

**SPORT DISPUTE RESOLUTION CENTRE OF CANADA (SDRCC)  
CENTRE DE RÈGLEMENT DES DIFFÉRENDS SPORTIFS DU CANADA (CRDSC)**

Citation: Armstrong v. Hockey Canada, 2026 CASDRC 23

No. SDRCC ST 26-0069

Date of Decision 2026-05-15

ALEX ARMSTRONG  
(Claimant)

and

HOCKEY CANADA  
(Respondent)

**Before:**

Paul Singh (Arbitrator)

**Appearances:**

Counsel for Alex Armstrong: Trent Morris

Counsel for Hockey Canada: Adam Klevinas and Cristy Cooper

**REASONS FOR DECISION**

**I. Introduction and Background**

1. The Respondent, Hockey Canada, is the national governing body for amateur hockey in Canada. Hockey Canada oversees the management and structure of programs in Canada from entry-level to high performance teams and competitions.
2. The Claimant, Alex Armstrong, is the owner and general manager of the Pembroke Lumber Kings (the “Team”) in the Central Canada Hockey League (“CCHL”), which operates within Hockey Eastern Ontario (“HEO”).
3. The Claimant was also the former head coach of the Team. However, because of a disciplinary decision dated February 17, 2025 (the “Original Decision”) issued by an adjudicator (the “Adjudicator”) appointed by Hockey Canada’s Independent Third Party (“ITP”) in accordance with Hockey Canada’s Maltreatment Complaints Management Policy (the Policy”), the Claimant was prohibited from acting as the head coach, assistant coach, or any member of the coaching/bench staff through the end of the 2025-2026 season.

4. The Adjudicator concluded in the Original Decision that the Claimant had engaged in conduct contrary to HEO by-laws and policies by failing to meet his obligations as a coach, failing to respect the coach/player relationship, abusing his position of power, engaging in harassment and psychological maltreatment of Team players, failing to treat his players fairly, and failing to operate his business in an ethical manner.
5. The Adjudicator determined that the sanctioning factors outlined in the Policy weighed in favor of a more severe sanction. In particular, the broad nature of the violations, the existence of a power imbalance that was repeatedly abused, the impact on the minor players, the lack of cooperation on the part of the Claimant, the Claimant's unwillingness to accept responsibility, and the overall impact on the reputation of the league and the sport were deemed aggravating factors.
6. As a result, the Claimant was sanctioned with a formal written warning and a prohibition from coaching or acting as a member of the Team's bench staff through the end of the 2025-2026 season.
7. The Claimant appealed the Original Decision to the Sport Dispute Resolution Centre of Canada ("SDRCC"). On September 12, 2025, an SDRCC arbitrator denied the appeal (see *Armstrong v. Hockey Canada*, 2025 CASDRC 32).
8. In the fall of 2025, the ITP received allegations that the Claimant was failing to comply with the sanctions in the Original Decision. These allegations were made to the HEO by several witnesses. As the witnesses expressed a preference to remain anonymous, HEO elected to act as the complainant and to initiate the complaint process under section 9 of the Policy.
9. The ITP appointed the Adjudicator to consider the allegations. On December 5, 2025, the Adjudicator issued an addendum to the Original Decision (the "Addendum Decision") in which she concluded that the Claimant had not complied with her previously ordered sanctions and ordered additional sanctions. These included a full suspension from all Hockey Canada sanctioned programming and activities including directly or indirectly acting as general manager, engaging in any communication, instruction, or supervision of players, team officials, or on-ice officials, or coaching, assisting, or acting in any leadership capacity in any on-ice or off-ice team activities, practices, games or competitions, as well any player evaluations, tryouts, selection, or roster decisions. The Adjudicator ordered that these expanded sanctions were to remain in effect for the remainder of the 2025-2026 season and the entire 2026-2027 season.
10. In January 2026, the Claimant filed a request with the Safeguarding Tribunal of the SDRCC to appeal the Addendum Decision as well as a procedural order

(“Procedural Order #4”) through which the Adjudicator assumed jurisdiction over the matter.

## II. **Ruling**

11. The Claimant’s appeal is allowed. The Addendum Decision and Procedural Order #4 are set aside and the matter is to be remitted to a new adjudicator.

