



**College of Veterinarians  
of British Columbia**

**College of Veterinarians of British Columbia**

Date of Decision: 2023-08-11

CVBC File: 19-045

**In the matter of the *Veterinarians Act*, S.B.C. 2010, c. 15**

**and**

**In the matter of**

**The College of Veterinarians of British Columbia**

**and**

**Dr. Pavitar Bajwa, Respondent**

Before the Discipline Committee Panel:

Herman Van Ommen, K.C., Chair  
Dr. Carsten Bandt  
Dr. Tatjana Mirkovic

Counsel for the College of  
Veterinarians of British Columbia:

Allan Doolittle

Counsel for the Respondent:

Clea Parfitt

---

**Decision on Pre-Hearing Application**

---

- [1] The Respondent seeks the following orders:
- (a) disclosure of any documents in the possession of the College regarding the Respondent's medical records, or those of Surrey Animal Hospital or Hwy 1 232 Animal Hospital, which were created since March 2029, including but not limited to any documents relating to inspections of Surrey Animal Hospital or Hwy 1 232 Animal Hospital or which may be in the possession or control of nay part of the Practice Facility Accreditation Committee ("PFAC"); and
  - (b) requiring the College to identify which determinations under section 61(1) (b) of the Veterinarians Act it will ask the Discipline Panel to make at the conclusion of the hearing.

[2] The Notice of Motion is not supported with any affidavit material.

[3] The College opposes both orders sought.

[4] The Amended Citation contains two counts. The first alleges that in relation to a teeth cleaning procedure for a dog named Mocha on or about March 29, 2019 the Respondent failed to obtain informed consent from the owners. The second count alleges that in relation to that mater the Respondent failed to prepare clinical records in accordance with certain specified standards.

## **DOCUMENTS**

[5] The Respondent argues that since that time the College, through its practice facility inspection processes and practice facility inspectors, has had considerable dealings with him regarding his medical records and the medical records of Surrey Animal Hospital and Hwy 1 232 Animal Hospital.

[6] He says that since March 2019 he has changed and improved his medical record keeping.

[7] He has provided no evidence of what those "considerable dealings" are or how they are connected to Surrey Animal Hospital and Hwy 1 232 Animal Hospital.

[8] He argues that the steps taken by the College under the Practice Facility Accreditation Committee are duplicative of the allegations in the Citation which are now, it is alleged, moot. He says it is an abuse of process to proceed with the Amended Citation.

[9] We are provided with no evidence of how that may be so.

[10] The College notes that the documents sought postdate the allegations in the Citation and concern records from a facility not connected to the allegations.

[11] The College argues as follows:

- (a) The Respondent's alleged engagement and any resulting improvement in his record-keeping practice (which are not admitted) are irrelevant to the allegations in the Amended Citation, namely whether he obtained informed consent to administer anesthesia or maintained adequate clinical records in relation to Mocha.
- (b) In any event, as stated above, there is no evidence before the Panel that the Respondent has engaged with PFAC to improve his longstanding medical records issues or that the Respondent's records have improved as a result (which the College does not admit).
- (c) The PFAC records would not be helpful in assessing the alleged improvement. To the extent that PFAC reviews clinical records, it does so from the perspective of ensuring the records exist and facility accreditation standards are met. PFAC does not have jurisdiction to address an individual registrant's conduct or competency, including in relation to their record-keeping practices.

[12] The College also did not provide affidavit evidence to support its characterization of the PFAC processes and potential documents except for appending a document entitled "Accreditation Standards."

[13] In the absence of context provided by affidavit evidence we cannot determine how such documents would be relevant to the allegations in the Amended Citation which occurred on one day, March 29, 2019.

[14] As the documents requested appear to concern facilities not party to these proceedings, we would expect that some form of notice would have been given to them but we see no evidence of that having occurred.

[15] To the extent that the Respondent wishes these documents to show that he has improved his medical record keeping they would not be relevant to the first stage of the hearing which is to determine whether the allegations are proven. We do not decide now whether they would in fact be relevant and producible in the penalty phase if that stage is reached.

[16] In support of his argument that because of the steps taken by the College through PFAC the allegations in the Amended Citation are moot and proceeding is an abuse of process he notes that the Investigation Committee was not informed of those steps before deciding to issue the citation.

[17] The Respondent had the opportunity to advise the Investigation Committee of those steps and argue that the issuance of a citation would be an abuse of process. It is apparent that he did not. That was the appropriate venue to make that argument. The Investigation Committee is charged with investigating complaints and deciding whether to issue a citation or to take other steps and could have, if persuaded by the Respondent, decided not to issue the citation and instead take other steps.

[18] The Discipline Committee's jurisdiction derives from s. 59 (1) of the Veterinarians Act which requires it to hear and determine a citation issued under s. 58. An argument that the Investigation Committee ought not to have issued the citation is irrelevant before us.

[19] We decline to order production of the records sought.

## **PARTICULARS**

[20] The Respondent asks that the College identify which of the determinations available under s. 61 (1) (b) of the Veterinarians Act it will ask the Panel to make at the conclusion of the hearing.

[21] Both Count 1 and Count 2 of the Amended Citation conclude with the statement “This conduct constitutes professional misconduct and/or breach of the Act or bylaws”.

[22] The College has identified which determination under s. 61 (1) (b) will be sought.

[23] We decline to make the order sought.

## **CONCLUSION**

[24] The Notice of Motion dated July 20, 2023 is dismissed.

Dated this 11<sup>th</sup> day of August 2023.

*Herman Van Ommen*  
Herman Van Ommen, K.C., Chair

*Carsten Bandt*  
Dr. Carsten Bandt

*Tatjana Mirkovic*  
Dr. Tatjana Mirkovic