

WeirFoulds Lawyers Successfully Represent the Ontario College of Pharmacists in a Divisional Court Appeal

December 15, 2025

WeirFoulds Partner Ben Kates and Associate Uyên Tran have successfully resisted a Divisional Court appeal on behalf of the Ontario College of Pharmacists in [Tatla v. Ontario College of Pharmacists](#) (2025 ONSC 6728).

The Registrant appealed the Discipline Committee's findings that he had engaged in sexual misconduct, including sexual abuse of a patient, against the Complainant, who at the time was a pharmacy assistant working with the Registrant.

On the date of the impropriety, the Registrant had signed off on a refill of a prescription medication for the Complainant. The Complainant, as the pharmacy assistant, had refilled the prescription, and no counselling from the Registrant was necessary.

The focus of the appeal was whether, in light of the facts of this case, a patient-pharmacist relationship existed between the Complainant and the Registrant. The Court was required to consider the 2018 amendments to the Health Professions Procedural Code that included the statutory definition of "patient". The Court ultimately agreed with the College's position that the statutory definition was not intended to supplant the "ordinary meaning of the term" at common law.

The Court found that as a reviewing court, it owed deference to the Discipline Committee's characterization of what constitutes a "patient", a question of mixed fact and law that fell squarely within the Committee's specialized expertise in professional misconduct matters.

The Court held that if the Complainant had not been a patient of the Registrant, it "would mean that a member of the public could have their prescription filled without ever becoming a patient, a conclusion that flouts the experience of pharmacists and patients and the power dynamic between them." The Court concluded that the statutory definition of "patient" was satisfied on the facts of the case and is consistent with protecting the public interest.

To learn more about Ben Kates and Uyên Tran, please visit their respective profiles.

To learn more about WeirFoulds' Regulatory Practice Group, please visit the team's [overview page](#).

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