

SPORT DISPUTE RESOLUTION CENTRE OF CANADA (SDRCC)

NO: SDRCC ST 26-0073
(SAFEGUARDING TRIBUNAL)
DATE: 2026-04-27

AND

AND

AWARD

Matthew Wilson – Sole Arbitrator

For the Claimant: Anonymized

For the Respondent: Adam Klevinas (Counsel)
Cristy Cooper (Counsel)

BACKGROUND

1. This is an appeal filed by the Claimant before the Safeguarding Tribunal of the Sport Dispute Resolution Centre of Canada (the “SDRCC”) pursuant to Article 8 of the 2025 Canadian Sport Dispute Resolution Code (the “Code”). The decision under appeal was issued by an independent Adjudicator (the “Decision”) appointed under Hockey Canada’s Maltreatment Complaint Management Policy (the “Policy”).
2. This award is based on the parties’ written submissions, in accordance with subsection 8.3(a) of the Code. The Affected Party was notified of the proceeding but did not file any submissions.
3. The Respondent, Hockey Canada (“HC”), is the national governing body for amateur hockey in Canada. HC oversees the management and structure of hockey programs in Canada from entry-level to high performance teams and competitions. Since the 2022-2023 season, all maltreatment complaints made to HC have been managed through an independent complaint system (the Independent Third Party or “ITP”) in accordance with the Policy.
4. The Policy provides a mechanism for addressing complaints that fall outside the jurisdiction of the Office of the Sport Integrity Commissioner (now Sport Integrity Canada, through the Canadian Safe Sport Program), including those which would have previously fallen under the jurisdiction of HC’s provincial and territorial sport organizations. Pursuant to Section 7 of the Policy, all complaints against an Organizational Participant or Member Participant (each as defined in the Policy) are to be directed to the ITP for assessment. If the ITP determines that the applicable thresholds are met, the ITP will retain the matter and administer it according to the Policy. This is the process that occurred in this case.
5. The Claimant was the Head Coach of a U9 minor hockey team and the manager of a U13 hockey team. Both teams competed under the auspices of a hockey organization within the Ontario Minor Hockey Association.
6. On September 30, 2025, Hockey Canada received an anonymous complaint alleging that the Claimant physically assaulted or participated in assaulting a parent on a different team at a hotel where the players and families were staying for a hockey tournament. The incident is alleged to have occurred on February 28, 2025.
7. The complaint was received and processed by Hockey Canada’s ITP under Process #1 of the Policy.

The Adjudication Decision

8. The ITP contacted the Claimant on numerous occasions to participate in the adjudication process. The Claimant did not participate in the process. I will have more to say about these details later in the award.
9. On February 10, 2026, the Adjudicator appointed by the ITP upheld the allegations, in part, finding that the Claimant "...engaged in a violent altercation with other members of the hockey community, resulting in serious lifelong injuries for another individual". The Adjudicator also considered that the Claimant's lack of engagement in the process indicated an "...unwillingness to show remorse, empathy, compassion or accountability for his actions".
10. The Claimant was sanctioned with an immediate suspension from participation in any Hockey Canada sanctioned activities until May 30, 2028, and an official written warning was to be placed on his disciplinary record. The sanction bans the Claimant from being a spectator in the arena when his children are involved in practices or games.

THE APPEAL

11. On February 16, 2026, the Claimant filed a Request for Arbitration with the SDRCC appealing the Decision on the basis that, among other things, there was a breach of procedural fairness by not providing an opportunity to participate in the adjudication process. The Claimant also took issue with the merits of the Adjudicator's decision.
12. In a decision dated March 11, 2026, I dismissed the Claimant's request for conservatory measures. That decision was based on the principles set out in *RJR Macdonald v. Canada (Attorney General)*, [1994] 1 S.C.R. 311 and did not address the merits of the appeal.
13. As will become clear, it is only necessary to deal with the Claimant's arguments about procedural fairness.

The timeline of events

14. The correspondence to the Claimant is particularly important and formed a considerable portion of the parties' submissions. Accordingly, I will review the

timeline in greater detail. For ease of reference, I have described the emails as being sent by the ITP rather than identifying the specific author.

