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

**Citation:** Sarrazin v. Sport Integrity Canada, 2026 CASDRC 53
**Date:** 2026-10-19

**File No.:** SDRCC DAT 26-0020
(Doping Appeal Tribunal)

**JONATHAN SARRAZIN**
**(Athlete/Appellant)**

**AND**

**SPORT INTEGRITY CANADA**

**WEIGHTLIFTING CANADA HALTÉROPHILIE (WCH)**

**(Respondents)**

**AND**

**GOVERNMENT OF CANADA**
**WORLD ANTI-DOPING AGENCY**

**(Observers)**

Translation Notice:
This version is a translation of the decision originally rendered in French.

Before:

**Janie Soublière**
**(Arbitrator)**

**Legal representatives:**

| | |
|---|---|
| **For the Appellant** | David Pinard |
| **For the Respondents:** | Annie Bourgeois<br>Thomas Seltmazuk-Coté |

## DECISION WITH REASONS

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## I. BACKGROUND

1. This decision arises from an appeal of a decision of the Doping Tribunal of the Sport Dispute Resolution Centre of Canada (SDRCC), which imposed a four-year period of ineligibility on Jonathan Sarrazin (the Athlete or Appellant).

2. The first-instance decision found that the Athlete had committed a violation under the Canadian Anti-Doping Program (CADP) due to the presence of Ostarine, a non-Specified Substance on the World Anti-Doping Agency (WADA) Prohibited List. As the Athlete had failed to discharge his burden of establishing that the violation was unintentional, the presumptive four-year period of ineligibility was imposed.

3. The Athlete subsequently appealed the first-instance decision to the Doping Appeal Tribunal.

## II. THE PARTIES

4. The Athlete is a Canadian weightlifter and a member of Weightlifting Canada Haltérophilie (WCH).

5. Sport Integrity Canada is the national anti-doping organization responsible for adopting, administering, and enforcing the Canadian Anti-Doping Program (CADP), including its applicable rules. Sport Integrity Canada is a Signatory to the World Anti-Doping Code. In this capacity, Sport Integrity Canada administers the CADP, conducts doping controls, and is responsible for results management in accordance with the World Anti-Doping Code and all WADA International Standards. Sport Integrity Canada is headquartered in Ottawa, Ontario.

6. The observers, WADA and the Government of Canada, did not participate in this appeal.

## III. THE FIRST-INSTANCE DECISION

7. The conclusion and decision at first instance, bearing file number DT 25-0378, read as follows:

*CONCLUSION*

*141. For all of the above reasons, I find that the Athlete has committed an ADRV as defined in CADP Rule 2.1.2, with the presence of Ostarine in his samples, having been established in accordance with the applicable rules.*

*142. The presumption of validity of the analyses performed by the accredited laboratory has not been rebutted. The Athlete did not demonstrate any deviations from the ISL or irregularities that would have caused the adverse analytical finding.*

*143. With respect to the sanction, the Athlete did not establish, on a balance of probabilities, that the violation was not intentional as defined in CADP Rule 10.2.3. He did not identify the source of the prohibited substance, and no exceptional circumstances were shown to allow a departure from the applicable presumptive system.*

*144. In the absence of evidence establishing how the prohibited substance entered his body, the conditions for reducing or eliminating the period of ineligibility under CADP Rules 10.2, 10.4 to 10.6 have not been met.*

*145. It follows that the presumptive period of ineligibility of four (4) years provided for under CADP Rule 10.2.1.1 must be applied; there is no CADP provision that enables the applicable period of ineligibility to be reduced or eliminated under the circumstances.*

*DECISION*

*146. The Athlete, Jonathan Sarrazin, has committed an ADRV pursuant to CADP Rule 2.1.2.*

*147. He is suspended for a period of four (4) years, in accordance with CADP Rule 10.2.1.1.*

*148. Given that the Athlete has been temporarily suspended since September 17, 2024 pursuant to CADP Rule 7.4.1, his period of ineligibility is calculated as of that date and will end on September 16, 2028, in accordance with CADP Rule 10.13.2.*

*149. This suspension results in the full consequences provided under the CADP.*

*150. In accordance with Rule 13.2.2 of the CADP, since this case concerns a national competition and the Athlete is a national-level athlete, the decision may be appealed by means of a written notice of appeal addressed to all parties before the Doping Panel and to the Appeal Tribunal within thirty (30) days of notification of this initial decision, that is, March 25, 2026.*

## IV. PROCEEDINGS BEFORE THE APPEAL TRIBUNAL

8. The Athlete filed his appeal with the SDRCC on March 24, 2026, within the prescribed time limit.

9. Once the appeal had been filed with the Appeal Tribunal and the initial proceedings completed, the Parties agreed in writing that Janie Soublière, sitting alone as the Appeal Panel, would be appointed by the Appeal Tribunal to hear the appeal.

