NOVA SCOTIA COURT OF APPEAL

Citation: *Hogg v. College of Paramedics of Nova Scotia (Registration Appeal Committee)*, 2025 NSCA 50

Date: 20250620
Docket: CA 537809
Registry: Halifax

Between:

Sybil Hogg

Appellant

v.

Registration Appeal Committee
College of Paramedics of Nova Scotia

Respondents

Judges:	Bryson, Beaton and Gogan, JJ.A.
Appeal Heard:	June 12, 2025, in Halifax, Nova Scotia
Facts:	An individual applied to be registered as a paramedic in Nova Scotia but was denied by the College's Registration Committee. The applicant appealed the decision, leading to a dispute over whether the appeal should be a review of the refusal or a hearing de novo, which means starting anew (paras 1-2).
Procedural History:	• *Hogg v. College of Paramedics of Nova Scotia, (Registration Appeal Committee)*, 2023 NSCA 62: Appeal refused for lack of jurisdiction. • *Hogg v. Registration Appeal Committee and College Of Paramedics of Nova Scotia,* 2024 NSSC 278: Application for an extension of time to commence judicial review was declined due to prematurity.

Parties' Submissions:	• Appellant: Argued that the Appeal Committee lacked authority to conduct a de novo process, as the statute and regulations only referenced a "review" (paras 8-10). • Respondents: Contended that the regulations allowed for evidence to be called, which could be indistinguishable from a de novo process (para 8).
Legal Issues:	• Is judicial review of the Appeal Committee's decision premature? (para 5) • Does the Appeal Committee have the authority to conduct a de novo hearing? (paras 8-10)
Disposition:	• The appeal was dismissed without costs.
Reasons:	Per Bryson J.A. (Beaton and Gogan JJ.A. concurring): The judge dismissed the motion to extend time for judicial review because it was premature, as the administrative process was ongoing. Courts typically do not intervene in such processes unless there are rare, exceptional circumstances, which were not present in this case. The appellant's argument regarding the lack of authority for a de novo hearing involved statutory interpretation that had not yet been fully addressed or implemented by the Appeal Committee. Therefore, it was premature to assess the merits of the appellant's objections, and no error in law or patent injustice was found in the judge's application of the prematurity principle (paras 5-14).

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Written Release	June 20, 2025
Held:	Appeal dismissed, without costs, per reasons for judgment of Bryson, J.A.; Beaton and Gogan, JJ.A. concurring
Counsel:	Sybil Hogg, appellant in person, assisted by Jeffrey Mahoney Ryan Baxter and Andrew Kinley, for the respondents

Reasons for judgment:

Introduction

[1] Sybil Hogg wants to be a paramedic in Nova Scotia. She applied to be registered as a paramedic here. The College's Registration Committee turned her down. Ms. Hogg appealed to the Registration Appeal Committee. A dispute arose about whether the appeal was limited to a review of the refusal to register Ms. Hogg or whether it could proceed by way of hearing *de novo*. This Latin phrase means literally "anew". The Appeal Committee ultimately decided the appeal would be a hearing *de novo*.

[2] Ms. Hogg disagreed. She appealed to this Court. That appeal was refused for lack of jurisdiction,[1] so Ms. Hogg sought judicial review.

[3] Because she was out of time, Ms. Hogg had to apply for an extension of time to commence a judicial review. Justice John Keith declined to extend time. He considered the various factors that guide discretion to extend time, many of which favoured Ms. Hogg, but ultimately her application foundered on the principle of prematurity. [2] Ms. Hogg then appealed to this Court.

[4] We can only interfere with the judge's discretionary decision if he erred in principle or his decision amounts to a patent (obvious) injustice.[3]

Is Judicial Review premature?

[5] The judge dismissed Ms. Hogg's motion to extend time primarily because her proposed judicial review would be premature. He cited well-known principles of administrative law whereby courts refuse to intervene in administrative proceedings that are ongoing:[4]

> [29] In *Halifax (Regional Municipality) v. Nova Scotia (Human Rights Commission)*, 2012 SCC 10, Cromwell, J. similarly stated, for the court, at para. 36 (citations omitted):

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[1] *Hogg v. College of Paramedics of Nova Scotia*, *(Registration Appeal Committee)*, 2023 NSCA 62.
[2] *Hogg v. Registration Appeal Committee and College Of Paramedics of Nova Scotia*, 2024 NSSC 278 at para. 18, citing *Ezurike v. Gbeve,* 2023 NSCA 23 at para. 9.
[3] *Tupper v. Nova Scotia Barristers' Society*, 2014 NSCA 90, at para. 19; *Mike's Clothing Limited v. Kentville (Town)*, 2023 NSCA 22 at para. 25.
[4] 2024 NSSC 278 at para. 29.