15. On October 16, 2025, the ITP sent an email to the Claimant outlining the ITP's role and identifying him as a Respondent in a complaint. The email is titled "Confidential – Hockey Canada's ITP – File No. HC25-1043" and is sent from an individual who identified herself in the body of the email as a case manager. There is no title for this individual in the signature line, nor is there a phone number or mailing address. The email contained the ITP's corporate identity as "Sport Dispute Management".

16. The first three paragraphs of the email explained the role of the ITP, including that it did not represent Hockey Canada in the matter.

17. The fourth paragraph identified the complaint as follows:

We 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.

18. The email goes on to state that the ITP has issued a Jurisdiction Order and provides a link to a password-protected shared folder where the "...Order can be found". The email states that "The Order explains our role, the complaint, why the complaint falls within our jurisdiction, and the process going forward."

19. The email asks the Claimant to provide a written response to the complaint "...within 7 days of receipt of this order (by Wednesday October 22, 2025)."

20. While I have summarized the contents of the email, it is important to note that the email does not advise the Claimant of the details of the allegations, the severity of the potential sanctions or that the adjudication process would continue in his absence. Rather, it directs the Claimant to click on a link embedded in the email.

21. The Claimant acknowledges receiving the email, but explains that he considered it to be a phishing or scam email. Thus, he did not click on the link in the email to access the documents. The Claimant states that since the email had no details of the complaint, there was no way for him to connect the complaint to the incident that had occurred seven months earlier. He did not recognize the email domain or the name of the company. Thus, he did not respond.

22. An email was sent to the Claimant by the ITP on October 22, 2025. In that email, the ITP advised that an adjudicator had been appointed and that the Claimant's response was due on that day. The email states in part,

Once we receive your response, the Adjudicator will provide a procedural order outlining the process that will be followed for the adjudication. I will be in touch once I have received the order to provide you with a copy.

In the meantime, I await your reply and am here to explain the process should you have any questions.

If you could please confirm that you have received this email and my previous message containing the Jurisdiction Order (sic). It's important for us to know that you've received it so we can ensure you have the opportunity to respond.

23. Again, this email does not provide any details of the complaint, the severity of the potential sanctions or that the adjudication would proceed in his absence.

24. On October 30, 2025, the ITP left a voicemail for the Claimant. The Claimant explains that since the ITP did not provide any details of the complaint, he did not consider it necessary to respond to the voicemail.

25. The ITP also sent an email on October 30, 2025 to the Claimant that included the previous emails and asked the Claimant to confirm that he has received the email and the Jurisdiction Order.

26. On or about November 3, 2025, the Claimant forwarded the ITP's email to his hockey organization. The Registrar for the hockey organization advised the Claimant that she was not aware of any complaint and that she assumed it was "not real".

27. The ITP sent another email on November 4, 2025 advising the Claimant that she "...wanted to ensure that [he] was aware of the next steps". It is at this point, for the first time, that the ITP advised that the adjudication process would proceed in the Claimant's absence if he did not participate. The email states as follows:

The adjudication process will proceed based on the information currently available. While you are not required to participate, please be aware that if you choose not to provide your perspective, the adjudicator will make a determination without the benefit of your input. If a violation is found, sanctions may be imposed even if you have not participated.

28. The Claimant was encouraged to participate and offered until the end of the following business day to respond.

29. In an email from the ITP dated December 17, 2025, it advised that the Adjudicator "...is providing you one last chance to respond to the allegations". The deadline was set for December 29, 2025. The Claimant was told that his

response would be provided to the complainant and the Adjudicator. The ITP then described the hearing process and provided the link and password to access the material online.

30. Notably, the email does not provide any details of the allegations, nor does it give any indication of the severity of the sanctions that could be imposed on the Claimant in his absence.

The hockey organization is contacted

31. HC's practice is to not advise the hockey organization when there is a complaint about one of its members. Thus, until January 26, 2026, the Claimant's hockey organization had not been informed that there was a complaint. On January 26, 2026, the ITP wrote to the hockey organization advising that there had been a complaint about an incident during the [redacted] hockey tournament held between February 28 to March 2, 2025. The ITP identified the hotel where the incident took place and stated three individuals were involved. She wrote, "...we are hopeful you have information that would help us identify the three individuals". The hockey organization was asked not to discuss the request with anyone else.

32. The president of the hockey organization wrote to the ITP on January 28, 2026, advising that the hockey organization had not received any complaints or accusations. He offered to bring the request to the Executive Board and asked for more information. The ITP responded on February 2 that she could not provide any further information.