10. Pursuant to CADP Rule 13.2.2.2.1, a preliminary meeting was convened on May 5, 2026, to address the procedural timetable and resolve procedural matters. The Parties agreed on a procedural timetable.

## V. JURISDICTION AND ADMISSIBILITY

11. During the preliminary meeting, all Parties confirmed:

    i. The jurisdiction of the Doping Appeal Tribunal to hear the appeal.
    ii. The appointment of the Arbitrator.
    iii. That the appeal had been filed within the time limits prescribed by the Canadian Sport Dispute Resolution Code.

12. Accordingly, the jurisdiction of the Doping Appeal Tribunal and the admissibility of the appeal before it are confirmed.

## VI. DE NOVO PROCEEDINGS

13. Pursuant to CADP Rule 13.2.2.2.1, the Appeal Panel, sitting as a sole arbitrator in this case, has the authority to establish its procedures in a manner consistent with the Canadian Sport Dispute Resolution Code and CADP Rule 8.2 (Principles for a Fair Hearing), with the necessary adaptations.

14. Following the preliminary meeting, the Arbitrator circulated the following instructions:

> [Translation]
> To the Parties:
>
> *During our preliminary meeting yesterday, the Claimant indicated that the sole grounds for his appeal submissions would concern procedural matters.*
>
> *Although this option was neither discussed nor proposed during our meeting, the Arbitrator considers that, in the interest of making efficient use of everyone's time, it would be appropriate to rehear the matter in its entirety, and not solely with respect to the issues of alleged procedural irregularities at first instance. Unlike certain other SDRCC tribunals, the Doping Appeal Tribunal does not provide for judicial review under the SDRCC Code. Nor is judicial review provided for under the Canadian Anti-Doping Program (CADP).*
>
> *Pursuant to Subsection 9.5(a) of the Code (which is based on CADP Rule 13.1.1):*
> ***For an appeal of a doping-related decision, the scope of review includes all issues relevant to the matter and is expressly not limited to the issues or scope of review before the initial decision maker. Any Party to the appeal may submit evidence, legal arguments and claims that were not raised in the first instance hearing so long as they arise from the same cause of action or same general facts or circumstances raised or addressed in the first instance hearing.***
>
> *Furthermore, Subsection 5.7(f) of the Code grants the Arbitrator a fairly broad degree of discretion:*
> ***Where a matter arises that is not otherwise set out in this Code, the Panel shall have the power to establish its own procedures provided each Party is treated equally and fairly.***
>
> *Hearing the matter "de novo" will allow the Arbitrator to remedy any alleged procedural irregularities in the first-instance proceedings and render a decision on the merits of the appeal based on the Parties' submissions.*
> *For clarity, if the Claimant were successful in demonstrating that procedural errors occurred at first instance, the Arbitrator and the Tribunal would retain*

*jurisdiction to address those errors and order a further round of submissions on the merits. This would result in another hearing and further prolong the proceedings.*

*The Arbitrator therefore proposes that the Parties proceed de novo in this appeal to avoid unnecessarily lengthy proceedings.*

*We will follow the same procedural timetable and instructions discussed during the meeting (particularly with respect to witnesses, witness summaries, and experts, etc. These will be set out in the administrative notes from the preliminary meeting, which will be distributed to you.)*

*Any objections the Parties may have to this approach must be received by the Arbitrator for consideration by 5:00 p.m. ET on May 13, 2026.*

15. No objections to the procedure proposed by the Arbitrator were raised within the prescribed time limit.

16. Accordingly, this appeal is proceeding de novo.

## VII. REQUEST FOR DISCLOSURE

17. On May 8, 2026, the Athlete advised the Tribunal that [translation] "if the matter were to proceed de novo, he would have a request for disclosure to be decided."

