

NOVA SCOTIA COURT OF APPEAL

Citation: *Fashoranti v. College of Physicians and Surgeons of Nova Scotia*,
2015 NSCA 25

Date: 20150311
Docket: CA 428527
Registry: Halifax

Between:

Dr. Oluwarotimi Fashoranti

Appellant

v.

College of Physicians and Surgeons of Nova Scotia
and The Attorney General of Nova Scotia

Respondents

**Restriction on Publication: Pursuant to Publication Ban under Inherent
Jurisdiction of the Court**

Judge: The Honourable Justice Joel E. Fichaud

Appeal Heard: February 2, 2015 in Halifax, Nova Scotia

Subject: Professional discipline – sufficiency of reasons

Summary: A disciplinary committee of the College of Physicians and Surgeons found that Dr. Fashoranti had conducted an inappropriate examination of a female patient. The Committee accepted the patient’s testimony, describing the examination, and rejected Dr. Fashoranti’s testimony that denied the examination had occurred. Dr. Fashoranti appealed to the Court of Appeal under s. 68(1) of the *Medical Act*, S.N.S. 1995-96, c. 10, that permitted an appeal “on any

point of law”.

Issues: Did the Committee commit an appealable error?

Result: The Court of Appeal dismissed the appeal. The Court had no authority, under s. 68(1), to review the Committee’s assessment of credibility. Dr. Fashoranti submitted that the Committee’s reasons were inadequate, which would be an error of law. The Committee gave written reasons that satisfied principles of procedural fairness. The Committee’s reasons characterized Dr. Fashoranti’s evidence as “self-serving and at times evasive” and, from that perspective, the Committee discounted his credibility. The record before the Committee contained support for the Committee’s characterization of Dr. Fashoranti’s evidence. The Committee’s reasons allowed the Court to determine whether the outcome occupied the range of acceptable outcomes. The Committee’s conclusion satisfied the reasonableness standard of review.

This information sheet does not form part of the court’s judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 17 pages.