SPORT DISPUTE RESOLUTION CENTRE OF CANADA (SDRCC)

CENTRE DE RÈGLEMENT DES DIFFÉRENDS SPORTIFS DU CANADA (CRDSC)

Citation : L. v. Hockey Canada, 2026 CASDRC 35

No : SDRCC ST 26-0080

Date of Decision : 2026-08-07

(Safeguarding Tribunal)

BETWEEN:

L.

(Claimant)

AND

HOCKEY CANADA

(Respondent)

AND

Sudbury Minor Hockey Association

(Affected party)

Representatives:

For the Claimant:	K.
For the Respondent:	Adam Klevinas, Counsel Cristy Cooper, Counsel
For the Affected Party:	Jason Marchand
Hearing:	via written submissions on July 13 and July 20, 2026
Arbitrator:	David Merrigan, C. Arb.

REASONS FOR DECISION

I. INTRODUCTION AND JURISDICTION

1. The Sport Dispute Resolution Centre of Canada (SDRCC) exercises jurisdiction over this matter pursuant to Section 2.1 of the 2025 Canadian Sport Dispute Resolution Code (the "Code"), which applies to any "Sports-Related Dispute" where an agreement exists to bring the dispute to the SDRCC.

2. Specifically, the Safeguarding Tribunal has subject-matter jurisdiction under Article 8, as the dispute arises from the application of the *Universal Code of Conduct to Prevent and Address Maltreatment in Sport* ("UCCMS") and Hockey Canada's *Maltreatment Complaint Management Policy* ("the Policy").

3. The substantive merits of the case, specifically the definitions and thresholds for Prohibited Behaviour, are governed by the UCCMS and the Policy.

4. Under Section 8.1, Safeguarding Tribunal procedures apply alongside the UCCMS. If Article 8 or the UCCMS does not address a procedure or rule, the Code's general provisions apply, except as otherwise noted.

5. In reviewing a decision made by Hockey Canada's Independent Third-Party Complaint (ITP) mechanism, the Safeguarding Tribunal is legally mandated by Subsection 8.5.2 (c) of the Code to apply the standard of *reasonableness*. This requires the Tribunal to assess whether the decision on violations and sanctions was justified, intelligible, and transparent.

6. The Claimant, a minor hockey player, filed a Request for Review on June 19, 2026, contesting the sanctions they received by the adjudicator via the ITP complaint process.

7. On July 24, 2026, I issued a short decision confirming the original suspension and denying the Claimant's appeal. These are my full written reasons for that decision.

II. BACKGROUND

8. The underlying dispute arises from an incident that occurred on September 25, 2025, during minor hockey activities.

9. Following a formal complaint and investigation managed through the sport organization's independent process, the adjudicator issued a decision on May 26, 2026, which was communicated to the parties between June 14 and 16, 2026.

10. It is not clear from the evidence if the parties received the decision simultaneously. However, this fact does not affect the outcome of this decision.

11. The adjudicator found that the Claimant had removed an affected player's nameplate from their stall, thrown it into the dressing room toilet, and defecated on it.

12. It was concluded that this conduct constituted a clear violation of the applicable association code, harassment policy, provincial federation code, respect policy, and the UCCMS.

13. With respect to sanction, the adjudicator imposed a one-month suspension from all sanctioned programming, specifically fixed from September 1 to September 30, 2026.

14. The terms of the suspension prohibit participation in any capacity in any program, activity, event, or competition sponsored, organized, or under the auspices of the sport organization, including try-outs, but expressly permit spectating at Hockey Canada sanctioned events.

15. The Claimant does not contest the finding of a violation, nor do they challenge the nature or the one-month duration of the suspension.

16. The primary issue before this Tribunal is the **timing** of the suspension specifically, whether the selected one-month placement is unreasonable, and whether it should be varied to an earlier one-month period.

17. The Claimant also argues that the length of time from prohibited activity to final disposition undermines the sanction and asks this Tribunal to substitute its decision in place of the adjudicator.

18. The Affected Party was notified of these proceedings but did not provide a submission.

III. POSITIONS OF THE PARTIES

A. The Claimant's Position

19. The Claimant submits that while a one-month suspension is an appropriate quantum, fixing it during the originally selected month creates an unreasonable, disproportionate, and unintended penalty.

20. The Claimant's representative explains that the selected suspension period coincides with a significant life transition for the minor player: he would be relocating away from his home community for the first time as a billeted player to join a junior hockey team in another region, while also beginning full-time post-secondary studies in a college program.

21. The Claimant argues that because he has a diagnosed learning disability and relies heavily on his peers, team structure, and social community to build confidence and navigate new environments, a September suspension will entirely disconnect him from his new team and community during the most vital integration month of the year. It is asserted that this timing threatens his academic progress, housing transition, and emotional well-being, thereby magnifying the penalty well beyond its disciplinary purpose, under Sections 7.3 and 7.4 of the UCCMS.