33. It is around this time that the Claimant became aware that the allegations arose at the hockey tournament. He was directed by the President of the hockey organization to describe the events of that evening. The Claimant provided the requested details and denied any wrongdoing. Those details were not placed before the Adjudicator.

34. On February 2, 2026, the Claimant was advised that the Adjudicator had issued a second Procedural Order. The ITP summarized it as follows:

In summary,

He indicates that he has reviewed [sic] submissions and [sic] I conducted interviews with the complainant and the applicable witnesses.

He indicates that despite numerous attempts to contact you, you have not participated in the process.

As such, he has scheduled a hearing date for February 3rd, 2026. This will be a written hearing, therefore, your presence is not required.

He will deliver a written decision, with reasons, on or before February 17, 2026.

35. On February 13, 2026, the ITP sent an email to the Claimant advising that the Adjudicator had issued a decision finding that the Claimant had violated various codes and imposed sanctions.

ANALYSIS

The parties' arguments

36. The Claimant argues that the adjudication process was procedurally unfair because he was not given an opportunity to participate in the process. He states that he had no knowledge of the ITP, or the company that HC used for its investigative and adjudicative services. He also argues that since the alleged incident occurred seven months earlier, in a previous hockey season, he did not recognize that a complaint was made about his conduct. Thus, when he received the emails from the ITP, he thought they were phishing or scam emails. He points to the link in the email and the direction to click on the link as the typical behaviour that would be found in a phishing or scam email.
37. The Claimant takes issue with the merits of the Adjudication decision. He denies striking anyone or being physically engaged in the incident. He raises a number of other grounds of objection relating to the application of HC's policies. The Claimant further argues that the sanction is disproportionate to the alleged breaches of the various codes.
38. HC argues that the Adjudicator's decision is reasonable and that there is no reason to interfere with the sanctions that were imposed. It argues that the Claimant was made aware of the complaint through emails and a voicemail and had multiple opportunities to participate in the investigative and adjudicative process. HC denies any breach of procedural fairness.
39. HC provided comprehensive submissions responding to each of the points raised by the Claimant. While it is unnecessary to review each argument, HC submits that the Adjudicator's decision is consistent with its policies and that the sanctions fall within the range of reasonable sanctions that should be imposed for a serious violent incident in a hotel. It strenuously argues that there is no basis to interfere with the Adjudicator's decision.

The right to procedural fairness

40. The assessment of procedural fairness in a particular case does not engage in an analysis of the appropriate standard of review. The question before me is whether the principles of procedural fairness have been adhered to throughout the investigative and adjudicative process. The Supreme Court of Canada in *Baker v. Canada (Minister of Citizenship and Immigration)*, 1999 CanLII 699 (SCC), [1999] 2 S.C.R. 817 (“Baker”), made it clear that the content of the duty of procedural fairness is variable and dependent on the circumstances of the case. This is also clear from section 8.5.2(b)(ii) of the Code, which states as follows:

(b) 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:

...

(ii) Substantive failure to observe the principles of procedural fairness and natural justice in the investigative process and in reaching a determination on whether there was a violation of the UCCMS, or in reaching a conclusion on the appropriate sanction (if any). The extent of natural justice rights afforded to a Party will be less than that afforded in criminal proceedings and may vary depending on the nature of the alleged violation and sanction that may apply.

41. In *Baker*, the Court set out the following list of non-exhaustive factors as relevant in determining what the common law duty of procedural fairness requires in a given set of circumstances:

- i. the nature of the decision being made and the process followed in making it;
- ii. the nature of the statutory scheme and the terms of the statute pursuant to which the body operates;
- iii. the importance of the decision to the affected individual(s);
- iv. the legitimate expectations of the person challenging the decision; and
- v. the choices of procedure made by the decision-maker, particularly where the statute leaves to the decision-maker the ability to choose its own procedure.