## III. **Law**

### Code

12. The operative provision of the Canadian Sport Dispute Resolution Code (“Code”) is article 8 which addresses the arbitration rules specific to the Safeguarding Tribunal.

13. Subsection 8.5.2(a) of the Code states:

The Safeguarding Panel shall not conduct a hearing *de novo* and the hearing is not a redetermination of the investigation. The findings of fact and credibility made in the investigation report shall be accepted by the Safeguarding Panel, except where the findings are successfully challenged by a Party in according with subsection 8.5.2(b).

14. Subsection 8.5.2(b) sets out the grounds on which an arbitrator may review findings of fact or credibility. The grounds include an error of law, a substantive failure to observe the principles of procedural fairness and natural justice, and the consideration of fresh evidence.

15. When assessing a review of a finding of a violation, the Code requires that the Safeguarding Panel apply the standard of reasonableness. When assessing a review of a sanction imposed, the Code requires that the Safeguarding Panel determine whether it is unreasonable having regard to the purpose of the sanction under the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS) (see Code subsections 8.5.2(c) and (d)).

### Standard of review

16. The application of the standard of reasonableness in a review by a Safeguarding Panel has repeatedly been affirmed in SDRCC jurisprudence. For example, in *Danton v. Hockey Canada*, 2025 CASCRD 39 (“*Danton*”) the arbitrator stated:

As indicated in the Code, the Tribunal shall apply the standard of reasonableness for this Appeal... This is consistent with the jurisprudence of

the SDRCC Tribunal under the previous Code, where appeals of ITP and/or adjudicator decisions proceeded as judicial reviews, applying a reasonableness standard rather than correctness. (at para. 25-26 and 31)

17. As noted by the Supreme Court of Canada, a reasonableness review is a “robust form of review” where the reviewing body “must consider the outcome of the administrative decision in light of its underlying rationale in order to ensure that the decision as a whole is transparent, intelligible and justified” (see *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65 (“*Vavilov*”) at paras. 13,15).

18. As noted by the court in *Vavilov*:

A court conducting a reasonableness review must focus on the decision the administrative decision maker actually made, including the justification offered for it, and not on the conclusion the court itself would have reached in the administrative decision maker’s place”. (at para. 15)

19. This tribunal has held that the reasonableness standard from *Vavilov* requires that the decision maker demonstrate “that he or she has considered the facts and governing scheme relevant to the decision as well as any past practices” (see *Bui v. Tennis Canada*, SCRC 20-0457 at para. 33). In other words, the burden lies on a claimant to show that the shortcomings of an adjudicator’s decision are sufficiently central or significant to render the decision unreasonable (see *Danton* at para. 30).

#### **IV. Analysis**

20. The Claimant alleges numerous grounds on which the Safeguarding Panel should set aside the Addendum Decision and Procedural Order #4. I address the key grounds below.

##### Definition of “Entity”

21. The Claimant says that the ITP erred when it assigned the Adjudicator to address the alleged violations of sanctions in her Original Decision.

22. Specifically, the Claimant says that the Adjudicator is not an “entity” within the meaning of Article O section 11 of the Hockey Canada Regulations (the “Regulations”) which states:

Any Registered Participant, Team, MHA or League who violates the terms of any suspension will be subject to discipline by the entity that levied the original suspension.

23. I do not agree with the Claimant’s position on this issue. I note that the Regulations do not contain a definition of “entity” that would support the exclusion of the ITP or the Adjudicator. Where not explicitly defined, courts have accepted that “entity” simply means “something that exists apart from other things, having its own independent existence” (see *Wirring v. Law Society of Alberta*, 2023 ABKB 580 at para. 139 and 143).
24. The Adjudicator considered this issue and set out her position at paragraph 29 of the Addendum Decision. She explained that the entity that levied the original suspension was Hockey Canada. Hockey Canada, through the Policy, authorized the ITP to administer complaints on its behalf and to select the adjudicative panel responsible for assessing whether a violation occurred and what the appropriate discipline should be. As a result, the Adjudicator correctly determined that Hockey Canada, through the Adjudicator, was entitled to issue the discipline to the registered participant found to have violated the terms of the suspension.
25. The Adjudicator’s conclusion in this regard cannot be seen as an error as it is supported by a reasonable interpretation of the Regulations. In addition, her assignment was practical in the circumstances as she was well suited to determine whether sanctions were violated, having ordered them in the first instance and having had familiarity with the circumstances of the case.