18. On May 14, 2026, the Arbitrator:

i. Confirmed to the Parties that the appeal would proceed de novo.
ii. Expressly indicated that any requests for disclosure should be submitted as soon as possible.
iii. Indicated that she did not intend to modify the procedural timetable unless the Parties agreed on an alternative timetable.

19. On May 25, 2026, the Arbitrator sent the following instructions to the Parties:

[Translation]
*Having received no follow-up to her previous correspondence, Arbitrator Soublière reminds the Parties to file any requests for disclosure as soon as possible in order to comply with the procedural timetable established during the preliminary meeting.*

20. On July 28, 2026, three days before the deadline for filing his submissions under the procedural timetable, the Athlete filed a *Request for Disclosure of Evidence* (the Request), consisting of approximately ten pages and several appendices.

**Appellant's Submissions Regarding the Request for Disclosure**

21. The following five points form the basis of the Athlete's legal challenge and the specific relief sought in his Request.

1. Constitutional Supremacy and the Right to Full Disclosure

- The Request relies on the supremacy of the Canadian Charter of Rights and Freedoms (sections 7 and 11(d)), which guarantees the right to make full answer and defence and to a fair trial.
- The Athlete submits that no international or regulatory standard (such as the World Anti-Doping Code) can override these constitutional protections. He cites R. v. Stinchcombe, [1991] 3 S.C.R. 326, and R. v. O'Connor, [1995] 4 S.C.R. 411, in support of the prosecuting party's obligation to provide full disclosure of the evidence.

2. Disclosure of Evidence as an Essential Requirement for a Fair Defence

- The Athlete seeks immediate and complete access to all evidence relating to his doping test, including the sample itself, the chain of custody, collection protocols, storage conditions, and laboratory procedures.
- The refusal to provide these materials directly undermines his ability to mount a fair defence.

3. Procedural Fairness and the Reversal of the Burden of Proof

- According to the Athlete, anti-doping proceedings reverse the burden of proof, requiring him to demonstrate that he bore no fault or negligence.
- This makes full disclosure all the more critical, as he cannot effectively challenge the results without access to all relevant technical and scientific data.

4. Limits of International and Regulatory Standards Under Canadian Law

- Although international standards such as the World Anti-Doping Code and the UNESCO Convention govern anti-doping proceedings, the Athlete maintains that they do not have superior constitutional or legislative authority in Canada.
- According to the Athlete, any restriction on access to evidence based on these standards is invalid if it infringes on rights guaranteed by the Canadian Charter of Rights and Freedoms.

5. Legal Consequences of a Failure to Disclose

- Referring to R. v. Taillefer; R. v. Duguay, [2003] 3 S.C.R. 307, 2003 SCC 70, the Request further warns that a failure to provide full disclosure may result in the exclusion of evidence or even a stay of proceedings, as established in Canadian case law.

22. On the same day, the Arbitrator invited the Respondent to submit a response to the Request by 4:00 p.m. on August 3, 2026. This deadline was subsequently extended to August 7, 2026, at the Respondent's request.

23. In correspondence to the Parties dated July 28, 2026, the Arbitrator asked the Appellant to explain why the Arbitrator's instructions of May 14 (and her reminder of May 25) had not been followed.

24. After receiving the Athlete's explanations, the Arbitrator invited Sport Integrity Canada to respond to them at the same time as its response to the Request for Disclosure.

25. The Respondent filed its full response within the prescribed time limit, objecting to the Request on the same grounds it had raised at first instance when a virtually identical request was filed (and dismissed for the reasons set out in the Decision).

**Respondent's Submissions Regarding the Request for Disclosure**

26. Sport Integrity Canada's submissions in response to the Request may be summarized as follows:

1. Positive Doping Test for Ostarine (S-22)

- The Athlete's urine sample collected on August 17, 2024, during a competition in Saint-Hyacinthe, Québec, revealed the presence of Ostarine SARM (S-22), a Prohibited anabolic substance.
- The analyses of both the A and B Samples confirmed this finding.

2. Full Disclosure of Evidence by Sport Integrity Canada

- Sport Integrity Canada maintains that it provided the Athlete with all relevant documents and information, both proactively and upon request, in accordance with anti-doping procedures, the International Standard for Laboratories (ISL), and the International Standard for Testing and Investigations (ISTI).

3. Dismissal of the Athlete's Additional Disclosure Requests

- The Athlete's repeated requests for additional documents and an independent counter-analysis were dismissed by the Tribunal at first instance, as most of the documents had already been provided and no procedural violation had been established.

