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### **THE REGULATION OF PROFESSIONS IN CANADA**

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**Release No. 3, April 2026**

The *Regulation of Professions in Canada* is the only work which provides a comprehensive synthesis of the law relating to the regulation of professions in Canada, particularly as it applies to the issues of discipline and licensing. This work reviews both the legislative framework — federally, provincially and constitutionally — and the significant body of case law that interprets this subject.

### **What's New in This Update**

This release features new and updated case law and commentary to Chapter 13 – Professional Misconduct, Chapter 14 – Sentencing, Chapter 15 – Appeals and Judicial Review, Chapter 16 – Admission to the Professions and Chapter 18 – Hospital Privileges for Physicians.

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## Highlights

**Chapter 13—Professional Misconduct—§ 13:2. Test for Conduct Deserving of Sanction**—The British Columbia Court of Appeal has ruled that in cases where an investigated member relies on a Charter right to defend allegations of unprofessional conduct, the test in the context of Law Society proceedings must be broadened to be:

The test is whether the facts as made out disclose a marked departure from that conduct the Law Society expects of its members, having properly balanced the relevant Charter value with the Law Society’s public mandate and objectives; if so, it is professional misconduct.

*Vining v. Law Society of British Columbia*, 2025 BCCA 337 at para. 5 quoting *Law Society of British Columbia v. Harding*, 2022 BCCA 229 at para. 140.

**Chapter 16—Admission to the Professions—§ 16:1. Generally**—In one case applicants sued for breach of contract when the Royal College of Physicians and Surgeons of Canada adjusted scores downward such that the applicants no longer passed the entrance examination. The claim was dismissed at the trial level but the Court of Appeal allowed the appeal and remitted the matter to a new trial. The Court of Appeal concluded that the reasons of the trial judge were insufficient to explain her conclusion that it was psychometrically sound to adjust the results of the examination. The Court also concluded that the trial judge’s reasons did not satisfactorily address the applicants’ claim for breach of contract.

*Adewale v. Royal College of Physicians and Surgeons of Canada*, 2025 ONCA 738.