, time and format of the hearing. The Tribunals Office emailed the Notice of Hearing to the Member's email address on file with CPA Ontario.
- [6] The Registrar tendered the Affidavit of Karen Jones, affirmed December 23, 2025. Ms. Jones demonstrated that the Registrar's Application Record, including the Notice of Hearing, and the Registrar's Book of Authorities were served on the Member by sending an email to the Member's email address on file with CPA Ontario.
- [7] The Tribunals Office received an email from the Member prior to the January 7, 2026

¹ *Chartered Professional Accountants of Ontario Act, 2017*, [S.O. 2017, c. 8, Sched. 3](#)

hearing date requesting an adjournment of the hearing. The Panel took this as evidence that the Member was aware of the January 7, 2026 hearing date, but decided not to attend.

[8] The Panel was satisfied that the Member had been properly served with the Notice of Hearing and with the Registrar's Application Record and Book of Authorities. As such, the Panel proceeded in the Member's absence on the first day of hearing, January 7, 2026.

[9] At the conclusion of the hearing on January 7, 2026, the Panel scheduled a second hearing date so as to provide the parties with an opportunity to review the draft Order crafted by the Panel and make submissions. The hearing was scheduled to continue on January 23, 2026.

[10] The Member appeared at the hearing on January 23, 2026 and made submissions on the draft Order provided to the parties.

[11] Based on the evidence before the Panel, it was determined that the Member was properly served with the Notice of Application, the Notice of Hearing, and the Registrar's materials. As such, the hearing proceeded on January 7, 2026 in the Member's absence.

The Member's Adjournment Request

[12] On January 4, 2026, the Member emailed the Tribunals Office requesting an adjournment of the hearing. The Registrar opposed the request. The Tribunals Office wrote to the Member and informed him that he would have to attend virtually on January 7, 2026 and bring a motion for an adjournment. The Member did not attend on January 7, 2026. The Panel did not entertain the Member's adjournment request as the Member did not appear at the hearing to make the request. The Panel was not provided with a copy of the Member's email requesting the adjournment.

[13] Adjournments are discretionary and ought only to be granted in exceptional circumstances.² The Panel was not provided with any information that such circumstances existed. It would be contrary to the public interest to grant an adjournment in the absence of exceptional circumstances, particularly when there is evidence that the Member is incapacitated yet continues to be a member in good standing, eligible to provide accounting services to the public.

² [Rule 14.01 of the Rules of Practice and Procedure](#)

III. ISSUES

[14] The Panel identified the following issues arising from the Notice of Application:

1. Did the evidence establish, on a balance of probabilities, that the Member was incapacitated within the meaning of s. 43 of the *Act*?
2. If so, what order would be appropriate to protect the public?

IV. DECISION ON CAPACITY

[15] The Panel determined that the Member is incapacitated within the meaning of s. 43 of the *Act* and that his membership is suspended indefinitely until he can demonstrate to the satisfaction of the Registrar that he is able to fulfill his obligations under the *Act*.

V. REASONS FOR THE DECISION ON CAPACITY

Background of the Member

[16] The Member became a member of the Chartered Management Accountants of Ontario, one of the predecessors to CPA Ontario, in 2006. The Member's status with CPA Ontario was active until he was suspended on January 7, 2026 through the Panel's Decision and Interim Order.

[17] The Member began working as a Financial Analyst at a federal government department in June 2018. His employment with the government department was terminated in 2022 for cause.

Events Leading to the Notice of Application

[18] In October 2022, CPA Ontario received an anonymous complaint ("the Complaint") regarding the Member in which it was alleged he had submitted a fraudulent application to the government department to secure employment as a Financial Analyst, and that, during his employment with that department, had continuously received poor performance assessments.

[19] On October 12, 2022, the Standards Enforcement ("SE") department at CPA Ontario notified the Member it had received information regarding the Complaint and would conduct a review. It asked him to provide a written response to the Complaint. The Member did not provide a written response as requested. Instead, over the course of seven months, he indicated he was unable to respond due to health reasons. The Member submitted a

number of notes from health care practitioners confirming his inability to respond to his governing body due to medical reasons. During this time, the Member and his health care practitioners indicated that in addition to being unable to respond to CPA Ontario's requests for information, the Member was unable to work due to medical reasons.