> ... Early judicial intervention risks depriving the reviewing court of a full record bearing on the issue; allows for judicial imposition of a "correctness" standard with respect to legal questions that, had they been decided by the tribunal, might be entitled to deference; encourages an inefficient multiplicity of proceedings in tribunals and courts; and may compromise carefully crafted, comprehensive legislative regimes ... Thus, reviewing courts now show more restraint in short-circuiting the decision-making role of the tribunal, particularly when asked to review a preliminary screening decision ...

[6] The judge went on to note that courts only intervene in ongoing administrative tribunal processes in "rare, exceptional circumstances".[5]

Is Ms. Hogg's case exceptional?

[7] *South Shore Regional Centre for Education v. Nova Scotia (Human Rights Board of Inquiry)*[6] was such a case. The Court dispensed with a prematurity argument because the claim made offended the limitation period that applied. Accordingly, the tribunal had no jurisdiction. The Court cited an earlier decision which rejected prematurity:[7]

> [20] This Court has rejected a prematurity argument in a human rights case alleging a reasonable apprehension of bias against a board of inquiry, owing to the waste of resources that could occur if the issue of bias were not promptly resolved:
>
> > [27] Faced with these circumstances, ***it would seem to me to be a colossal waste of time and resources if we were to decline to consider the merits of the allegation of apparent bias on the grounds of prematurity***, thus permitting Mr. Thompson to carry on with and complete what is sure to be a lengthy set of hearings, followed by post-hearing submissions, then deliberations, and the ultimate filing of a decision; yet, at the end of all of that, risking the possibility that if the Board's decision were to find against the provincial government, a ground of appeal months (or years) later would likely raise the very same allegation that a reasonable apprehension of bias on the part of the Board had been established before the case was even heard. Such a prospect hardly seems sensible, efficient or just.
>
> [Emphasis added]

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[5] 2024 NSSC 278 at para. 31.
[6] 2024 NSCA 89.
[7] *Nova Scotia (Attorney General) v. MacLean*, 2017 NSCA 24 at para. 27.

[8] Ms. Hogg protests that hers is an exceptional circumstance. She says the Appeal Committee has no authority to conduct a *de novo* process. She relies on the complete absence of this language from the statute and regulations, contrasted with repeated reference in both to the word "review".[8] The College replies that the regulations permit the parties to call evidence and that the procedural authority given to the Committee may be indistinguishable from a *de novo* process.

[9] In principle, a "review" looks backwards. It is retrospective. A *de novo* hearing looks forward. It is prospective. But in this case the distinction may be diminished by the evidentiary latitude of the regulations.

[10] Undeterred, Ms. Hogg insists there is simply no jurisdiction to proceed *de novo.* She was ably assisted at the hearing by her friend, Jeffrey Mahoney, speaking on her behalf. As he elegantly put it, "jurisdiction determines procedure. Procedure does not determine jurisdiction". Of course, he is right. But not yet.

[11] *De novo* has been judicially interpreted as an entirely fresh step without regard to what has been done before.[9] That might offend the statutory language in this case. But it is not clear that the Appeal Committee contemplates the *tabula rasa*[10] that *Thanabalasingham* describes. The Appeal Committee said:

> ***"Evidence at the Appeal Hearing can include the record before the Registration Committee*** and fresh evidence and submissions by the parties."[11]
>
> [Emphasis added]

So it does not appear that the Appeal Committee thinks the original decision of the Registration Committee should be left behind.

Conclusion

[12] The jurisdictional argument advanced by Ms. Hogg involves statutory interpretation of the *Act* in the context of the process ultimately authorized and implemented by the Appeal Committee. That has not yet occurred.

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[8] *Paramedics Act*, S.N.S. 2015 c. 33, s. 31; Paramedic Regulations, N.S. Reg. 57/2017 amended to N.S. Reg. 84/2018 c. 939, 41, 49, 50.
[9] *Canada (Minister of Citizenship and Immigration) v. Thanabalasingham (C.A.)*, [2004] 3 F.C.R. 572 (Fed Ca), per Rothstein J.A. at para. 6.
[10] Literally "blank slate".
[11] Appeal Book at p. 269.

[13] It is not obvious that the Appeal Committee lacks authority – jurisdiction – for what it proposes to do. Whether Ms. Hogg's objections have merit awaits the Appeal Committee's process and it would be premature to assess that now. The judge did not err in law in applying the prematurity principle and no patent injustice results from his decision.

[14] The appeal should be dismissed, without costs.

Bryson, J.A.

Concurred in:

Beaton, J.A.

Gogan, J.A.