#### Removal of the initial adjudicator

26. The Claimant says that the ITP erred and acted unfairly when it removed the initially assigned adjudicator (“T.H.”) and replaced her with the Adjudicator to determine whether he violated existing sanctions.
27. By way of background, the ITP received reports in the fall of 2025 that the Claimant was not complying with existing sanctions and was committing additional code of conduct violations. The reports were made to the HEO who elected to act as the complainant.
28. In an email dated October 19, 2025, the ITP advised the Claimant that “[w]e have received a complaint naming you as a Respondent. Based upon the allegations, if proven, they amount to Serious Misconduct (as defined in the Policy) and therefore fall under the ITP’s jurisdiction”.
29. Given the nature of the allegations and the Claimant’s ongoing suspension (which witnesses alleged was not being respected), the ITP ordered the Claimant’s interim suspension from all Hockey Canada activities pending the final determination of the matter. This complaint was assigned ITP File 25-1105 (“HC25-1105”).

30. HC25-1105 remains an active complaint which continues to be administered under the Policy. The appointed adjudicator (T.H.) remains seized of the matter and has not yet issued a final decision.
31. Hockey Canada says that while receipt of a complaint triggered the creation of file HC25-1105, the ITP subsequently determined that the allegations relating to non-compliance with existing sanctions fell within the scope of Article O section 9 of the Regulations, which states:
9. Any Hockey Canada Registered Participant who is under supervision by a Hockey Canada Member, Team League or MHA is suspended from any and all involvement in Hockey Canada sanctioned games. Hockey Canada or a Member may increase suspensions up to and including all Hockey Canada activities for the duration of that suspension. Any such suspension shall be recognized and enforced by all Members.
32. As a result, the ITP notified the Claimant on December 2, 2025 that the Adjudicator and not T.H. would consider the allegations of non-compliance with existing sanctions in a continuation of the case in which she issued the Original Decision.
33. Upon re-engagement of the Adjudicator, the allegations related to non-compliance with existing sanctions that were initially included in HC25-1105 were struck by the ITP from that process and removed from T.H.'s jurisdiction. The process in HC25-1105 continued on the basis of separate, non-overlapping allegations.
34. The Claimant says that the ITP's removal of an appointed adjudicator in favor of another adjudicator is not permitted by any policy. He argues that such a decision should, at minimum, require written submissions, which were not requested. This, he says, was unfair and erroneous.
35. I do not agree with the Claimant's position on this issue. I note that there is no Hockey Canada, HEO, or other policy submitted to this tribunal that prohibits such an action or gives a party a choice in the appointment of an adjudicator. More importantly, the Claimant has not established any substantive prejudice arising from the assignment of the Adjudicator given that I have found that the Adjudicator did not have a conflict of interest or reasonable apprehension of bias against the Claimant, as I explain later in this decision.
36. In these circumstances, the ITP's lack of consultation with the Claimant prior to assigning the Adjudicator did not result in any substantive procedural unfairness to the Claimant and is not an error in law.

### Hearsay evidence

37. The Claimant says that while the subject complaint was made to the ITP by HEO, the information itself came from reports made to the CCHL, which would represent unreliable “triple hearsay” evidence. This, the Claimant argues, warrants setting aside the Addendum Decision.
38. I do not agree with the Claimant’s position on this issue. It ignores the information in the ITP’s October 28, 2025 email to the Claimant that “HEO has received information **directly** from numerous witnesses, each independently reporting substantially similar allegations” (emphasis added). The HEO simply elected to act as the complainant to preserve the anonymity of the witnesses, which it was at liberty to do under the Policy.
39. In any event, if any information advanced in the Claimant’s case constituted hearsay evidence, that does not necessarily mean that the information is inadmissible or inappropriate for the Adjudicator to consider. An internal administrative process is not necessarily bound by the same strict evidentiary rules as a court proceeding (see *Baker v. Canada (Minister of Citizenship and Immigration)*, [1999] 2 SCR 817 at para. 21-23).
40. An allegation of reliance by the Adjudicator on purported hearsay evidence, without more, is insufficient to set aside her decision.