[20] In light of the Member's representations, supported by his health care providers, the Professional Conduct Committee ("PCC") referred the matter to the Registrar for consideration as a potential capacity application. The referral was dated July 12, 2023.

[21] On November 24, 2023, the Registrar advised the Member that the Registrar was commencing an investigation into whether he was incapacitated and had appointed an investigator.

[22] The Member was interviewed by the Investigator on January 30, 2024. Among other things, he told the Investigator that he had been diagnosed with depression, anxiety and post-traumatic stress disorder and that he did not have the capacity to respond to the Complaint due to his mental health challenges. The same day, the Investigator sent the Member consent forms to sign so that she could get information directly from his health care providers about his mental health. Thereafter, the Member did not sign the consent forms, refused to communicate with the Investigator, and otherwise did not co-operate with the investigation.

[23] As a result of the Member's assertion that he was unable to respond to the Complaint, the medical information he had provided, and the Member's failure to respond to the Investigator's requests for further information, the Registrar informed the Member on October 23, 2024 that the Registrar would be applying to the Capacity Committee to determine whether he was incapacitated.

[24] In July 2025, the Member's treating psychiatrist, Dr. K., wrote to CPA Ontario indicating that the Member suffered from a condition that limited his ability to respond to requests in a timely manner. Dr. K. opined that the situation could continue for another three to four months.

[25] In and around the same time that the Registrar received the note from Dr. K., the Registrar learned that the Member was a candidate for a church ministry and had been appointed to a local church as a Congregational Minister for 40 hours per week for the period May 22, 2024 to May 21, 2025. The Member described himself on LinkedIn as a self-employed

Financial Analyst and Candidate for Ministry Spiritual Care, and indicated he was actively applying for work as an accountant, financial analyst or other similar position. He further described himself as a professional with chaplaincy experience in hospital, prison and educational settings, and experience in pulpit supply, pastoral counselling and church administration.

[26] On July 22, 2025, the Registrar filed the Notice of Application with the Tribunals Office and informed the Member that, if required, the Registrar would bring a motion for an order requiring him to be examined.

[27] Subsequently, the Member signed a consent form permitting CPA Ontario to obtain information about his diagnosis, prognosis and treatment and a copy of his health record from Dr. K.

Facts Supporting the Determination of Incapacity

[28] In addition to the Member's representations set out above, supported by his health care providers, CPA Ontario received a letter from Dr. K., dated October 6, 2025, indicating he had diagnosed the Member with major depression and an anxiety disorder. Notably, Dr. K. opined that the Member was unable to fulfill his obligations under the *Act*:

While [the Member] has been able to maintain a good degree of physical functionality, walking 5 – 10 km per day, he is quite sluggish mentally, and has made very little progress on the paperwork he is required to submit in his ongoing employment and licensure/regulatory matters. He becomes completely overwhelmed to the point of near mental paralysis, and he would be unable to meet to discuss it further at this time. The prognosis for [the Member] is guarded, due to the minimal improvement in symptoms noted over the past 3 years. In my opinion, [the Member] is not presently capable of meeting his obligations under the *Act*, and his ability to do so will be reassessed on an ongoing basis.

Conclusion on Determination of Incapacity

[29] Not every member who experiences a mental or physical illness will be found to lack capacity. Many individuals with diagnosed conditions are, with appropriate treatment and support, fully capable of meeting their obligations under the *Act*. The Panel's hope for the Member is that he obtains the care he needs and, in time, is able to resume meeting his obligations under the *Act*. It is in the public interest for the accounting profession to reflect

the full diversity of Ontarians' lived experiences, including those who navigate physical or mental health challenges.

[30] The Panel has no trouble concluding that due to mental and physical health impairment, the Member is incapable of meeting his obligations as a member and under the *Act*. The Panel bases this determination on the Member's own representations, his inability to respond to the investigation into the Complaint, the various medical notes received and most importantly, Dr. K.'s opinion that the Member is incapable of meeting his obligations under the *Act*.

[31] The Panel recognizes that the Member's LinkedIn profile, combined with his appointment as Congregation Minister to a local church, provides some evidence that he is capable of working. However, neither party adduced any evidence with respect to the duties of a Congregation Minister, or pertaining to whether a person who is not capable of meeting his obligations under the *Act* could still be capable of working as a Congregation Minister. Moreover, while the evidence received by the Panel demonstrated that the Member had been appointed for a period of one year, there was no evidence regarding his success or failure in the role or the longevity of his tenure.

