

# *Law Society of Ontario v AA, 2026 ONCA 47*: Restoring Public Trust in Licensing Decisions

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By Natasha Novac

In *Law Society of Ontario v AA, 2026 ONCA 47* ("AA"), released on January 26, 2026, the Court of Appeal for Ontario issued a strong reminder to regulators that the assessment of character in licensing decisions is inseparably tied to trust and public confidence not only in the applicant, but also in the profession and its ability to regulate itself in the public interest.

The Court's decision overturned the lower-level decisions that found that AA, a candidate for a lawyer's licence, was of "good character" notwithstanding he had sexually abused three children and failed to disclose it. The Law Society of Ontario ("LSO") was represented by Amy Block and Ben Kates of the [WeirFoulds Regulatory Group](#) together with Andrea Luey of the Law Society.

In granting the LSO's appeal and remitting the matter to Law Society Tribunal's Hearing Division, the Court held that a tribunal must assess the good character requirement in light of the overarching objectives of the statutory scheme and mandate, which include safeguarding the public's trust in licensees and in the profession as a whole. While individual considerations such as rehabilitation or remorse for past misdeeds have their place in a good character analysis, the Court cautioned, these considerations should not be approached as a "mere score card".<sup>[1]</sup> Rather these factors must be considered alongside and reconciled with the broader animating concepts of public trust and confidence in the profession and self-regulation.

## **The Backdrop**

In 2009, AA sexually abused three children on three occasions over a two-month span, including his eldest child. The abuse involved touching the children and being touched by them while clothed. At the time, AA was living abroad with his family in a close-knit religious community. Upon being confronted by the parent of one of the children, AA disclosed the abuse to various individuals, including his then-spouse, a religious leader, and a child protection agency. AA was not criminally charged. He began taking medication for his sexual dysfunction. He was later diagnosed with pedophilic disorder, assessed to be in remission. None of AA's children know of their father's past conduct.

AA and his family eventually returned to Canada. In Canada, AA continued to seek medical treatment for his condition but was not open with his medical practitioners about the nature and extent of his past actions or condition, instead choosing to disclose lesser issues. He also misrepresented the nature and scope of his past behaviour to Canadian child protection authorities and disclosed only one instance of sexual abuse rather than three.

During this time, AA pursued a legal education, and in 2012 he applied to be licensed as a lawyer in Ontario. He did not disclose the events of 2009 in his initial application to the LSO. After receiving an anonymous note on the eve of his call to the bar regarding the sexual abuse,<sup>[2]</sup> the LSO launched an investigation. AA was uncooperative with the LSO during the investigation and continued to withhold medical records and information about his sexual misconduct. He withdrew his licensing application in 2017.

In 2019, AA submitted a new application for licensure. The LSO referred the matter to a “good character” hearing before the Law Society Tribunal Hearing Division under s. 27(4) of the *Law Society Act (Act)*. [\[3\]](#) This section requires all applicants be of “good character” as a condition of the issuance of a licence.

### The Decisions Below

In determining whether AA was of “good character” as required under s. 27 of the Act, the Hearing Division structured its analysis around its oft-cited test derived from *Armstrong v. Law Society of Upper Canada*, 2009 ONLSHP 29. *Armstrong* identifies the following factors for consideration (known in Law Society Tribunal cases as the *Armstrong* factors):

- The nature and duration of the misconduct;
- Whether the applicant is remorseful;
- What rehabilitative efforts have been taken and their success;
- The applicant’s conduct since the misconduct; and
- The passage of time since the misconduct.

Applying the *Armstrong* factors, the Hearing Division found that AA’s misconduct was serious. However, it also found that AA was deeply remorseful and that evidence established significant and successful rehabilitative efforts. It held that AA’s post-2017 conduct was free from dishonesty and his risk of reoffending against minors was low. Furthermore, the Hearing Division held that a significant amount of time had passed since AA sexual abused children without him reoffending.

The Hearing Division then went on to impose a licensing condition that required that AA be supervised when meeting with “minor children”. This condition had been proposed by AA during the hearing, and that offer was accepted by the panel when it made its licensing decision.

Prior to the hearing, AA successfully moved for confidentiality orders before the Hearing Division, anonymizing his name, and those of his children, victims, and ex-spouse, sealing the Tribunal’s file, and imposing a publication ban on any information that would identify him and his family members. In making its confidentiality orders, the Hearing Division considered the test set out by the Supreme Court in *Sherman Estate*.[\[4\]](#)

The net result of the Hearing Division’s decision was that AA was of “good character” and was to be licensed with a condition that he cannot be with children unsupervised. Because of the confidentiality order, the Tribunal’s decision finding him of “good character” would be anonymized (and therefore, would be unlinked to AA as a licensee).[\[5\]](#)

The LSO appealed the decision of the Hearing Division to the Tribunal’s Appeal Division. The Appeal Division denied the appeal and continued the confidentiality orders that had been imposed by the Hearing Division.

The LSO then applied for judicial review. The Divisional Court unanimously dismissed the LSO’s application, finding that the Appeal Division’s analysis was reasonable. It rejected the LSO’s argument that the Tribunal’s decision was unreasonable because it failed to consider the public interest in granting AA’s licence. The Divisional Court reasoned that the Hearing Division’s analysis of the *Armstrong* factors adequately considered the public interest in granting AA’s licence. The Court also rejected the LSO’s contention that the Hearing Division’s licensing condition was inconsistent with its good character finding which rendered the decision as a whole unintelligible.

Prior to the Divisional Court hearing, AA obtained a temporary order for anonymization and non-publication pending the disposition of the application. Before the Divisional Court, AA sought a continuation of the Tribunal’s orders and the Court’s temporary order. The Divisional Court concluded, in three brief paragraphs and without conducting a fresh *Sherman Estate* analysis, that the Appeal

Division's continuation of the Hearing Division's order was reasonable and that the temporary confidentiality orders made by the Divisional Court should be continued.

