

SUPREME COURT OF NOVA SCOTIA

Citation: Levesque v. Nova Scotia College of Optometrists, 2014 NSSC 22

Date: 20140127

Docket: Hfx No. 416154

Registry: Halifax

Between:

Dr. Yves Levesque

Appellant

v.

Nova Scotia College of Optometrists

Respondent

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Judge: The Honourable Justice Michael J. Wood

Heard: January 13, 2014, in Halifax, Nova Scotia

Written Decision: January 27, 2014

Subject: Administrative Law - Judicial Review
Professional Discipline - Screening Decisions

Summary: The applicant challenged the College's decision to refer a complaint to the Hearing Committee. He alleged a breach of procedural fairness by failure to disclose opinion from outside optometrist. Also alleged referral decision was not reasonable.

Issue: Should the decision to refer the complaint to the Hearing Committee be set aside?

Result: There is a limited right of procedural fairness at the investigation stage, but it does not include the right to receive and comment on all information obtained by the Complaints Committee. There was no breach of the duty of fairness. The Court commented on the reluctance to engage in judicial review of preliminary screening decisions. Concluded that applicant had not shown absence of reasonable basis for the Committee's decision. Application dismissed.

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