22. The Claimant also argues that the time it took for the ITP Complaint Process to run its course was unreasonable, and that they were not responsible for the delay.

23. Consequently, the Claimant requests that the Tribunal vary the decision under the applicable code to have the one-month suspension served during August 2026, noting that the earlier period contains active hockey programming that would ensure he serves a genuine and restrictive hockey penalty.

B. The Respondent's Position

24. The Respondent urges the Tribunal to dismiss the Request for Review and uphold the adjudicator’s decision in its entirety.

25. The Respondent submits that, pursuant to the established jurisprudence of this Tribunal and the Supreme Court of Canada in *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65, the applicable standard of review on an appeal of a sanction is **reasonableness**.

26. Under the standard of reasonableness, an arbitrator’s role is not to substitute their own preferred outcome or to decide what sanction period they might have chosen personally. Rather, the question is whether the first-instance adjudicator’s decision is transparent, intelligible, and justified, and whether it falls within a range of possible, acceptable outcomes defensible in respect of the facts and the applicable policy.

27. The Respondent maintains that the adjudicator acted entirely within their discretion in selecting the suspension period. The timing captures the official kickoff of the hockey season and ensures the sanction carries its intended restrictive effect.

28. The Respondent argues that personal life transitions, academic schedules, and relocation logistics are common among junior-aged athletes and do not render an otherwise appropriate disciplinary sanction unreasonable under administrative law principles.

29. They do not agree that the Claimant's fresh evidence should be considered – that this review process does not allow for such (saving enumerated exceptions in the Code).

IV. STANDARD OF REVIEW

30. The parties agree, and the jurisprudence of the Safeguarding Tribunal consistently confirms, that the applicable standard of review for a safeguarding sanction decision is **reasonableness**.

31. A reasonable decision is one grounded in an internally coherent and rational chain of analysis and justified in light of the factual and legal constraints bearing on the decision-maker.

32. The Supreme Court of Canada articulated this framework in *Vavilov*. The same approach has been applied in comparable SDRCC decisions, including the authorities cited by the Respondent:

    i) ***Randall v. Hockey Canada*, 2024 CASDRC 7:** cited for the proposition that the reasonableness standard applies directly to sanctions and safeguarding measures imposed by sport governing bodies.

    ii) ***Danton v. Hockey Canada*, 2025 CASDRC 39:** cited to reinforce the Tribunal's deferential role on review, including the need to determine whether the sanction decision was transparent, intelligible, and justified in light of the relevant factual and legal constraints.

33. The Tribunal's role is not to reweigh the evidence or closely manage the first-instance adjudicator's administrative discretion over the precise calendar dates of a suspension.

34. Intervention is warranted only where the outcome falls outside the range of acceptable and defensible outcomes.

V. ANALYSIS AND FINDINGS

35. I have carefully reviewed the record, including the initial independent process decision, the written submissions of the parties, and the supplementary documentation regarding the Claimant's hockey and academic schedule.

36. The information regarding the Claimant's upcoming hockey and academic schedule along with his future relocation were not conveyed to the adjudicator in the initial third-party investigation and is evidence that was supplied to the Respondent at the same time as this Tribunal.

37. The Respondent has taken a position that they do not agree to the admission of this evidence.

38. There is no evidence that the Claimant conveyed this information to the adjudicator prior to the releasing of their decision. Indeed, they participated in the process, partially, and on their own terms - producing only a written document that admitted to part of the prohibited activity for which they were ultimately found responsible.

39. Section 8.5.2 (b) (iv) of the Code states:

> (iv) For greater clarity, fresh evidence in this section may not be admitted where the evidence was available with the exercise of due diligence and, absent compelling justification, was not produced during the investigation, or where the party did not participate in the investigation.

40. The Claimant, represented throughout the submission, has acknowledged responsibility for their actions, although they declined to participate in an interview with the adjudicator. Instead, the Claimant provided a written statement confirming that they placed the name plate in the toilet but did not defecate on it personally. Furthermore, the Claimant expressed the opinion that the complaint originated from the local hockey association's reluctance to release the affected player, presumably to allow participation with another team.

41. These are not actions which can be simply brushed over when deciding if they participated in the investigation. They do not outwiegh out the fact that they would not present themself for an interview nor answer questions from the investigator.

42. One way communication in this instance cannot be deemed to constitute participation in the investigation.

43. As a result, I cannot consider this fresh evidence in favor of the Claimant. It would be antithetical to fairness and transparency if the subject of an investigation could dictate the terms of the fact-finding process and then produce information only at the appeal stage.