[32] Considering the factors cited above, and most importantly the opinion of the Member's treating psychiatrist, Dr. K., the Panel has found that the Member is incapable of meeting his obligations under the *Act* and is therefore currently incapacitated.

VI. DECISION ON ORDER

[33] The Panel made an order to suspend the Member indefinitely until such time as a number of terms and conditions are met to the satisfaction of the Registrar. The terms and conditions are summarized below:

- The Member has provided medical evidence that he is capable of meeting his obligations under the *Act* and the Registrar is satisfied that this is so;
- The Member agrees to comply with a prescribed course of treatment;
- The Member agrees to comply with any restrictions on practice deemed appropriate by the Registrar; and
- The Member has met any outstanding regulatory obligations that have accrued during the period of suspension.

[34] Should the Member satisfy the Registrar that he is capable of meeting his obligations under the *Act* and should the suspension be lifted, the Member shall provide a report from his

treating psychiatrist every six months for a period of three years confirming he is capable of meeting his obligations under the *Act* and that he is compliant with treatment.

VII. REASONS FOR THE PANEL'S ORDER

[35] The Tribunal's paramount concern in every proceeding is protection of the public. In a capacity hearing, the Panel's role is not to assess misconduct or impose sanctions. Its sole task is to determine whether a member is unable to meet their obligations under the *Act* due to a mental or physical condition. Even within this narrow mandate, public protection remains the Tribunal's guiding priority. A member who cannot fulfill their statutory and membership obligations poses a risk of harm if they continue to practise accounting. Accordingly, when a member is found to be incapacitated, they must be suspended until they can demonstrate they are once again capable of meeting their obligations under the *Act*.

The Suspension and Future Determinations

[36] As indicated earlier in these reasons, while the Member did not attend the first day of the hearing, he attended on the second day of the hearing and made submissions on the content of the proposed Order. The Member did not contest the suspension portion of the Order. His focus was on the terms and conditions of the Order. The draft Order stated that the Member's membership in CPA Ontario shall be suspended, continuing indefinitely, until a number of terms, conditions and/or restrictions specified by the Panel are met to the satisfaction of the Registrar.

[37] Initially, the Registrar proposed that the Member be suspended until such time as he brought a motion before a panel of the Capacity Committee and satisfied the panel that he was capable of meeting his obligations under the *Act*.

[38] The Panel declined to order such a term as it does not comply with the requirements of subsection 36.1 of Regulation 16-1, reproduced below for ease of reference:

36. If the Panel finds the Member is Incapacitated, the Panel may make one or more of the following orders:

36.1 an order suspending the Member:

36.1.1 for a definite period,

36.1.2 until terms, conditions, and/or restrictions specified by the Panel

are met to the satisfaction of the Registrar, or

36.1.3 for a definite period and, after that, until terms, conditions, and/or restrictions specified by the Panel are met to the satisfaction of the Registrar;

[39] Section 36 of Regulation 16-1 clearly contemplates that it is the Registrar who must make the determination of whether a member once deemed to be incapacitated is at a future date capable of meeting their obligations under the *Act*. Regulation 16-1 does not contain a clause which would confer this decision making power on a future panel of the Capacity Committee. Indeed, Section 30 of Regulation 16-1 would militate against such an interpretation.

[40] Section 30 of Regulation 16-1 governs motions for reconsideration. Section 30 states that a member who wishes to have a panel of the Capacity Committee reconsider a decision or order made by a previous panel must wait five years before bringing such a motion if "... there has been a material change in circumstances that makes a decision or order, or a part of the decision or order, unnecessary."

[41] If a member is found to be incapacitated, and is later able to prove they have capacity, they are able to bring a motion for reconsideration on the basis that the original order was unnecessary. However, pursuant to subsection 30.1 of Regulation 16-1, they would have to wait five years to do so.