### Interim suspension

41. The Claimant says that the interim suspension imposed on October 19, 2025 was “engineered to prohibit the conduct complained of, although it was not prohibited by the February 2025 sanctions. The interim sanctions are a form of and attempt to reverse-engineer non-compliance”. This he says supports setting aside the Adjudicator’s decision.
42. I do not agree with the Claimant’s position on this issue. The Adjudicator did not order additional sanctions in her Addendum Decision on the basis of non-compliance with the interim suspension. Instead, she ordered additional sanctions based on her findings that the Claimant failed to comply with the sanctions she ordered in February 2025, which included a prohibition from coaching and bench staff activities.
43. There is insufficient evidence that the interim suspension or allegations of non-compliance with that suspension was considered by the Adjudicator or determined to be relevant to her findings in the Addendum Decision.

Fresh evidence

44. The Claimant applies to introduce fresh evidence in this appeal. The nature of this evidence is an unsolicited text message from the former coach hired by Mr. Armstrong (the “Former Coach”) sent to the Claimant on April 15, 2026 (the “Text”).

45. The Text states the following:

*Alex, I told you that you fucked with the wrong one pal. Was it worth it to screw your friend over. I tried to tell you and I have you every chance in the world to make it right. So id like to propose a toast, karma = been biting snakes back since 1872!! Cheers pal, I hope your day gets even better than it has already been.*

*Ps. Thank you for all the life lessons you taught me by screwing me over. Ill see you most likely in a few months. Choi!!*

(typographical errors in the original)

46. The Claimant says that the message was sent immediately following a CCHL public press release which misidentified Mr. Armstrong as having been terminated as a member of the CCHL.

47. The Claimant says he terminated the Former’s Coach’s employment as a coach following a dispute in the fall of 2025. He says he is not aware whether the Former Coach is one of the anonymous witnesses who alleges he breached existing sanctions. However, if the Former Coach provided any evidence that formed the basis of the complaint against him, the Claimant says the Text would be relevant in determining whether he was telling the truth.

48. Hockey Canada says that the Text is ambiguous and irrelevant and should be ruled inadmissible in this appeal.

49. The requirements for admitting fresh evidence are found in subsection 8.5.2(b)(iii) of the Code:

A review of the findings of fact or credibility by the investigator or the decision that a Party did or did not violate the UCCMS may only be made on the following grounds [...]

(iii) Fresh evidence where such evidence:

- (1) could not, with the exercise of due diligence, have been discovered and presented during the investigation and prior to the decision being made;
- (2) is relevant to a material issue arising from the allegations;

- (3) is credible in that it is reasonably capable of belief; and
- (4) has high probative value, in the sense that, if believed, it could, on its own or when considered with other evidence, have led to a different conclusion on the material issue.

50. All four factors noted above must be satisfied for fresh evidence to be admitted. In this case, I find that the fourth factor (high probative value) is clearly not met. As a result, it is unnecessary to consider the other factors.
51. The wording of the Text, on its own and without any additional context, is ambiguous. The most that can confidently be said about the Text is that the sender appears to feel that the misfortune befalling the Claimant (possibly the sanctions ordered against him, though that's not expressly stated in the Text) is befitting of the Claimant's poor treatment of the sender (the "karma" that the sender refers to).
52. Nothing in the Text can be confidently interpreted as the sender acknowledging that he made a complaint against the Claimant, provided false evidence, or otherwise manipulated the process against the Claimant.
53. Given the ambiguity and lack of context for the Text, it lacks sufficient probative value such that, if believed, could lead to a different conclusion on the material issues.
54. Accordingly, the Text is inadmissible and will not be considered in this appeal.

#### Procedural fairness

55. The Claimant says that his right to procedural fairness was breached on numerous grounds, including lack of adequate disclosure and the Adjudicator's failure to interview him or his witnesses. Hockey Canada denies any such breach.
56. The Safeguarding Panel may review findings of fact or credibility by an adjudicator on several grounds, including a substantive failure to observe the principles of procedural fairness (see Code subsection 8.5.2(b)).
57. As noted by this tribunal in *Ontario Volleyball Association v. Deputy Director of Sanctions and Outcomes*, 2024 CASDRC 35:

34. It is established that even in organizations that are, in many respects private organizations, the principles of natural justice and procedural fairness nevertheless apply, including the Safeguarding Panel.

35. Tribunals and adjudicative bodies have an obligation to ensure fairness of their own processes. The failure to make proper disclosure impacts significantly on the appearance of justice and the fairness of the hearing itself. Seldom will relief not be granted for a failure to make proper disclosure.