44. Furthermore, I do not agree with the Claimant's argument that the length of the complaint process to decision was too long and thus unreasonable and was not attributable to him, at all.

45. There was no cogent or compelling argument made by the Claimant on why it was unreasonable that the complaint, investigation, and sanctioning took the apparent 8-9 months that it did.

46. In reading the ITP written decision, the following timeline of events adequately shows forward movement throughout the complaint process:
    1. The Complaint was submitted to the ITP on October 7, 2025 (between 13 days from the date of the prohibited behavior)
    2. A jurisdiction order was issued by the ITP on November 17, 2025.
    3. The ITP appointed the Adjudicative Chair for the adjudicative process on December 12, 2025.
    4. A procedural order was issued to the parties that interviews of witnesses would proceed on January 5, 2026.
    5. Three witnesses were interviewed as well as documentary evidence was presented to the adjudicator.
    6. The Claimant would not agree to be interviewed – leaving his participation limited to the written response to the Jurisdiction Order of November 17, 2025.

47. There is no dispute regarding the gravity of the underlying conduct. The adjudicator found that the Claimant engaged in deeply disrespectful and degrading behaviour by defacing another player's nameplate with fecal matter in a team dressing room.

48. Such conduct strikes at the core of sportsmanship, respect, and safe sport principles.

49. In response to this serious violation, the adjudicator exercised their discretion to impose a one-month suspension, specifically slated for the selected suspension period.

50. The adjudicator considered the following factors in their decision:

Aggravating Factors

- The policy breaches were serious, and the disrespect shown to the Affected Player by defecating on their name plate was significant.
- The conduct engaged in by Minor A reflected poorly on the hockey community and the image hockey aims to portray.

Mitigating Factors

- There was no power imbalance at play, as both Minor A and the Affected Player were teammates with no power over one another.
- There was no prior history of sanctions against Minor A.
- There was no meaningful age difference between Minor A and the Affected Player.
- Minor A was not found to pose an ongoing or potential threat to the safety of others.

- Minor A submitted a written admission to a large portion of the behavior (though he denied the defecation and did not complete an interview), which was considered on balance as a mitigating factor.]

51. I am satisfied that these factors demonstrate a thorough understanding of the situation and a fair and reasonable calculation of the culpability of the athlete.

52. As mentioned, the Claimant does not challenge the length of the suspension but focuses exclusively on the hardship caused by its timing during his relocation to a new community and the commencement of his post-secondary program.

53. While I am sympathetic to the personal and logistical challenges faced by a minor athlete relocating for junior hockey and pursuing post-secondary education, and I acknowledge the thoughtful and dedicated advocacy advanced on his behalf, these personal circumstances do not render the adjudicator's selection of September 2026 to serve a suspension as unreasonable.

54. The ITP adjudicator considered several mitigating factors in favor of the Claimant, despite them not fully committing to the investigative process by agreeing to be interviewed, nor admitting to the full scale of the culpable prohibited behaviour.

55. The selected period for serving the suspension represents the official opening of the competitive hockey calendar and the transition into regular team operations.

56. Suspending a player during the opening month of the season directly fulfills the preventative and punitive objectives of disciplinary sanctions under sports governance codes.

57. The adjudicator's decision to place the suspension during the selected period is transparent, intelligible, and logically connected to the nature of the sport and the timing of the hockey season. It falls squarely within the range of possible, acceptable outcomes available to an adjudicator under the policy framework.

58. Where the season in which the misconduct occurred has ended, imposing the suspension at the start of the next hockey season is a logical and rational choice.

59. On reasonableness review, my role is not to replace the adjudicator's chosen suspension period with the one I might have preferred, even if another timing option could also have been justified.

60. The Claimant has not shown that the placement of the sanction was unreasonable, irrational, or inconsistent with the applicable safeguarding framework.

61. Although the adjudicator expressly prohibited team “tryouts” within the September 2026 suspension, the Claimant was nevertheless able to secure a place for the upcoming season by signing with a Junior A team that appears to have been aware of the circumstances giving rise to this appeal.

62. Simultaneously, this weakens the Claimant’s argument regarding the challenges of the upcoming “life adjustment” in the absence of being on a hockey team roster.

VI. CONCLUSION

63. For all the foregoing reasons, the Claimant's appeal is denied, and the original sanction confirmed.

VII. ORDER

64. **THE APPEAL IS DENIED.**

65. The original suspension imposed through the independent adjudicative process, requiring the Claimant to serve a suspension from all sanctioned programming during September 1 to September 30, 2026, is **CONFIRMED**.

66. Pursuant to the applicable provisions of the Code, this decision is final and binding.

ALL BY ORDER OF THIS TRIBUNAL

Dated August 7, 2026 at Halifax, NS

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David Merrigan, C. Arb.