[42] Subsection 30.2 of Regulation 16-1 permits reconsideration within five years of the date of the original order in limited circumstances. The limited circumstances are outlined in subsections 30.1.2, 30.1.3 and 30.1.4 set out below:

30.1.2 there has been a material change in circumstances that obstructs or impedes the purpose and intent of the decision or order, or a part of the decision or order;

30.1.3 there has been a material change in circumstances that makes the decision or order, or a part of the decision or order, incapable of being reasonably complied with or fulfilled; or

30.1.4 the decision or order, or a part of the decision or order, is no longer legally valid or enforceable;

[43] Subsection 30.2 of Regulation 16-1 stipulates that if one of the conditions set out in subsections 30.1.2 to 30.1.4 exists **and** the decision or order or part of the decision or order will result in a miscarriage of justice, a motion for reconsideration may be entertained before

five years has elapsed from the date of the original order.

- [44] It is the Panel's view that restored capacity may constitute a "material change in circumstances that makes a decision or order, or a part of the decision or order, unnecessary" pursuant to subsection 30.1.1 of Regulation 16-1. As previously indicated, a motion for reconsideration under subsection 30.1.1 may only be made after five years have elapsed.
- [45] The Panel is of the view that if a member regains their ability to meet their obligations under the Act, subsections 30.1.2, 30.1.3, or 30.1.4 of Regulation 16-1 are not engaged. The purpose of an incapacity order is to protect the public, and it is not obstructed because a member regains capacity. Likewise, regaining capacity does not make the order impossible to comply with, nor does it invalidate the order. As such, a motion for reconsideration based on restored capacity cannot be brought under subsection 30.2 of Regulation 16-1.
- [46] The original order proposed by the Registrar would place the Member in the position of either having to wait five years to bring a motion before the Capacity Committee or of bringing a motion before five years has passed only to be told that the Capacity Committee does not have jurisdiction to reconsider their original order.
- [47] Read together, sections 30 and 36 of Regulation 16-1 require that if the Panel, on a capacity motion, orders an indefinite suspension, the cessation of that suspension is determined solely by the Registrar, who must be satisfied that the terms and conditions set by the Panel have been met. As such, Regulation 16-1 confers considerable discretion on the Registrar to make the determination of whether the Registrar is satisfied that the terms and conditions in the Order have been met.

The Terms and Conditions

- [48] As set out above, the Panel ordered the Member's membership to be indefinitely suspended until the terms and conditions set out in the Order are met to the satisfaction of the Registrar.
- [49] The first submission the Member made pertained to Term 1c of the draft order:
- c. the Registrar is satisfied that the Member is able to meet any and all of his obligations as a member and under the Act, and has notified the Member in writing of that satisfaction; and

[50] The Member argued that this term should be amended to read: "... is able to substantially meet any and all of his obligations..." The Member argued that inserting the word "substantially" into the proposed term would facilitate healing in that it would allow him to enter a graduated return to work program and continue to work on outstanding requirements.

[51] The Registrar resisted this suggestion and submitted that members are either able to meet their obligations, or they are not. Inserting the word "substantially" into the order leaves room for doubt about precisely which obligations a member must meet or the degree to which the member must meet them.

[52] The Panel agrees with the Registrar. The Member will be able to return to active practice if the Registrar is satisfied that he is able to meet his obligations as a member under the *Act*. This is required by section 43 of the *Act*, and by CPA Ontario's mandate of public protection. The Registrar has the discretion to determine what this means. We trust the Registrar will utilize their discretion appropriately.

[53] The second submission the Member made pertained to Term 1d in the draft order. The term as drafted is reproduced below:

d. the Member has met all outstanding regulatory obligations that have accrued during the period of suspension or have arisen as a result of the regulatory scheme in place at the time the suspension is to be lifted;

[54] To be clear, Term 1d does not refer to the Member's obligation to respond to the investigation into the outstanding Complaint. In oral submissions, Counsel clarified that Term 1d refers to any obligations accrued during the period of the suspension and not prior. Counsel further explained that this term primarily relates to the obligation to pay CPA Ontario Membership dues and to complete Continuing Professional Development ("CPD") requirements.

[55] The Member submitted that this term should be removed in its entirety and that he should be permitted to complete his outstanding CPD credits after reinstatement and while working. The Member submitted that it was unfair to hold his active status "hostage" and prevent him from working while he catches up on accumulated obligations. Finally, he mentioned that should he be deemed capable of meeting his obligations, and should he successfully obtain employment, his employer will likely fund any courses or workshops he must take to comply

with his CPD requirements.