58. The principles of procedural fairness include the right to know and to comment on material relevant to the decision, to have notice of the grounds on which the decision may be based, and to have an opportunity to make representations accordingly (see *Re: Sound v. Fitness Industry Council of Canada*, 2014 FCA 48 at para. 54).

59. On considering these principles and the chronology below, I find that there was a substantive breach to the Claimant's right to procedural fairness.

60. A chronology of relevant events is set out below:

- a. On October 19, 2025, the ITP notified the Claimant of allegations of misconduct against him, issued a jurisdiction order, and imposed interim sanctions.
- b. On October 23, 2025, the Claimant's counsel, Trent Morris, delivered a letter to the ITP in which he wrote:

I am in receipt of your letter and of your Jurisdiction Order, Process 1. The order outlines a number of allegations against Mr. Armstrong by merely reciting that the Complainant, Hockey Eastern Ontario, has received information, without further particulars...

In order to properly defend Mr. Armstrong in respect of the interim suspension, we require immediately particulars of the information received by Hockey Eastern Ontario, failing which my client reserves all of his rights to move to set the Order aside...

- c. On October 27, 2025, Mr. Morris delivered written submissions denying all allegations against the Claimant.
- d. On October 28, 2025, the ITP emailed Mr. Morris and wrote that:

...In this matter, HEO has received information directly from numerous witnesses, each independently reporting substantially similar allegations. The witnesses expressed their strong preference to remain anonymous out of fear of reprisal. Therefore, these reports

were referred to the ITP by Hockey Eastern Ontario in accordance with section 7 of the Policy. Further, under section 9 of the Policy, HEO elected to act as the Complainant and initiate the complaint process relating to the allegations it received....

- e. Mr. Morris delivered additional written submissions dated November 28, 2025 to the ITP, again denying the allegations against the Claimant. In those submissions, Mr. Morris provided a list of witnesses (which included the Claimant) as well as their telephone numbers and available dates for a hearing. In addition, he reiterated his request for disclosure:

... the Respondent requires the name(s) of any actual witnesses or in the alternative, a voir dire respecting anonymity, in order to properly defend against the Complaint...

The Respondent has requested disclosure from the ITP and has received only two short videos with no particulars...

The Respondent requires the disclosure to properly respond to the Complaint.

- f. On December 2, 2025, the ITP emailed the Claimant to notify him that it had re-engaged the Adjudicator to consider the allegations that he breached existing sanctions. The ITP attached Procedural Order #4 issued by the Adjudicator which imposed a deadline of December 3, 2025 to provide written submissions.
- g. On December 3, 2025, Mr. Morris delivered written submissions in which the Claimant again denied all allegations against him. In those submissions, Mr. Morris reiterated his request for disclosure and stated the following:

On 23 October 2025 I wrote to Ms. Hebert raising objections and seeking disclosure. All I received was two unidentified videos...

My client again requests proper disclosure and in no way attorns by these submissions.

- 61. As set out above, despite repeated requests for disclosure and particulars by the Claimant, none was provided. The Claimant was not provided with the dates, places and times of the alleged violations of existing sanctions. Similarly, the Claimant was not provided with any collateral information related to the videos, including any contextual information from the creator or other witnesses. No explanation was provided for why such disclosure could or should not be provided.

62. In addition, the Adjudicator did not interview the Claimant or the witnesses on his witness list despite Mr. Morris' notice that they were available to provide evidence. The Adjudicator provided no explanation for why the witnesses were not contacted.
63. Similarly, there is no indication in the Addendum Decision that the Adjudicator interviewed any witnesses who made allegations against the Claimant. She appeared to rely on the allegations forwarded to her by the HEO. This is despite the Claimant refuting all allegations, making the credibility and reliability of witness evidence a live issue. The Adjudicator did not provide an explanation for why these witnesses could or should not have been contacted.
64. There is no evidence before this tribunal to suggest there was any urgency for the Adjudicator to make a decision. The Claimant was already serving a suspension and had become subject to the interim sanctions, with the status quo not expiring for many months. The Adjudicator appeared to have ample time to interview witnesses and provide proper disclosure.
65. This tribunal in *Anonymous v. Hockey Canada*, 2025 CASDRC 35 ("*Anonymous*") set out various factors to guide investigators and decision makers to ensure procedural fairness for parties. These include: ensuring that the respondent is made fully aware of the complaints and contents; reviewing and carefully considering all evidence (both inculpatory and exculpatory); interviewing all witnesses put forward by both sides unless there are compelling reasons not to do so (in which case the reasons should be provided); and, while there is not an absolute right to know the names of witnesses or have access to their witness statements, respondents should be given accurate information of what is being alleged (i.e. place, time and occurrence).
66. In setting aside the investigator's decision in *Anonymous*, the tribunal made the following comments, which are applicable to this case:

153 ... In instances where an investigator fails to call witnesses a party has identified as being relevant to their position, investigators open themselves to criticisms of unfairness and bias and make themselves subject to challenge. Investigators will ensure that their investigations stand up to the scrutiny by setting out the reasons for their decision not to call witnesses.

154. In the matter at hand, Mr. Bawden provided no such reasons. The Claimant submitted a list of four witnesses he identified as relevant to his complaint and as eyewitnesses to matters before the investigation. These witnesses were not interviewed as a part of the investigation and were not called before the hearing. No explanation, rationale or reasoning was given to support this decision to exclude these witnesses. As per *Vavilov*, it is therefore impossible to determine whether the decision was reasonable.

155. By failing to account for his decision not to interview these witnesses, it is impossible to know whether the credibility and reliability analysis was reasonable. It is also impossible to trace the reasonableness of Mr. Bawden's findings as the evidentiary record is incomplete. The error is such that it flows into each and every finding, including the appropriateness of the sanctions imposed...

165. I find that Mr. Bawden failed to provide the Claimant with the procedural fairness he was due by failing to interview his witnesses or to account for the decision with sufficient reasoning. The result is a decision that lacks justification, transparency and intelligibility such that it does not meet the threshold of reasonableness. The failure to interview the Claimant's witnesses, or to account for the decision not to interview them, are fatal to the decision.

67. Hockey Canada says that the tribunal's findings in *Anonymous* are not relevant to this case because "[t]hat decision concerned an adjudication under the *Policy's* Process 1, rather than allegations of non-compliance with previously ordered sanctions...In the present case, there was no *Policy*-based obligation to interview respondent witnesses".

68. A similar argument was made by Hockey Canada in *Anonymous* and rejected by this tribunal:

163. The Respondent argued that any errors ought to be excused because this investigation was undertaken under their summary procedure. With all due respect to the Respondent, I do not accept this justification. Operating under the summary procedure is no excuse to ignore the Claimant's rights or to provide a decision that fails to provide sufficient rationale that one can trace the decision-maker's logic. The procedure used must still result in a decision which adheres to the law. If this cannot be achieved using the summary procedure, then it is perhaps the case that such procedure is inadequate for the purposes of an investigation such as this.

69. Similarly, while there may not have been a *Policy*-based obligation to interview the Claimant's witnesses in this case, that alone cannot justify subjecting the Claimant to an unfair process. The Adjudicator's failure to provide adequate disclosure and failure to interview the Claimant or his witnesses without explanation constitutes a substantive breach of procedural fairness.

### Sufficiency of reasons

70. The Claimant says that the Adjudicator did not provide sufficient reasons in her Addendum Decision to explain how he breached existing sanctions and why the additional sanctions were justified. He says the Addendum Decision contains the “thinnest of analysis” of the evidence and contains “no analysis” on the choice of additional sanctions.
71. Hockey Canada disputes this and says that the Addendum Decision “withstands a “robust” reasonableness review, as dictated by *Vavilov*, as it is transparent, intelligible, and justified on its face, and falls within a range of possible, acceptable outcomes which are defensible in respect of the facts and the applicable policy”.
72. I do not agree with Hockey Canada’s position and find that there are significant deficiencies with the Adjudicator’s reasons in the Addendum Decision.
73. In Procedural Order #4, the Adjudicator sets out various allegations of non-compliance with existing sanctions (the “Allegations”), all of which are denied by the Claimant:
- a. The Claimant hired a coach to fill in during his suspension but does not let that coach make any decisions. The Claimant gives the temporary coach the lineups and calls in between periods and yells at players who aren’t doing what he wants.
  - b. The Claimant still attempts to coach the team from the bench, the dressing rooms and yells at players from the stands, despite his suspension from coaching.
  - c. The Claimant has organized and scheduled additional morning skates three times per week and requires players to attend and pay \$50 per session. The Claimant is the only coach in attendance and provides instructions during these additional morning skates.
  - d. The Claimant has hired his wife as the acting GM; however, she passes the phone to the Claimant whenever possible.
  - e. The Respondent continues to hold open-door office hours and yells at players as they go by.
  - f. The Respondent openly states that Hockey Canada can’t do anything to him and that the suspension doesn’t apply.

