

Health Professions Review Board

CITATION: Applicant v. College of Physicians and Surgeons of British Columbia (No. 2), 2026 BCHPRB 25

FILE NO.: HPRB-HPA-24-A128

DATE: February 5, 2026

In the matter of an application (the Application) under section 50.54 of the *Health Professions Act*, R.S.B.C. 1996, c. 183, (the Act) for review of a registration decision made by a registration committee

BETWEEN:	The Applicant	APPLICANT
AND:	The College of Physicians and Surgeons of British Columbia	COLLEGE
BEFORE:	John M. Orr, K.C., Panel Chair	REVIEW BOARD
HEARING DATE:	Conducted by way of written submissions closing on January 20, 2026	
APPEARING:	For the Applicant: Self-Represented	
	For the College: Victor Chan, Legal Counsel	

Registration Decision Summary:

Stage 1 hearing of an application for review of a registration decision under s. 50.54 of the HPA – Confirmed

In 2017, the Applicant began practice in the provisional family class under sponsorship and supervision with the condition that he was to provide proof of eligibility to sit for Certification in the College of Family Physicians examinations within one year, obtain the Licentiate of the Medical Council of Canada designation within three years, and obtain certification within five years of starting practice. The Registration Committee granted extensions of time for the Applicant to complete the conditions. The Registration Committee declined the Applicant's request to be transferred to the restricted – family class, which would remove the requirements for sponsorship and supervision.

One of the key issues before the Registration Committee was that transferring the Applicant's registration would remove the supervision requirement and allow him to remain registered and licensed indefinitely with no further examination obligations. The Registration Committee considered the Applicant's personal challenges, supervisory

reports and record of medical practice. The Registration Committee was aware of its authority under s.1-15(3) of the College Bylaws, which gives it the discretion, if it chooses to exercise it, to consider an applicant's knowledge, skills and abilities are substantially equivalent to those required for registration in a particular class. However, the Registration Committee said that in its view, the substantial equivalency provision is not intended to be an alternative pathway to registration and licensure in cases where there is a clear pathway for an applicant to otherwise meet eligibility criteria for registration. Having granted generous time for the Applicant to sit the examinations there was a clear pathway to assess his medical competence by requiring him to do so. The decision to decline the transfer would not remove a physician from practice, deprive the communities of culturally appropriate care, or worsen BC's physician shortage, as the Applicant argued.

Held: the decision is reasonable and transparent, as it set out the relevant facts, and clearly explained how the Registration Committee arrived at its conclusion; it was intelligible in that it was clearly expressed and easy to understand; and justified in that the reader could understand the factual and legal foundation for it. The Record shows that the Registration Committee provided a transparent, balanced, and coherent explanation of the factors considered and a rational explanation for their conclusion. Pursuant to s.50.54(9)(a) of the Act, the registration decision is confirmed.

REVIEW OF A REGISTRATION DECISION

I BACKGROUND

[1] On February 23, 2017, the Registration Committee found the Applicant physician eligible for registration and licensure in British Columbia in the provisional – family class. This resolution included the requirement that the Applicant provide proof of eligibility to sit for Certification in the College of Family Physicians (CCFP) examinations within one year, obtain the Licentiate of the Medical Council of Canada designation within three years, and obtain CCFP within five years of commencement of practice.

[2] The Applicant commenced practice in British Columbia in the provisional – family class under sponsorship and supervision as required in that classification. The Registration Committee has since granted extensions of time for the Applicant to complete the academic conditions of his licence to practice medicine in British Columbia.

[3] The Applicant was eligible to pursue the CCFP examinations since at least mid-2023. On October 25, 2025, the Applicant sat and failed the CCFP examination.

[4] The Registration Committee's decision (the Registration Decision) that is before me for review is from August 19, 2025.

II THE REGISTRATION DECISION

[5] On August 19, 2025, the Registration Committee reviewed and considered the Applicant's request to transfer from the provisional - family class to the restricted -family class which would remove the requirements for sponsorship and supervision, effective August 19, 2025.