42. The Court also stated that fairness confers participatory rights to a particular decision. It explained:

The values underlying the duty of procedural fairness relate to the principle that the individual or individuals affected should have the opportunity to present their case fully and fairly, and have decisions affecting their rights, interests or privileges made using a fair, impartial and open process, appropriate to the statutory, institutional, and social context of the decision. (para 28)

43. The *Baker* factors favour a high degree of procedural fairness in this case. The investigative and adjudicative process is disciplinary in nature, and designed and controlled by HC through its policies. The decision not only affects the Claimant's reputation, but it impacts his ability to participate as a volunteer, and watch his children participate in hockey events. To restrict a parent from watching his two children play hockey for more than two years is a significant sanction that warrants a high degree of procedural fairness.
44. A fundamental pillar of procedural fairness requires decisionmakers to hear both sides before deciding a dispute. At its most basic level, a fair hearing requires notice of the decision that is to be made and an opportunity to make submissions to the decisionmaker.
45. As part of the duty to give notice, the decisionmaker has a responsibility to inform the individual of the basic details of the allegation, the degree of severity of the potential sanctions, and that the process will continue in their absence. The individual must understand the case they have to meet. It is necessary to understand the degree of the sanctions that they may face in order to make an informed decision about whether to participate in the process. Finally, the individual must be made aware that the process will continue in absentia in order to understand the consequences about refusing to participate.
46. Procedural fairness does not always require an oral hearing. Moreover, an individual's refusal to participate in the process will not prevent the ITP from proceeding in the individual's absence. However, the ITP must exhaust all reasonable efforts to provide effective notice. Where an individual is evasive or refuses to participate, the ITP can proceed if it has taken reasonable steps to inform the individual of the nature of the allegations, the seriousness of the potential sanctions, and that the process will proceed in the individual's absence.
47. I accept that the Claimant could not reasonably have known that a complaint had been filed against him given the seven-month delay between the incident and the filing of the anonymous complaint. Too much time had elapsed to expect the Claimant to draw a connection between the complaint and the alleged incident. I also accept that the Claimant could not have known that such a significant sanction could be imposed on him. As a volunteer and parent, it would not be

obvious that he could be subject to a 28-month ban from the hockey rink. Thus, it was incumbent on the ITP to ensure that the Claimant was given effective notice of the proceeding.

48. In reviewing the correspondence to the Claimant, I find that there are serious flaws that resulted in the Claimant not being given effective notice of the proceeding.
49. First, the emails of October 16, 22, 30, November 4, December 17, 2025 do not provide the details of the complaint. They do not provide the context of the complaint, the approximate date, or the location of the incident. As the incident occurred more than seven months prior to the complaint, the ITP needed to go beyond sending emails and leaving a single voicemail for the Claimant. It needed to provide enough detail to the Claimant so that he could reasonably understand the basic allegations against him.
50. The link to the password-protected shared drive does not satisfy this requirement. It requires the recipient to be technologically proficient in using the database and have the blind faith that it is safe to use. From a review of the emails, I accept the Claimant's explanation that he believed it was a phishing or scam email. Moreover, there was no way for the Claimant to verify the legitimacy of the email or the link embedded in the email. There was no phone number on the email for the Claimant to call. There was no mailing address on the email for the Claimant to send a letter to make inquiries.
51. The use of a password-protected shared drive may work in the vast majority of cases. Individuals may be responsive to emails and willing to click on the link to obtain the information. But where an individual is non-responsive, the ITP should provide some context in its correspondence about the complaint. It should pivot from using the link to some other form of communication (e.g. attaching a document to the email, registered mail, courier). In this instance, the ITP continued to send similar emails to the Claimant with the link to the password-protected shared drive.
52. Second, the emails do not adequately describe the sanctions that may be imposed and thus fail to make it clear that serious consequences could flow from the complaint. It is not reasonable to expect the Claimant to know that he could be suspended from watching his children play for more than two years because of an incident that occurred more than seven months earlier. A blanket reference to the policies of the ITP and Hockey Canada is not sufficient. It was incumbent on the ITP to inform the Claimant that the range of sanctions could be very serious and may include a complete prohibition from Hockey Canada events. It was not necessary to identify specific sanctions. Rather, a statement that the

Claimant could be subject to serious sanctions, such as removal from all Hockey Canada events, would have been sufficient to inform the Claimant of the risks.