4. Arguments Based on the Canadian Charter of Rights and Freedoms Found Inapplicable

- The Athlete wrongly invokes constitutional rights.
- SDRCC case law (see *Canadian Centre for Ethics in Sport and [Redacted]*, SDRCC DT 06-0039, June 11, 2007, paras. 150–164) has already established that the Canadian Charter of Rights and Freedoms does not apply to anti-doping proceedings under the CADP.

5. Four-Year Suspension Imposed and Upheld

- The Tribunal at first instance found that the Athlete had committed an anti-doping rule violation and imposed a four-year suspension.
- Although this decision has been appealed, it remains in effect.
- The Request should be dismissed.

**Procedural Order Regarding the Request for Disclosure**

27. On August 6, 2026, after carefully reviewing the Parties' submissions, the Arbitrator issued a procedural order:

[Translation]

- Admitting the Request for Disclosure into the record despite its extremely late filing, on grounds of procedural fairness and, more specifically, the balance of convenience.
- Exceptionally granting, in part, certain disclosure requests made by the Appellant and certain requests made by the Respondent.
- Noting, among other things, that although the Athlete's requests appeared prima facie to be moot, as Sport Integrity Canada had already disclosed all the requested documents in its possession, *the Arbitrator nevertheless considered that some additional evidence could be disclosed, if only to afford the Athlete one final opportunity to attempt to present a full defence in this appeal.*
- Directing Sport Integrity Canada, as the Results Management Authority, to submit a written request to the Director of the Institut national de la recherche scientifique – Centre Armand-Frappier Santé Biotechnologie (INRS) for information relating to the "items granted" in the order, to supplement the information already contained in the Laboratory Documentation Package (the “Doc Pack”).
- Confirming that the hearing remained scheduled for September 15, 2026, and adjusting the procedural timetable for written submissions accordingly.
- Lastly, indicating that, in light of the revised and shortened procedural timetable, any replies to written submissions could be presented orally at the hearing, and that the procedural timetable was final and could be modified only for compelling reasons, with the consent of both Parties and subject to the Arbitrator's approval.

## VIII. PROCEEDINGS FOLLOWING THE PROCEDURAL ORDER

28. The Arbitrator granted Sport Integrity Canada a brief extension to obtain the evidence from the Laboratory. The information was filed with the Tribunal within the prescribed time limit, on August 19, 2026.

29. Pursuant to the Arbitrator's instructions, the Appellant had until August 25, 2026, to file his written submissions and a list of witnesses and experts for the hearing.

30. On August 31, the Appellant sent correspondence to the Tribunal addressing only objections to the information filed by the Laboratory. He maintained that Sport Integrity Canada had still failed to provide certain evidence and suggested that a judicial review would follow, citing, among other things, his inability to conduct a

judicial review or an analysis commensurate with the onerous reversal of the burden of proof imposed by the CADP.

31. Sport Integrity Canada immediately objected to the Appellant's assertions and requested that the Tribunal issue an order (i) confirming that the Athlete was precluded from raising his numerous objections after the relevant deadline had expired, (ii) reiterating that all delays in the proceedings resulted from the late filing of his own disclosure request, and (iii) noting that he remained free to call witnesses regarding any matters raised by the Laboratory if he wished to establish facts capable of supporting his defence.

32. The Athlete subsequently confirmed that he would not file any submissions, taking the position that the process did not allow him to make full answer and defence and, because of the imbalance between the Parties, imposed a burden of proof that was virtually impossible to discharge.

33. Following these exchanges, the Arbitrator sent the following message to the Parties:

[Translation]
*To all Parties,*

*The Arbitrator has reviewed the Appellant's correspondence of August 31, 2026, Sport Integrity Canada's response dated September 1, 2026, and the Appellant's subsequent correspondence of September 1, 2026.*

*Fairness and the proper administration of proceedings require compliance with the instructions issued and deadlines established by a tribunal.*

*In this case, the Arbitrator's instructions and the associated deadlines were clearly communicated to the Parties by the Tribunal.*

*The INRS Laboratory had until August 19, 2026, to disclose the requested information. That information was filed within the prescribed time limit.*

*The Appellant had until August 25, 2026, to file his written submissions and a list of his witnesses and experts for the hearing. His written submissions should ordinarily have set out his position, objections, and reply to the documents produced by the Laboratory. That deadline has expired. The Appellant is now*