Accordingly, at the conclusion of the Divisional Court proceedings, AA's (anonymized) "good character" finding and the order that he be licensed with a condition not to see minor children unsupervised remained intact.

### **The Court of Appeal's Decision: Good Character is Tied to the Broad Objectives of the LSO Act**

The LSO sought and obtained leave to appeal the decision of the Divisional Court to the Court of Appeal. In a lengthy decision, the Court of Appeal allowed the appeal and remitted the question of AA's good character back to the Tribunal's Hearing Division. The Court found the Appeal Division's decision unreasonable both with respect to its good character assessment and its conclusion that the licensing condition was not inconsistent with the finding of good character.

Justice Sossin (writing for a unanimous panel) found that the Tribunal's decision was unreasonable because the Tribunal failed to consider the overarching public interest in the good character assessment which it was required to do in view of the text, context and purpose of the "good character" requirement set out in s. 27 of the Act. While the Hearing Division identified the importance both of AA's trustworthiness and the public's trust and confidence in the legal professions, it failed to grapple with these questions in light of its findings on each of the *Armstrong* factors. Moreover, while the Hearing Division acknowledged the seriousness of AA's sexual assault of children, it did not address how the seriousness of this conduct affected its analysis and weighing of the other *Armstrong* factors in light of the LSO's public interest mandate embedded in the Act.

In essence, the Court found that Hearing Division summarily stated its conclusion that AA was of good character but failed to "step back" and explain how it had balanced and assessed the *Armstrong* factors to reach this conclusion. Its reasoning did not reflect any consideration of whether granting AA a licence would be consistent with public trust and confidence in the legal professions. In this way, the Hearing Division's reasons were entirely unmoored from the key legal constraints that govern the good character requirement, rendering the decision unreasonable. In the Court's view, it is far from clear the Hearing Division would have reached the same outcome with respect to good character if it had grappled with these questions.

The Court then went on to consider the LSO's argument that the licensing condition (that AA could not be alone with children) was inconsistent with the finding of good character rendering the decision unreasonable. The Court found the condition could not be justified in relation to the text, context, and purpose of the good character requirement, which inform the parameters of reasonable conditions. It introduced incoherence into the Tribunal's underlying good character decision, as the Tribunal failed to recognize that public trust is eroded by imposing a demographic condition (i.e. requiring that he be supervised in any meeting with "minor children") that suggests that AA cannot be trusted with all the responsibilities of licensure.

### **The Court of Appeal on Confidentiality Orders**

The Court also considered and granted AA's request for continued confidentiality orders. The Court reasoned that while AA remains merely an applicant seeking to be licensed as a lawyer, the benefits of the anonymization and non-publication order in protecting the identity of AA's eldest child, as a victim of his sexual assault, outweigh the negative effects of the lack of openness. The Court noted, however, that this balancing exercise may well lead to a different result if AA were licensed as a lawyer in the future. Were that to be the case, the benefits of an anonymization and non-publication order may be outweighed by its negative effects, including the harm to public confidence in the administration of justice by concealing AA's identity.

The Court also clarified two points with respect to the confidentiality orders made by successive decision-making bodies. First, anonymization and sealing decisions of a lower court do not bind a higher court because each court controls its own record, and the higher court must therefore conduct its own *Sherman Estate* analysis. However, even if the balancing weighs in favour of dismissing

the applicant's motion at a higher court, a publication ban imposed by a lower court or tribunal still operates broadly *unless* it is set aside, varied, stayed or overturned. This means the original tribunal order may continue to restrain publication even where subsequent courts decline to make an order.<sup>[6]</sup>

### Takeaways for Registering Applicants in Regulated Professions

AA is a powerful reminder that the assessment of an individual applicant's good character is inseparable from the broader and overarching statutory purpose that governs self-regulated professions: to protect the public interest. The decision lays out in considerable detail that protecting the public interest in entails maintaining the public trust and confidence in the legal profession and its ability to regulate itself.

This translates directly to the task of other regulators when making decisions on licensing or registration. While AA focusses on lawyers and public confidence in the legal profession, courts recognize the gatekeeping function of the registration process for other regulated health professionals as an important element of maintaining public trust in the profession.<sup>[7]</sup>

Thus, while factors such as the applicant's remorse, rehabilitative efforts, conduct following the misconduct and passage of time are and remain relevant considerations, they are not to be considered myopically or mechanically, like a scorecard, without regard to the overall statutory purpose: to safeguard the public and public trust in the profession.

***The information and comments herein are for the general information of the reader and are not intended as advice or opinion to be relied upon in relation to any particular circumstances. For particular application of the law to specific situations, the reader should seek professional advice.***

<sup>[1]</sup> *Law Society of Ontario v AA*, 2026 ONCA 47 at para 82

<sup>[2]</sup> *AA v. Law Society of Ontario*, 2024 ONLSTA 6 (CanLII)

<sup>[3]</sup> R.S.O. 1990, c L.8.

<sup>[4]</sup> 2021 SCC 25

<sup>[5]</sup> Throughout the proceedings, the Law Society was successful at staying the orders of the lower court or tribunal, meaning the Hearing Division's order was never in effect and AA never held a licence to practise law.

<sup>[6]</sup> The Court of Appeal explains why the potential for inconsistent results between different levels of court or administrative tribunals does not offend the open court principle at paragraph 187 of its reasons.

<sup>[7]</sup> *Chauhan v. Health Professions Appeal and Review Board and The College of Physicians and Surgeons of Ontario*, [2013 ONSC 1621](#)

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