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CASE SUMMARY: COMPLAINANT IN PROFESSIONAL DISCIPLINE MATTER LACKED STANDING TO JUDICIALLY REVIEW MERITS OF DECISION TO DISMISS COMPLAINT

Administrative law – Decisions reviewed – College of Physicians and Surgeons – Complaints lacking merit – Judicial review – Appeals – Standing – Physicians and surgeons – Professional misconduct

Makis v. College of Physicians and Surgeons of Alberta, [2019] A.J. No. 1229, 2019 ABCA 341, Alberta Court of Appeal, September 13, 2019, R. Khullar J.A.

The complainant filed two complaints with the Alberta College of Physicians and Surgeons against two physicians alleging harassment, abuse, and career sabotage.

The College dismissed the complaints on the basis there was insufficient evidence of unprofessional conduct. A request for review to the Complaint Review Committee was dismissed.

The complainant then sought judicial review. The chambers judge determined the complainant lacked standing to challenge the reasonableness of the Complaint Review Committee's decision, on case authority that a person who complains to a professional regulatory body has the same interest as any member of the public. On that basis, the complainant only had standing to challenge procedural fairness.

The complainant sought leave to appeal. On appeal, the court held it was long-established that a complainant is not a party to regulatory discipline proceedings and cannot seek a review on the merits; however, the court granted permission to appeal on the issue of procedural fairness.

This case was digested by [Joel A. Morris](#), and first published in the LexisNexis® Harper Grey Administrative Law Netletter and the Harper Grey Administrative Law Newsletter. If you would like to discuss this case further, please contact Joel A. Morris at jmorris@harpergrey.com.