*precluded from doing so at this late stage through his correspondence of August 31, 2026.*

*As agreed, Sport Integrity Canada's written submissions and list of witnesses and experts must be filed no later than September 9, 2026. Sport Integrity Canada's written submissions will be based on the Athlete's notice of appeal and disclosure request, as well as the Laboratory's response and the documents provided following the August 6, 2026, order.*

*As specified in her order of August 6, 2026, the Arbitrator confirms that any reply to the written submissions may be presented orally at the hearing, which remains scheduled for September 15, 2026.*

*The Arbitrator is satisfied that this order complies with Subsections 5.7(b), (d), and (g) of the 2025 Canadian Sport Dispute Resolution Code.*
*In light of the Appellant's most recent message, as well as the schedules, travel arrangements, and obligations of the other Parties, the Tribunal, and the Arbitrator, the Arbitrator asks the Appellant to confirm as soon as possible, but no later than 4:00 p.m. on September 10, 2026, whether he intends to participate in the hearing on September 15, 2026. Failing confirmation by that deadline, the Arbitrator will render her decision by documentary review.*

34. Sport Integrity Canada filed its submissions on September 9, 2026, within the prescribed time limit.

35. On September 10, 2026, the Appellant confirmed that he would not participate in the hearing.

36. Following this confirmation, on September 11, 2026, the Arbitrator advised the Parties as follows:

> *[Translation]*
> *In light of the Appellant's latest correspondence confirming that he will not participate in the hearing:*
>
> *i. The in-person hearing scheduled for September 15, 2026, at the SDRCC office is hereby cancelled. The Arbitrator will render her decision by documentary review.*

*ii. The Arbitrator affords the Appellant an opportunity to submit a written reply to Sport Integrity Canada's submissions. The deadline for filing this reply is 4:00 p.m. on September 24, 2026.*

*The Arbitrator's decision will subsequently be issued within the time limits prescribed by the Canadian Sport Dispute Resolution Code.*

37. A few hours later, considering it appropriate to clarify her instructions, the Arbitrator stated:

*[Translation]*
*Further to her instructions this morning, the Arbitrator wishes to clarify that, as is customary, any reply from the Appellant must not include evidence that has not previously been disclosed in these Tribunal proceedings.*

*The reply must be limited to new matters that may have been raised in Sport Integrity Canada's written submissions dated September 9, 2026. Any other matters raised will not be admitted into the record.*

38. The Appellant did not file a reply within the deadline established by the instructions of September 11, 2026.

## IX. SUBMISSIONS OF THE PARTIES

39. The Arbitrator carefully reviewed the submissions filed in the record. For the sake of brevity, she summarizes them below, focusing primarily on the issues underlying the reasons for her decision.

### *The Appellant*

40. The Athlete elected not to file written submissions in the proceedings.

41. Nevertheless, the Arbitrator's decision takes into consideration, in general terms, the rationale underlying his Request for Disclosure and his late response to the supplementary information provided by the Laboratory.

### *The Respondent*

42. Sport Integrity Canada asks the Appeal Tribunal to dismiss the Athlete's appeal and uphold the four-year suspension imposed for an anti-doping rule violation ("ADRV") involving the presence of Ostarine in his urine sample collected on August 17, 2024.

43. Sport Integrity Canada submits that:

- The ADRV has been fully established.
- The Athlete has not discharged any of the burdens required to reduce or eliminate the sanction.
- No procedural irregularity or evidentiary deficiency warrants intervention by the Appeal Tribunal.

44. Sport Integrity Canada reviews the background and procedural history of the matter:

- The Appellant is a weightlifter, a member of the National Athlete Pool, and has received anti-doping education.
- His A Sample revealed the presence of Ostarine, and his B Sample confirmed the result.
- Sport Integrity Canada provided all required documents (doping control form, chain of custody documentation, and Laboratory Documentation Package).
- The Athlete filed two requests for disclosure:
    - The first was dismissed by the Doping Tribunal.
    - The second, filed on appeal, was granted in part.
- The INRS Laboratory responded to the disclosure requests, but the Athlete provided no clarification and did not follow up on the Laboratory's requests.
- The Athlete failed to file his written submissions within the prescribed deadline and was subsequently precluded from doing so.