[6] The Registration Committee reviewed the requirements for registration in the restricted – family class and determined that the Applicant did not meet the requirements for registration in the restricted – family class. Additionally, the Registration Committee declined to exercise its discretion under s.1-15(3) of the College Bylaws (the Bylaws) to consider whether the Applicant's knowledge, skills and abilities are substantially equivalent to those required for registration in the restricted – family class.

[7] The Registration Committee noted that the Bylaws for registration in the restricted – family class required the following:

2-45 (1) For the purposes of section 20(2) of the Act, to be granted registration in the restricted – family class, a registrant in the provisional – family class must

- (a) either
 - (i) have successfully completed a minimum of two years of accredited postgraduate training in a foreign jurisdiction recognized by the CFPC [College of Family Physicians of Canada] for the award of certification without examination, or
 - (ii) have successfully completed a practice ready assessment, acceptable to the registration committee in a Canadian province or territory, and
- (b) have completed five years of family practice in British Columbia under supervision, satisfactory to the registration committee, and
- (c) submit a sponsorship letter from a Health Authority satisfactory to the registration committee, that
 - (i) identifies the registrant's sponsor and
 - (ii) describes how the registrant will engage in the practice of medicine.

[8] The Registration Committee acknowledged that the Applicant had completed five years of family practice in British Columbia as required in s.2-45(1)(b) of the Bylaws; however, the Applicant did not meet the requirement in s.2-45(1)(a) of the Bylaws because he had not completed a minimum of two years of accredited postgraduate training in a foreign jurisdiction recognized by the CFPC for the award of certification without examination, nor completed a practice ready assessment. As such, the Registration Committee determined that the Applicant did not meet the requirements for registration in the restricted – family class.

[9] The Registration Committee then considered whether to exercise the discretion provided under s.1-15(3) of the College Bylaws which provides that the Registration Committee has the power, where appropriate, to consider whether the Applicant's knowledge, skills and abilities are substantially equivalent for registration in the restricted – family class.

[10] The Registration Committee noted that a consideration of substantial equivalency pursuant to s.1-15(3) of the College Bylaws is not intended to be an alternative pathway to registration and licensure in cases where an applicant would otherwise meet eligibility criteria for registration and licensure as outlined in the Bylaws.

[11] The Registration Committee noted that the Applicant's training and credentials had already been assessed and recognized by the CFPC for eligibility to sit the certification examinations. The Registration Committee also noted that the Applicant was already a registrant in the provisional – family class, which allowed the Applicant to remain practising pending the award of the CFPC, subject to continuing oversight by a sponsoring health authority and a supervising registrant.

[12] As there was a pathway available to the Applicant to assess his medical competence by sitting the upcoming CCFP examination, the Committee declined to exercise its discretion under s.1-15(3) of the Bylaws.

[13] The Registration Committee then again considered a further extension of the Applicant's provisional – family class registration to allow the Applicant to re-sit the CCFP examination. The Registration Committee discussed what would be a reasonable time to allow sufficient time to prepare for the examination, given the fact that the Applicant's current licence was expiring before the scheduled CFPC exam.

[14] The Registration Committee acknowledged that it wanted to provide sufficient additional time for the Applicant to attempt the examination and determined to extend the Applicant's registration and licensure in the provisional – family class to June 30, 2026.

[15] The Applicant was informed of the Registration Decision by letter dated August 25, 2025, and of his right to apply to the Review Board for review of it.

III THE APPLICATION FOR REVIEW

[16] In his initial application for review the Applicant requested:

1. Correction of the record concerning the validity of my registration.
2. Adequate time to prepare for and sit the CCFP examination.
3. A change in registration status to the Restricted Class so that I may continue practising while fulfilling the requirements for certification.

[17] Following receipt of the letter informing him of the Registration Decision, the Applicant confirmed that the Registration Committee had addressed the first two requests. However, he complains that the Registration Decision to deny him transfer to the restricted class is deeply concerning.

[18] The Applicant submits that the Registration Decision ignores his competence and the discretionary flexibility granted under the bylaws.

[19] The Applicant submits that the Registration Decision not to transfer his status from provisional family class to restricted family class was unfair considering he has practiced under formal supervision for five years and had a recommendation from his supervisor that he no longer required supervision.

