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SELF-GOVERNING PROFESSIONS
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What's New in this Update:

Reported and unreported decisions reviewed by the author up to August 15, 2025 have been included in this update. The following cases are of particular interest:

- *Ahmad v. Association of Professional Engineers of Ontario* (Ont. Div. Ct.) — In a case concerning inappropriate emails, a regulatory body is not required to disprove, with clear and convincing evidence, a registrant's statement that his computer was hacked, and that he did not send the emails. The regulatory body provided that the emails originated from the registrant's account and it was entitled to infer the registrant had sent them.

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- *Chafik Moustaid v. Canadian College of Immigration Consultants* (Fed. T.D.) — In responding to a written request for relicensure, a regulatory body errs by failing to respond to a legitimate submission raised by the applicant.
- *The Law Society of British Columbia v. Yen* (B.C.C.A.) — In determining whether a given action constitutes professional misconduct, a hearing panel must consider the conduct covered by each allegation separately. The same conduct should not be used to support two separate findings of professional misconduct.
- *Barnwell v. Law Society of Ontario* (Ont. S.C.J. (Div. Ct.)) — The knowledge requirement for professional misconduct contains two elements: knowledge of the risk and knowledge of the possible consequences of engaging in the risk.
- *Oladipo v. The College of Physicians and Surgeons of Saskatchewan* (Sask. C.A.) — The determination of whether an act is of a sexual nature is an objective test. The subjective beliefs of a complainant, although important and to be taken into consideration, is not determinative of the issue. Similarly, the subjective intent of the physician is not determinative but simply one of many factors in deciding if the conduct is sexual in nature.