74. In the Addendum Decision, the Adjudicator provides no meaningful analysis or particulars regarding the Allegations. At paragraph 14 of the decision, she simply states that “[b]ased on the allegations I have received, the Respondent’s submissions, and the videos I have reviewed, I find that the Respondent was acting as coach while yelling at the players and this is in direct violation of the sanctions I imposed in the Decision on February 17, 2025”.
75. The Adjudicator’s failure to provide a meaningful analysis or particulars regarding the Allegations include her failure to address any of the following matters: the number of witnesses who made allegations against the Claimant; particulars of what the witnesses said; the dates/times/locations of the breaches; whether multiple witnesses corroborated the same breaches or whether they reported separate events; whether there were inconsistencies with witness evidence; whether the Adjudicator simply accepted witness allegations provided by the HEO or whether she personally interviewed any witnesses and the reasons for her approach; whether preservation of the anonymity of witnesses was a consideration for the lack of particulars in her reasons; and, why the Adjudicator did not interview the Claimant and his witnesses, despite the Claimant’s request.
76. The Adjudicator’s lack of a meaningful analysis also applies to the two videos she relies on to conclude that the Claimant breached existing sanctions. The videos are both dated October 30, 2025. One video is about 21 seconds in length and shows a man (purported to be the Claimant, which the Claimant does not deny) in the stands in an ice rink yelling out towards players on the ice. The audio is indecipherable. At one point, he blows a whistle. The other video is about 12 seconds in length and shows a man (purported to be the Claimant, which the Claimant does not deny) in the stands in an ice rink yelling out towards players on the ice. The audio is indecipherable.
77. The Adjudicator simply states at paragraph 13 of the Addendum Decision that “I verily believe that [the videos] depict the Respondent in the stands yelling at players on the PLK”. No meaningful analysis is provided to connect the videos to a violation of sanctions. For example: whether the Adjudicator believed the videos demonstrate that the Claimant was acting as a coach and, if so, why; whether the Adjudicator was able to decipher the audio in the video and, if so, what was said; whether the Adjudicator relied on any collateral witness evidence to decipher the audio in the video; whether one witness or more than one witness made the videos; whether the videos were taken sequentially or at different times of the day; whether the witness(es) who made the videos provided any evidence or context for the videos; whether other witnesses corroborated the content and meaning of the videos; whether preservation of the anonymity of witnesses was a consideration for the lack of analysis regarding the video evidence.

78. Upon finding that the Claimant violated the sanctions in her Original Decision, the Adjudicator proceeded to double the sanctions from the Original Decision by prohibiting the Claimant from any coaching or team activity for the remainder of the current season and the entire 2026-2027 season. She also prohibited the Claimant from acting directly or indirectly as a general manager.
79. The Adjudicator was aware or ought to have been aware that imposition of severe additional sanctions could have negative repercussions on the Claimant's livelihood. In October 2025, the Claimant's counsel notified the ITP in writing that the interim sanctions "impose a further burden on Mr. Armstrong and his pursuit of a livelihood without due process in circumstances where he is already under limiting sanctions".
80. Accordingly, it was incumbent on the Adjudicator to reasonably explain her justification for imposing severe additional sanctions. This was especially so given there was no urgency to make a decision. As noted earlier, the Claimant was already serving a suspension and had become subject to the interim sanctions, with the status quo not expiring for many months.
81. The Adjudicator failed to reasonably explain why severe additional sanctions were necessary. After setting out the applicable Policy, Hockey Canada by-laws and HEO by-laws that apply to disciplinary measures, the Adjudicator simply states the following at paragraph 30 and 31 of the Addendum Decision:
30. As noted above, it has come to the attention of the ITP that the Respondent has failed to comply with the sanctions imposed in the Decision. The Respondent was given an opportunity to respond to the allegations of non-compliance. I do not find his submissions persuasive.
31. In accordance with the authority granted under Hockey Canada Regulation O.11 and in consideration of the sanctioning considerations outlined in the Policy, I hereby impose additional measures in respect of ITP File No. HC23-0061, as follows...
82. While the Adjudicator stated that she considered the sanctioning considerations outlined in the Policy, she provided no analysis for how those considerations related to the specific sanctions imposed in this case. She also provided no analysis justifying the severity of the sanctions imposed. For example, did the Claimant act as a coach or otherwise violate existing sanctions on only one occasion or on multiple occasions?; and, were there any aggravating or mitigating factors at the time of the breaches?.