[20] The Applicant noted that he worked through the COVID-19 pandemic providing family medicine under difficult circumstances. He offers care in English and three other languages. He submits his degree of service should have been recognized,

[21] The Applicant submits he had a reasonable expectation that he would be granted the restricted family class because the College executive director communicated that once a complaint matter being addressed by the Inquiry Committee was resolved his eligibility would be reviewed.

[22] The Applicant submits that the Registration Decision was a missed opportunity. He submits that Bylaw 1-15(3) exists for exactly his circumstances — to allow the Committee to find “substantial equivalency” in cases where the applicant has proven safe, competent practice through alternative but valid pathways.

[23] The Applicant submits that rigid refusal to consider discretion is inconsistent with fairness and reasonableness. He submits that Courts have intervened when regulators apply bylaws too narrowly.¹

[24] The Applicant submits that the decision falls short of the test of reasonableness as stated by the Supreme Court in *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65, [2019] 4 SCR 653 (*Vavilov*) that decisions must be reasonable, transparent, and justified.

[25] The Applicant says that he was preparing for the CCFP examination scheduled for October 2025 and the decision was threatening his eligibility to sit this exam.²

[26] The Applicant submits his credentials and Professional Record are:

- (a) 35 years of medical practice in other countries outside of Canada and Canada;
- (b) successfully passed the Medical Council of Canada’s Evaluation Examination;
- (c) training Credentials verified by the Medical Council of Canada;
- (d) fulfilled all training requirements for Provisional registration approved by CPSBC;

¹ The Applicant cites *Singh v. CPSBC* (2009 BCSC) and *Patel v. CPSBC* (2011 BCCA), for the precedent that the courts overturned College decisions that treated international medical graduates unfairly. However, it may be that the citations are in error because I was unable to locate either decision.

² The Applicant has informed the Review Board that he sat and failed the examination in October 2025.

- (e) practised safely in British Columbia for five years under supervision, with positive evaluations;
- (f) actively preparing for the CCFP examination to obtain full Registration;
- (g) consistently met the standards asked of me.

[27] The Applicant submits that the decision was not in the public interest because it:

- (a) removes a safe and competent physician from practice;
- (b) deprives the communities of culturally appropriate care;
- (c) worsens British Columbia's physician shortage, acknowledged by both the College and government in 2025.

[28] The Applicant asks the Review Board to:

- (a) Overturn the Registration Decision and direct his transfer to the Restricted Class.
- (b) His Registration File/Matters to be dealt with by impartial officer /College Registrars which is handed over to the College Lawyer.

IV CONSIDERATION

[29] Section 50.54(6) of the Act provides that on receipt of an application the Review Board must conduct a review of the Registration Decision. The review is based "on the record," meaning that I review the entire contents of the registration file (the Record), to determine how the Registration Committee made their decision.

[30] Section 50.54(9) of the Act provides that on completion of the review, the Review Board may make an order:

- (a) confirming the registration decision,
- (b) directing the registration committee to make a decision that could have been made by the registration committee in the matter, or
- (c) sending the matter back to the registration committee for reconsideration with directions.

[31] In this case the Applicant is asking the Review Board to direct his transfer to the Restricted – Family class.

[32] The Review Board does not have the authority to directly grant the order requested by the Applicant but may direct the Registration Committee to make a decision that it could have made s.50.54(9)(b) of the Act.

[33] The Act does not state a specific standard of review for registration decisions but the proper question for consideration in this review is whether the Registration Decision was reasonable.

[34] The Review Board articulated the reasonableness test in *Complainant v. College of Physicians and Surgeons of British Columbia (No. 1)*, 2020 BCHPRB 70 at paras 44-45:

A reasonableness review by the Review Board has two aspects, the first of which is to determine whether the disposition transparently explained the outcome, and the second is to determine whether the outcome itself was reasonable.

The Review Board's traditional emphasis on requiring transparent reasons was recently reinforced by the Supreme Court of Canada in a series of decisions that speak to a "reasons first" approach to reasonableness review at common law: *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65 ("Vavilov"); *Canada Post Corp. v. Canadian Union of Postal Workers*, 2019 SCC 67 ("Canada Post").