45. Sport Integrity Canada maintains that the ADRV is indisputable:

- Ostarine was detected in both the A and B Samples.
- The methods used by WADA-accredited laboratories are presumed valid.
- To rebut this presumption, an athlete must establish (i) a specific departure from the International Standard for Laboratories and (ii) that the departure could reasonably have caused the positive result.
- The Athlete identified no irregularity in the chain of custody, storage conditions, or laboratory methods.
- The information disclosed on appeal revealed no departure from the ISL.
- For these reasons, the only possible conclusion is that the ADRV must be confirmed.

46. Sport Integrity Canada then reiterates the requirements under the CADP for an athlete to demonstrate that a reduction of the sanction from four years to two years is possible, namely, establishing that the ADRV was not intentional.

47. Sport Integrity Canada emphasizes that:

- SDRCC and Court of Arbitration for Sport ("CAS") jurisprudence generally requires an athlete to establish the source of the Prohibited Substance.
- The Appellant has provided no evidence of the source of the Ostarine, no list of supplements, no independent analysis, and no expert report.
- He merely raises the "possibility of contamination" without any evidentiary basis.
- According to Sport Integrity Canada, there is no basis for reducing the sanction to two years.

48. With respect to No Fault or Negligence/No Significant Fault or Negligence, Sport Integrity Canada states that, to obtain a further reduction or elimination of the sanction, the Athlete must establish how the substance entered his body, which he has failed to do in this case.

49. As the Appellant has not established the source of the Ostarine:

- An assessment of fault cannot even begin.
- The Doping Tribunal correctly dismissed these arguments.

*Conclusion*

50. Sport Integrity Canada asks the Appeal Tribunal to:

- Find that the Athlete has submitted no new evidence, failed to meet the deadlines, and discharged none of the applicable burdens of proof.
- Dismiss the appeal.
- Uphold the four-year suspension imposed at first instance.

## X. APPLICABLE LAW

51. The applicable rules are those of the CADP in the version that came into effect on January 1, 2021.

52. CADP Rule 2.1.1 provides:

> *It is the Athletes' personal duty to ensure that no Prohibited Substance enters their bodies. Athletes are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Samples. Accordingly, it is not necessary that intent, Fault, Negligence or knowing Use on the Athlete's part be demonstrated in order to establish an anti-doping rule violation under Rule 2.1."*

53. CADP Rule 2.1.2 provides:

> *Sufficient proof of an anti-doping rule violation under Rule 2.1 is established by any of the following: presence of a Prohibited Substance or its Metabolites or Markers in the Athlete's A Sample […] or, where the Athlete's B Sample is analyzed and the analysis of the Athlete's B Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the Athlete's A Sample. […]*.

54. Pursuant to CADP Rule 2.1.3:

> *Excepting those substances for which a Decision Limit is specifically identified in the Prohibited List or a Technical Document, the presence of any reported quantity of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample shall constitute an anti-doping rule violation.*

55. CADP Rule 2.2.1 provides, in particular:

> *It is the Athletes' personal duty to ensure that no Prohibited Substance enters their bodies and that no Prohibited Method is Used. Accordingly, it is not necessary that intent, Fault, Negligence or knowing Use on the Athlete's part be demonstrated in order to establish an anti-doping rule violation for Use of a Prohibited Substance or a Prohibited Method.*

56. With respect to the burden of proof, CADP Rule 3.1 provides:

> *Sport Integrity Canada shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether Sport Integrity Canada has established an anti-doping rule violation to the comfortable satisfaction of the hearing body, bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where these Anti-Doping Rules place the burden of proof upon the Athlete or other Person alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, except as provided in Rules 3.2.2 and 3.2.3, the standard of proof shall be by a balance of probability*.

57. With respect to methods of establishing facts and presumptions, CADP Rule 3.2 provides:

> *Facts related to anti-doping rule violations may be established by any reliable means, including admissions. The following rules of proof shall be applicable in doping cases:*

*3.2.1 Analytical methods or Decision Limits approved by WADA after consultation within the relevant scientific community or which have been the subject of peer review are presumed to be scientifically valid. Any Athlete or other Person seeking to challenge whether the conditions for such presumption have been met or to rebut this presumption of scientific validity shall, as a condition precedent to any such challenge, first notify WADA of the challenge and the basis of the challenge. The initial hearing body, appellate body or CAS, on its own initiative, may also inform WADA of any such challenge. Within ten (10) days of WADA's receipt of such notice and the case file related to such challenge, WADA shall also have the right to intervene as a party, appear as "amicus curiae" or otherwise provide evidence in such proceeding. In cases before CAS, at WADA's request, the CAS panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge.*

