

QBG228/2014**BODNARCHUK V. PROFESSIONAL CONDUCT COMMITTEE**

Andrew Heinrichs for the applicant
Roger LePage for the respondent

April 11, 2014

Dawson, J.

Tim Bodnarchuk , the applicant, applies for an stay of the penalty imposed upon the applicant by the Discipline Committee of the Saskatchewan College of Paramedics, which was upheld on appeal by the Council of the Saskatchewan College of Paramedics on January 15, 2014, pending the outcome of his appeal of the decision and sentence to this court.

The applicant was found guilty of professional misconduct and the following penalties were imposed:

1. That the applicant be formally reprimanded and that the reprimand be noted on the register;
2. That the applicant pay a fine of \$3,000.00;
3. That the applicant pay costs of \$7,500.00;
4. That the applicant complete at his own cost the ExpertRating Online Decision Making course within three months of the decision, failing which his licence would be suspended until proof of completion;
5. That the applicant pay the fine and costs in monthly instalments of 4300.00 per month commencing February 1, 2014.

The applicant appealed the decision to this court. Counsel have advised me that the appeal will proceed on April 29, 2014. The applicant herein seeks a stay of the order pending the results of his appeal.

As there is some urgency to this application, my reasons will be brief and mostly conclusory.

Counsel for the applicant and respondent have identified the prevailing authorities in relation to whether a stay should be granted: *Metropolitan Stores Ltd. V. Manitoba Food & Commercial Workers*, *RJR MacDonald Inc. V. Canada (Attorney-General)*, *Kay, v. The Law Society of Upper Canada*, *Circuit world Corp. V. Lesperence* and *Law Society of British Columbia v. Burgess*. The analysis involves a determination of whether the appeal raises a serious issue to be tried; whether the applicant will suffer irreparable harm if the stay is not granted; and does the balance of convenience favour the imposition of a stay.

I am satisfied that the appeal raises a serious issue to be tried.

I am not satisfied that the applicant will suffer irreparable harm if the stay is not granted in relation to the financial penalties imposed upon the applicant. I decline to order a stay with respect to the order that the applicant pay a fine of \$3,000.00 and costs of \$7,500.00, and the manner in which they are to be paid, pending the appeal.

I am satisfied that the applicant will suffer irreparable harm if the stay is not granted and I am satisfied that the balance of convenience favours the imposition of a stay in relation to the other two penalties imposed against the applicant.

As such I make the following order:

1. There will be a stay of the following penalty and order:

That the applicant be formally reprimanded and that the reprimand be noted on the register

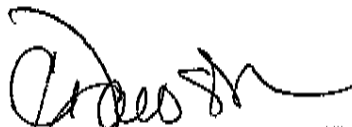
until the decision in the applicant's appeal has been rendered.

2. There will be a stay of the following penalty and order:

That the applicant must complete, at his own cost, the ExpertRating Online Decision Making course within three months of the decision, failing which his licence will be suspended until proof of completion

until the decision in the applicant's appeal has been rendered.

Costs of the application will be reserved to the judge hearing the appeal.



Dawson, J