83. Given the Adjudicator's lack of a meaningful analysis of the evidence to explain how the Claimant violated existing sanctions and why the violations necessitated severe additional sanctions, the Addendum Decision is neither transparent, intelligible, nor justified on its face as contemplated in *Vavilov*.

Reasonable apprehension of bias

84. The Claimant says that the Adjudicator demonstrated a reasonable apprehension of bias by "closing her mind to the complaint before her" and being "already conflicted" prior to the adjudication process. Hockey Canada disputes these allegations.

85. I do not agree with the Claimant's position on this issue. The Claimant's suggestion that the Adjudicator's mere involvement with the Original Decision establishes a conflict or a reasonable apprehension of bias for the Addendum Decision is without merit. The fact that a decision maker previously made negative findings against a respondent cannot, without more, establish that they are conflicted or biased when considering new allegations against the respondent.

86. Bias, in the context of legal proceedings, represents a predisposition to decide an issue or cause in a certain way which does not leave the decision-maker's mind open. In other words, bias "is a condition or state of mind which sways judgment and renders a judicial officer unable to exercise his or her functions impartially in a particular case" (see *Wewaykum Indian Band v. Canada*, [2003] 2 SCR 259 ("*Wewaykum*") at para. 58).

87. The test for reasonable apprehension of bias is what an informed person, viewing the matters realistically and practically, and having thought the matter through, would conclude. Would they think that it is more likely than not that the decision maker would not decide fairly? (see *Committee for Justice and Liberty et al v. National Energy Board et al*, [1978] 1 SCR 369 at pg. 394).

88. In the context of the court system, evidence of prior involvement in a matter, on its own, will not support a reasonable apprehension of bias given the well settled principle of the impartiality of the courts (see *Wewaykum* at para. 57).

89. The threshold for rebutting the presumption of integrity and impartiality is high, as the presumption carries considerable weight. Accordingly, the presumption should only be displaced with "cogent evidence" that demonstrates that something the decision-maker has done gives rise to a reasonable apprehension of bias (see *Wewaykum* at para. 59, and *R. v. S. (R.D.)*, [1997] 3 SCR 484 at para. 117).

90. This tribunal has previously affirmed that challenges to the appointment of an arbitrator based on a reasonable apprehension of bias must meet the same high

threshold as challenges to court decisions (see *Fowlie v. Wrestling Canada Lutte*, SDRCC 22-0609 at para. 64,65,69-71).

91. I accept Hockey Canada's submission that the same presumption of impartiality should also apply to ITP-appointed adjudicators. They are all lawyers or retired judges, and the ITP is bound by the requirements in the Policy to ensure they are free from real or perceived conflicts of interest with any party or any other individual or organization who could be impacted by the outcome of a complaint (see Policy sections 16, 26).

92. In this case, there is no cogent evidence before this tribunal to suggest that the Adjudicator demonstrated a reasonable apprehension of bias. While I have set aside the Addendum Decision for insufficiency of reasons and breach of procedural fairness, that is, without more, insufficient to satisfy the high threshold for a reasonable apprehension of bias.

**V. Conclusion and Order**

93. For reasons set out above, I find that there was a substantive breach of the Claimant's right to procedural fairness as he was given inadequate disclosure and neither he nor his witnesses were interviewed, with no adequate explanation given by the Adjudicator. I also find that the Addendum Decision lacks transparency and intelligibility and fails to justify the conclusions reached by the Adjudicator.

94. The Addendum Decision and Procedural Order #4 are set aside. Given the significant nature of the errors, the matter is to be remitted to a new adjudicator.

Signed in Vancouver, British Columbia this 15<sup>th</sup> day of May 2026

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Paul Singh, Arbitrator