

IN THE MATTER OF the *Veterinarians Act*, SBC 2010, c. 15, as amended

The College of Veterinarians of British Columbia
(the “CVBC” or the “College”)

and

Dr. Janice Posnikoff
(the “Respondent”)

RULING ON APPLICATION FOR STAY

Panel	Carol Baird Ellan K.C., Chair Dr. Al Runnells Dr. Amy Cheung
Counsel for the Respondent	Joel Friesen
Counsel for the College	Allan L. Doolittle and Tom P. Barker
Date of Ruling	September 3, 2026

The Panel directs that this Ruling be published on the CVBC website

1. Nature of Application & History of Proceedings

[1] On September 10, 2025, this Panel found that the Respondent breached the CVBC *Bylaws* and *Professional Standards* and committed professional misconduct contrary to Section 61(1)(b)(iv) of the *Veterinarians Act*, arising from her failure to respond to correspondence from

the CVBC on numerous occasions (the “Liability Decision”).¹ A further decision was issued on May 21, 2026, imposing a suspension, certain educational requirements, and a costs award (the “Sanctions Decision”).² The Respondent filed a Petition in the BC Supreme Court on June 17, 2026, amended on June 23, 2026, appealing the two decisions of the Panel. Copies of the Petition and Amended Petition were provided to the Panel on June 24, 2026.

[2] It appears the Respondent also filed an application to this Panel for a stay on June 17, 2026, which for some reason was not delivered to the Panel. The Panel received the College’s response to that application on July 24, 2026 and invited the Respondent to file a reply by August 4, 2026. That date was extended to August 11, 2026, at the request of counsel for the Respondent. The reply was received by the Panel on August 12, 2026.

[3] The suspension imposed in the Penalty Decision was to start two months after service of the decision and continue for the longer of two months and the Respondent’s completion of a response to a letter sent to her by the CVBC in April 2024, referred to in the decisions as the “Inspector’s Letter.” In reviewing the materials after receipt of the reply, it became apparent that the Panel did not have the Respondent’s application. It was provided to the Panel on August 13, 2026.

[4] As a result of that sequence of events, and on learning from the reply that the Respondent had commenced her suspension on July 24, 2026, the Panel issued an interim direction on August 13, 2026, as follows:

The Panel acknowledges the close of counsel's submissions on the stay application and will provide a ruling in due course. Pending the ruling, the Panel is exercising its authority under Section 284 of the CVBC Bylaws to issue an immediate interim stay of the Respondent's suspension, which will expire when the Panel provides its ruling and/or be replaced by the ruling, if the application is granted in whole or in part.

¹ 2025-09-10, CVBC v. Posnikoff No. 24-147, [Decision on a Discipline Hearing](#)

² 2026-05-21, CVBC v. Posnikoff No. 24-147, [Decision on Sanctions and Costs](#)

2. Submissions

[5] The Respondent applies for an immediate stay of paragraphs 1 – 4 of the Sanctions Decision, and a suspension of the costs award or a direction that it not be enforced pending the outcome of the appeal.

[6] In the application, her counsel addresses the urgency of the application and the potential financial detriment to the Respondent if the suspension and the costs award are not stayed. He states:

4. The Respondent does not minimize the duty to cooperate with the College or the seriousness of the findings. The narrower question is whether the appeal should remain practically meaningful while the College's public-interest concerns are addressed through focused interim conditions and the parties' positions concerning costs are preserved.
5. That approach is consistent with the Panel's own stated objective. The Panel explained that the sanction should be directed less at cutting off the Respondent's livelihood than at incentivizing her to prioritize the investigation... A conditional stay preserves that objective without requiring the Respondent to serve the suspension before the appeal is heard.

[7] The Respondent's counsel relies on section 62 of the Act which permits a panel to stay sanctions imposed by it under section 61(2). He cites a decision on the CVBC website in which a stay of sanctions was ordered by a panel.³ Counsel acknowledges the absence of a test in the Act and relies on the factors enumerated in *RJR-MacDonald Inc. v. Canada (Attorney General)*, [1994] 1 S.C.R. 311 for interlocutory relief: a serious issue, irreparable harm, and the balance of convenience, including public interest considerations.

[8] Counsel advances a relatively low threshold for the first two factors, and in relation to the third, a public interest-focused test of which party would suffer greater harm from the granting or refusal of the order sought. In her application materials, the Respondent provided a letter she had written on June 15, 2026 to her counsel, addressing the financial hardship that would be caused by the suspension proceeding, including the effects on her clinic and the other employees. In

³ CVBC v. Salhotra, File No. 21-065(b)

submissions her counsel elaborated that the financial hardship she described in the letter would be compounded by requiring the costs award to be paid before the appeal proceeded.

[9] In its response, the College opposes the stay application on the basis that the legal requirements for a stay are not met, relying on *R. v. Canadian Broadcasting Corp.*, 2018 SCC 5 at para. 12, which cites the *RJR-MacDonald* decision. The College relies primarily on the fact that the appeal of the Liability Decision is unlikely to be successful because it was filed seven months after the 30-day deadline in the Act, and there is no power under the Act for the appeal court to extend that deadline. The College's argument is that there is little merit to an attack on the Sanctions Decision if the Liability Decision stands, and that therefore there is no serious issue at stake on the appeal.

[10] The College takes other issues with the adequacy of the Respondent's materials in support of her application, and suggests that taking two one-hour courses is not sufficiently onerous to create irreparable harm. In relation to the public interest test, the College says this is a case of failure to comply with an investigation, and a stay of the Panel's orders would further impair the College's mandate to regulate the profession, and in particular, hamper the investigation that is the subject of the Inspector's Letter.