[35] *Vavilov*, at paras 85 – 86, provides that a "reasonable" decision is one that falls within a range of possible, acceptable outcomes which are defensible in respect of the facts and law that constrain the decision-maker.

[36] A reasonable disposition should be transparent in that it is clear as to how the Registration Committee arrived at its conclusion; intelligible in that it is clearly expressed and easy to understand; and justified in that the reader should be able to understand the factual and legal foundation for the Registration Committee's conclusion.

[37] This is the standard against which I have assessed whether the Registration Decision was reasonable.

[38] I have read and considered the entire contents of the Record, and it discloses that the Registration Committee has been addressing the concerns of the Applicant for many years. There can be no doubt that they were fully aware and fully informed about his background, his credentials, and his medical practice. They were also aware that the Applicant had failed to complete the CCFP examination even though this was one of the conditions of his initial entry into practice in British Columbia as adopted in February 2017.

[39] The first issue before the Registration Committee was the Applicant's renewed request for additional time to sit and complete the CCFP examinations. The Registration Committee once again granted the Applicant a generous amount of more time to ensure that the Applicant would be able to sit the examinations without undue pressure.

[40] The Applicant has withdrawn any review of that aspect of the Registration Decision and was able to sit the CCFP examinations in October 2025.

[41] The Applicant's primary submission is that the Registration Committee's exercise of discretion relating to his transfer to the restricted family class was unfair.

[42] One of the key issues before the Registration Committee was that transferring the Applicant's registration as requested would remove the Applicant's supervision requirement and he could remain registered and licensed indefinitely with no further examination obligations.

[43] The Registration Committee considered all the personal and family challenges and the Applicant's record of medical practice. They considered all the supervisory reports over the years. There was no suggestion that it failed to take any matters into consideration or that they considered things that they should not have.

[44] The Registration Committee was aware of its authority provided under s.1-15(3) of the College Bylaws, which provides that the Registration Committee has the discretion, if it chooses, to consider whether an applicant's knowledge, skills and abilities are substantially equivalent to those required for registration in a particular class.

[45] However, the Registration Committee noted that in its view, the substantial equivalency provision is not intended to be an alternative pathway to registration and licensure in cases where there is a clear pathway for an applicant to otherwise meet eligibility criteria for registration. Having granted generous time for the Applicant to sit the CFPC examinations there was a clear pathway to assess his medical competence by requiring him to do so.

[46] The Registration Committee also noted that the Applicant was already a registrant in the provisional – family class, which allowed him to remain practising pending the award of the CFPC, subject to continuing oversight by a sponsoring health authority and a supervising registrant. The decision to decline the transfer would not remove a physician from practice, deprive the communities of culturally appropriate care, or worsen British Columbia's physician shortage.

[47] Having considered the Applicant's situation carefully, I find the Registration Decision is reasonable. It is transparent as it sets out the relevant facts and considerations, and it is justifiable in its consideration and application of the relevant bylaws.

[48] I have not taken into consideration the new information provided by the Applicant on January 20, 2026, that he failed the CFPC examination in October 2025.

[49] I have also not taken into consideration, for the purpose of this review, the additional information provided by the Applicant on February 2, 2026, about a Summative Assessment alternative path to registration. Both this alternative path and the result of the CFPC examination are matters to be considered by the Registration Committee and are not relevant to this review.

[50] The Registration Decision is transparent in that it is clear as to how the Registration Committee arrived at its conclusion; intelligible in that it is clearly expressed and easy to understand; and justified in that the reader should be able to understand the factual and legal foundation for the Registration Committee's conclusion.

V CONCLUSION

[51] Upon review of the Record and the submissions made by the Applicant, I conclude that the Registration Decision was reasonable. The Record shows that the

Registration Committee provided a transparent, balanced, and coherent explanation of the factors considered and a rational explanation for their conclusion.

VI DECISION

[52] I confirm the Registration Decision pursuant to s.50.54(9)(a) of the Act.

“ John Orr”

John M. Orr, K.C., Panel Chair
Health Professions Review Board