53. Third, there is no mention that the investigation and adjudication would proceed in the Claimant's absence until the November 4, 2025 email. This should have been made clear in the first email to ensure the Claimant understood that a failure to respond might result in serious sanctions being imposed without consideration of his evidence. This type of message may have prompted the Claimant to make further inquiries. The Adjudicator's decision is effectively a default judgment against the Claimant. There is an onus on the ITP to clearly inform the Claimant of such risk in its initial communications.
54. These three flaws must be considered in the context of the emails being sent using casual and informal language (e.g. "Dear _____", "Hello _____", "Good evening _____", "Good morning _____"). Although the author described her position as a "case manager", her title was not listed on the email. There was no phone number or mailing address on the email. This is not the customary manner to give notice of a proceeding that could result in severe sanctions.
55. The final email sent by the ITP before the Adjudicator's decision is also confusing. It was sent on February 2, 2026 and advises the Claimant that the hearing date is set for the next day. It advises that it is a "...written hearing, therefore, your presence is not required". Leaving aside the oddity of setting a hearing date for a "written hearing", the Claimant is only given one day's notice. It is also unclear why the Claimant is told that his presence is not required. It must be considered that the Claimant is a layperson who is unfamiliar with HC's policies and procedures. I find the language used in the email of February 2, 2026 to be too confusing to give effective notice to the Claimant.
56. The emails also advised the Claimant that he is "...not permitted to communicate the information contained in the Jurisdiction Order or any element of the process with others throughout this process – unless it is in the context of obtaining legal advice". A similar statement is made at the footer of each email sent by the ITP. It is unclear why an individual can only discuss the complaint made against them if obtaining legal advice. Surely the individual can discuss the complaint with, or seek guidance from, their spouse, family members, spiritual advisors, or other professionals that they trust.
57. It is also unclear why the ITP provided some identifying information to the hockey organization in the January 26, 2026 email correspondence, but was unwilling to answer questions about further details. The email states that the ITP was seeking to identify the individuals involved. This raises obvious questions: why was this line of inquiry not pursued with the hockey organization if the ITP needed the

information to identify the individuals? Why did the ITP not return to the Claimant to seek further information if it was still trying to identify the individuals? If the details could be shared in an email with the hockey organization, why was it not shared with the Claimant in the body of the emails? It is apparent that the ITP could have shared more details with the Claimant with very little effort. The documentation reveals that once the Claimant was made aware of some details, he quickly prepared a document setting out his version of events and sent the document to his hockey organization. It is unfortunate that this was not placed before the Adjudicator.

58. When viewed collectively, these flaws are fatal to the investigative and adjudicative process as it created a process that was not procedurally fair for the Claimant. He was not given effective notice of the proceeding. This is a substantive failure to observe the principles of procedural fairness.
59. I acknowledge the importance of HC's efforts to eradicate inappropriate behaviour in the sport. This decision is not a reflection on HC's Maltreatment Policy or the merits of this case. As explained in this award, the ITP may proceed with its complaint-based process in the absence of an individual. The ITP may impose sanctions even where the individual refuses to participate in the process. It is critical, however, that the individual be given effective notice of the proceeding. In some cases, this will require more than sending a password protected link to a portal.
60. My conclusion on the procedural fairness issue is dispositive of the matter and I need not address the arguments on the merits of the appeal.

Other issues

61. There are two other issues that must be briefly addressed.
62. During the course of written submissions, the Claimant sought to introduce an Occurrence Report from the Barrie Police Service. HC objected to the introduction of fresh evidence. In a Procedural Award issued on March 30, 2026, I directed the parties to make submissions on the admissibility of the Occurrence Report. Given my findings on the issue of procedural fairness, it is not necessary to determine whether the Occurrence Report should be admitted in this Appeal.
63. The second issue is the Claimant's request for anonymity. HC opposes the request. It is appropriate to grant this request for this Appeal. The Claimant has pled sufficient facts to convince me that there is reputational harm in identifying him and his family as part of this proceeding. As there were significant issues

with the process, there is no reason to identify the Claimant or his family in the matter. Therefore, the identity of the Claimant and his family shall be redacted from this decision and any other decision issued as part of this Appeal.

Summary

64. In summary, I accept the Claimant's submission that he did not understand the complaint against him nor was he informed that he was subject to severe sanctions. The notice provided to the Claimant was flawed and, consequently, the Adjudication decision must be set aside.

65. Therefore, I make the following orders:

- 1) The Adjudicator's decision is set aside;
- 2) The complaint is sent back to HC for determination of whether a new investigative and adjudicative process will be engaged;
- 3) Any sanctions in place on the Claimant are to be lifted; and
- 4) The identity of the Claimant and his family shall be redacted from this decision and any other decision issued as part of this Appeal.

Dated this 27th day of April, 2026.

Matthew R. Wilson
Arbitrator