[11] The College proposes as an alternative a stay with conditions, pursuant to section 62(1)(b) of the *Veterinarians Act*, requiring the Respondent to provide responses to each of the questions in the Inspector's Letter, save for question 4, within 14 days from the date of the order, in accordance with paragraphs 1 to 3 of Part 6 of the Sanctions Decision, failing which, the College will have leave to apply to the Panel to set aside the stay.

[12] In her reply, the Respondent submits that no orders were included in the Liability Decision and the time limit runs from the delivery of the Sanctions Decision. As an alternative, she consents to the conditions advanced by the College being imposed with a stay.

3. Analysis

[13] The governing sections relating to the Panel's jurisdiction are Sections 61, 62 and 63 of the Act and Section 304 of the Bylaws. The Panel observes firstly that it is empowered under section 61(1) "by order" to make determinations in relation to misconduct and non-compliance.

The Act and Bylaws provide certain parameters for decisions under that section including that they be accompanied by reasons. The appeal court will need to determine whether the absence of the term “order” from the Liability Decision reasons affects the operation of section 64(2). It is a question that also came up on the Salhotra matter, cited by Respondent’s counsel. As counsel observed, that ruling was not posted on the website, but two of the Panel members here sat on that panel and we can observe that the College consented to the stay in that matter and did not rely on the limitation issue. Perhaps the appeal in that matter or this one will clarify the wording of section 62(2) and the effect of section 64(2). The question remains open, at present, as to whether failure to file a timely appeal bars an application for a stay of sanctions.

[14] In relation to assessing the merits of a stay application where an appeal has been filed, the Panel is of the view that unless the appeal is patently without merit, sanctions that cannot be undone, such as suspensions and remedial orders, should reasonably be postponed pending the outcome of the appeal. The case law cited, dealing with injunctions, is perhaps not wholly apt to a question of whether a penalty needs to be exacted before a registrant knows whether the order that imposed it will be upheld. There should be conditions to encourage the expeditious pursuit of the appeal, and arguably, any sanctions that can proceed without irreparable harm in the sense of being unnecessarily performed, should proceed.

[15] Here, the underlying concern was the Respondent’s non-compliance with a request of the Inspector on an investigation into her conduct. That investigation was not completed as far as the Panel is aware, and whether or not the Respondent’s failure to comply amounts to misconduct or non-compliance under the relevant provisions, the original request remains unaddressed. The Respondent has consented (in the alternative) to providing a response to the Inspector’s Letter, while awaiting the outcome of the challenge to the Panel’s findings.

[16] As noted by Respondent’s counsel, there remains a possibility that the appeal will determine that the Respondent has already substantially responded to the Inspector’s questions; however, the Panel does not see any irreparable harm arising from permitting the term requiring her to provide answers satisfactory to the CVBC to proceed, as suggested by counsel, as a condition of the stay of the remaining terms. In light of the time of year and the unfortunate

delay in the Panel addressing the application, the Panel will provide a longer period for compliance than suggested by counsel.

[17] Therefore, in relation to the application to stay the penalty portion of the Sanctions Decision, the Panel accepts the suggestion of both counsel that the stay of the suspension and the remedial orders be granted on the condition that the Respondent provide written responses to each of the questions in the Inspector's Letter, save for question 4, and in accordance with paragraphs 1 to 3 of Part 6 of the Sanctions Decision, within 28 days of receipt of this order of the Panel. If the Respondent fails to comply with this condition the College has leave to apply to terminate the stay.

[18] In relation to costs, the Respondent's submission is essentially that the costs award contributes to the financial hardship addressed in the Respondent's letter which accompanies the application. The College points out that the Respondent's letter did not specifically address a need to defer the costs award, and it says there is no evidence to support her inability to pay it. The College suggests as well that the Panel has no jurisdiction to suspend the costs award, in any event.

[19] The Panel's view is that the jurisdiction provided to the "discipline committee" in section 304 of the Bylaws to extend the time to pay a costs award in the event of financial hardship implies authority to postpone a costs award that ultimately may not have to be paid if the registrant's appeal succeeds. The Panel prefers not to complicate the matter by requiring sworn evidence of financial distress. The costs award is substantial, and while it is not irreversible if paid, and indeed may conceivably be funded by the Respondent's insurance, the balance of convenience and public interest do not demand that it be paid before the outcome of the appeal is known. The costs award will therefore be part of the stay granted in this order, pursuant to the Panel's authority under section 304 of the Bylaws.

4. Orders

[20] The Panel orders as follows in response to the application.

1. The orders made by the Panel in Part 6 of the Penalty Decision are stayed pending the outcome of the Respondent's appeal, on the conditions set out in this Part.

2. The Respondent will provide written responses to each of the questions in the Inspector's Letter (as defined in the Penalty Decision), save for question 4, and in accordance with paragraphs 1 to 3 of Part 6 of the Sanctions Decision, within 28 days of receipt of this order. If the Respondent fails to comply with this condition the College has leave to apply to terminate the stay.
3. The Respondent must take reasonable steps to prosecute her appeal in a timely manner.
4. The College is at liberty to apply for the stay to be terminated after June 30, 2027, if the appeal has not proceeded in a timely manner.
5. In the event of the dismissal of the appeal, the timelines in Part 6 of the Penalty Decision pertaining to the remaining sanctions will be counted from the date that the Applicant receives notice of the dismissal, except that the Respondent may at her option elect to commence her suspension or remaining suspension at any time within 60 days of receiving notice of dismissal of the appeal.

Carol Baird Ellan

Carol Baird Ellan K.C.
Chair of the Panel

Al Runnells

Dr. Al Runnells

Amy Cheung

Dr. Amy Cheung