[56] Counsel reasoned that all members, whether suspended or not, are required to maintain currency in the practice of accounting. However, she also informed the Panel that if the Member's health prevents him from completing his CPD, he can apply for a medical exemption. Counsel also informed the Panel that there are accommodation procedures available to all CPA Ontario members that the Member can access if needed. The Registrar submitted it would be contrary to CPA Ontario's public protection mandate if the Member could be returned to active status when he has not satisfied the regulatory obligations that all members must meet.

[57] The Panel agrees with the Registrar that the Member ought not to be returned to active practice unless he has met the baseline obligations required of all members. Moreover, as the Registrar has pointed out, the Member can seek a medical exemption if necessary or request accommodations. The Panel suspects, based on the Member's comment about a future employer likely paying for him to take CPD credits, that the driving force behind the Member's submission is that he does not wish to pay for CPD while unemployed. While the Panel is sympathetic to the financial constraints the Member is likely experiencing, the principle of public protection must prevail. The Panel declines to remove this term from the final Order.

[58] The Panel further notes that one of the terms of the draft order is that the Member provide a report written by one or more of the Member's healthcare providers that includes confirmation that he has been in stable recovery and capable of meeting his obligations for the previous three months. If the Member has been suspended, but capable of meeting his obligations for three months prior to reinstatement, surely he is capable of completing his CPD requirements in that three month timeframe.

[59] The Registrar requested that the following term (Term 2b) be included in the final Order:

1. a list of names and addresses of all persons and facilities who have provided the Member treatment for his health condition(s) from the date of this Order, and the Member's consent for the Registrar to obtain information from each of them.

[60] The Panel was concerned that this term is overbroad and requires the Member to provide to the Registrar the names and addresses of healthcare providers who provide health care

unrelated to the Member's ability to meet his obligations under the *Act*. The logical extreme of such a broad term would, by way of example, be a request for the Member's dental records, which are likely unrelated to his ability to meet his obligations as a CPA. The Panel asked the Registrar to comment on this. The Registrar submitted that this term enables the Registrar to obtain information from any health care provider who has relevant information to provide.

[61] It is important to balance the Registrar's concerns regarding obtaining complete information with the Member's right to privacy in health care records that do not pertain to his capacity. To achieve both these objectives, the Panel redrafted the proposed term as follows:

2 (b) The Member shall assist the Registrar in identifying and obtaining information, including contact information, from Treating Healthcare Providers who, from the date of this Order, have provided the Member treatment for health condition(s) that prevent the Member from meeting his obligations under the *Act*. The Member shall provide any necessary written consents to permit the Registrar to obtain confirmation from such practitioners.

[62] The term as drafted above meets the objective of receiving all relevant information with the objective of maintaining privacy over health records that are unrelated to the Member's ability to meet his obligations under the *Act*.

[63] Finally, the Panel has ordered that should the Member's suspension be lifted, he be subject to the condition that every six months for a period of three years, his treating psychiatrist provide a report to the Registrar confirming that the Member continues to be in treatment and continues to be capable of meeting his obligations under the *Act*. Should the Member's treating psychiatrist determine, prior to three years having passed, that he no longer requires treatment to meet his obligations under the *Act*, the obligation to provide bi-annual reports no longer exists .

[64] This condition strikes a balance between enabling the Member to practice in his chosen profession while protecting the public by monitoring the Member's compliance with treatment and his mental health status.

[65] With appropriate treatment and support, many individuals who experience mental or physical health challenges are fully capable of meeting their professional obligations. The

Panel sincerely hopes that the Member obtains the care he requires and is, in time, able to resume fulfilling those obligations. The accounting profession is strengthened—not diminished—by the inclusion of members who live with a wide range of health experiences, including mental health conditions. Those individuals are valued contributors to the profession and to the public it serves. The Panel’s decision reflects only the Member’s present incapacity, not any judgment about his worth, potential, or place within the profession.

DATED this 18th day of February, 2026

A handwritten signature in black ink, appearing to read 'A. Finkel', with a stylized flourish at the end.

Alexandra Finkel, CPA, CA
Capacity Committee – Chair

Members of the Panel

Hardeep Brar, CPA, CGA
Barbara Ramsay, Public Representative

Independent Legal Counsel

Lisa Freeman, Barrister & Solicitor