

**DISCIPLINE COMMITTEE
OF THE COLLEGE OF DENTURISTS OF ONTARIO**

PANEL: Elizabeth Gorham-Matthews, Chair, Professional Member
Bruce Selinger, Professional Member
Eugene Cohen, Professional Member
Avneet Bhatia, Public Member
Aisha Hasan, Public Member

BETWEEN:

COLLEGE OF DENTURISTS OF ONTARIO

REBECCA DURCAN and JUSTINE
WONG for College of Denturists of
Ontario

- and -

VICTOR MINAS

PIERRE CHAMPAGNE and GRAEME
MACPHERSON for the Member

Reg. No. 512-94

JORDAN STONE
Independent Legal Counsel

Heard: June 20, 2023

DECISION AND REASONS – MOTION FOR ADJOURNMENT

This matter came on for an electronic hearing before a panel (the “**Panel**”) of the Discipline Committee of the College of Denturists of Ontario (the “**College**”) on June 20, 2023, via videoconference. A hearing was scheduled to be heard June 20, June 21, and June 26, 2023. On June 16, 2023, the Panel received a letter from the Member’s counsel requesting an adjournment. The request was heard by way of a motion as per rule 5.02(1)(b) of the Discipline Committee’s Rules of Procedure.

Member's Submissions

Counsel for the Member filed a motion record (marked as Exhibit 1 on the motion), which contained the letter dated June 16, 2023 sent by Member's counsel requesting an adjournment, a letter dated June 16, 2023 from the Member's family physician [REDACTED] and an affidavit sworn by Mr. Minas dated June 16, 2023.

Counsel for the Member advised the Panel that the parties were jointly requesting an adjournment on the following terms and conditions:

1. Mr. Minas will continue to be followed by [REDACTED] on a regular basis. [REDACTED] will provide a written update within the next 4 weeks;
2. Mr. Minas will not work as a denturist more than the 1½ days over the course of a one week period, being the same rate of work that he has worked as a denturist recently. Mr. Minas will document the hours worked by a sworn affidavit which will be submitted at the same time as the written update of [REDACTED];
3. The hearing date of the discipline committee will be adjourned to a date that is after the date of receipt of the update of [REDACTED] and sworn affidavit of Mr. Minas in order to assess the information in the update from [REDACTED] and to ascertain next steps.

College's Submissions

College Counsel confirmed that the College consented to the adjournment on the terms and conditions set out by the Member's counsel. College counsel advised that they reluctantly agreed to the adjournment, as the request was late and witnesses and the Panel had already blocked out the time for the hearing, but agreed to the adjournment out of an abundance of caution to ensure a fair hearing is conducted for the Member.

College counsel also suggested that the Panel make the terms and conditions of the adjournment public on the College's public register.

Reply Submissions

The Member's counsel had no submissions in reply.

Order

The request for an adjournment by Mr. Minas was granted on the following terms and conditions:

1. Mr. Minas will continue to be followed by [REDACTED] on a regular basis. [REDACTED] will provide a written update within the next four weeks;
2. Mr. Minas will not work as a denturist more than the 1 ½ days over the course of a one-week period, being the same rate of work that he has worked as a denturist recently. Mr. Minas will document the hours worked by a sworn affidavit which will be submitted at the same time as the written update of [REDACTED];
3. The hearing date of the discipline committee will be adjourned to a date that is after the date of receipt of the update of [REDACTED] and sworn affidavit of Mr. Minas in order to assess the information in the update from [REDACTED] and to ascertain next steps.

The Panel also ordered that the fact of the adjournment and the terms and conditions of the adjournment be included on the public register.

Reasons for Decision

The Panel accepted the joint request for an adjournment. It is in the authority and jurisdiction of the Panel to grant an adjournment, including with terms and conditions, pursuant to sections 16.1, 21, and 25.0.1 of the *Statutory Powers Procedure Act*, RSO 1990, c S.22.

The Member's behaviour did not indicate a lack of compliance with previous orders and the Member had not previously requested an adjournment. The Panel weighed heavily that both counsel were in support of the submission for adjournment on terms and conditions. The Panel considered the doctor's letter explaining the health concerns of the Member that could potentially jeopardize the fairness of the hearing if it were to proceed at this time. The Panel felt the affidavit from the Member reinforced that the Member took the hearing seriously but was enduring health

issues that would make it difficult to proceed with the hearing. The Panel considered past cases where discipline hearings were adjourned due to health issues of a member impacting the member's ability to meaningfully participate in the hearing.

The Panel felt that the Member agreeing to reduce his clinic hours was appropriate to protect the public and ensure the Member's health issues improved so that the hearing could proceed. The Panel also believed that the requirement that the Member continue to be treated by his physician and that the physician provide updates on the Member's health will help ensure the hearing will be able to proceed reasonably soon.

The Panel was supportive of the terms and conditions being posted on the College's public register to be transparent to the public with regards to the Member's hearing status and practice limitations.



June 26, 2023

Elizabeth Gorham-Matthews
Chairperson

Date

Elizabeth Gorham-Matthews
Bruce Selinger
Eugene Cohen
Avneet Bhatia
Aisha Hasan