*3.2.2* ***WADA-accredited laboratories, and other laboratories approved by WADA, are presumed to have conducted Sample analysis and custodial procedures in accordance with the International Standard for Laboratories. The Athlete or other Person may rebut this presumption by establishing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the Adverse Analytical Finding.*** *If the Athlete or other Person rebuts the preceding presumption by showing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the Adverse Analytical Finding, then Sport Integrity Canada shall have the burden to establish that such departure did not cause the Adverse Analytical Finding.*

(Emphasis added.)

## XI. JUDICIAL REVIEW

58. Before the Appeal Tribunal, the Appellant has presented no arguments or substantiated any evidence capable of altering the Doping Tribunal's decision. He seeks only judicial review of the first-instance decision, a remedy provided for under neither the CADP nor the Canadian Sport Dispute Resolution Code.

59. Although the Doping Appeal Tribunal cannot conduct such a judicial review, the Arbitrator must nevertheless consider all the evidence in the record to determine whether the Appellant can succeed in his appeal.

## XII. REVIEW OF THE EVIDENCE

60. As a preliminary matter, it bears repeating that, pursuant to CADP Rule 2.1.3, "*the presence of any reported quantity of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample shall constitute an anti-doping rule violation".*

61. As established under CADP Rule 3.1, Sport Integrity Canada bears the burden of proving that an ADRV occurred. The standard of proof requires Sport Integrity Canada to establish the anti-doping rule violation to the comfortable satisfaction of the hearing body, bearing in mind the seriousness of the allegation. Where an athlete bears the burden of rebutting a presumption or establishing specific facts or circumstances, the applicable standard of proof is a "balance of probability". It should also be noted that, pursuant to CADP Rule 3.2.2 in particular, WADA-accredited laboratories are presumed to have conducted sample analyses and custodial procedures in accordance with the ISL. An athlete may rebut this presumption by establishing that a departure from the ISL occurred and could reasonably have caused the Adverse Analytical Finding ("AAF"). Furthermore, under CADP Rule 3.2.3, if an athlete establishes that a departure from one of the specific provisions of the applicable International Standards could reasonably have caused an ADRV based on an AAF, the anti-doping organization must establish that the departure did not cause the AAF.

*Presumption of Validity of the Laboratory Results*

62. In this case, it is undisputed that the analyses of the Athlete's A and B Samples respectively detected and confirmed the presence of Ostarine. The presence of this Prohibited Substance constitutes, in principle, an ADRV. Pursuant to CADP Rule 2.1.2, cited above, the Respondent must therefore be considered to have established the ADRV based on the presumption of validity of the analyses conducted by the Laboratory.

63. In this case, at first instance and, presumably, before this Appeal Tribunal, the Appellant challenges this presumption of validity by arguing that there may have been several departures (unknown and unidentified) from the applicable standards that could affect the validity of the Laboratory's findings. However, the Appellant has presented no evidence to support this argument, has not retained any expert who could offer an alternative explanation based on the Doc Pack and the information provided by the INRS, and has provided no scientific basis for his hypotheses and objections to the CADP standards (which, it should be noted, are consistent with the World Anti-Doping Code).

64. In her order of August 6, the Arbitrator made the following recommendation to the Appellant:

> *[Translation]*
> *[…] 6. The Arbitrator notes that certain requested items are already sufficiently and clearly provided and detailed in the "Doc Pack," which has been in the Athlete's possession for several months.* ***The Arbitrator therefore recommends that the Appellant retain the services of an expert, if necessary, to assist him in reviewing the "Doc Pack.***

65. The Appellant appears to have disregarded these recommendations, preferring to reiterate his general argument that the Laboratory had not disclosed all the requested information and that his inability to assess the information provided prevented him from discharging his burden of proof. Yet, despite the disclosure obtained, he appears to have made no effort to review that information during the appeal proceedings.

66. Having made no effort to understand the information filed by the Laboratory, despite the Tribunal's express recommendations and the disclosure of additional information, the Appellant cannot simply continue to repeat the same general argument.

67. Unsupported allegations and unspecified departures are insufficient to rebut the presumption of validity of an AAF, particularly given that the INRS experts concluded that none of the circumstances raised by the Athlete could reasonably have caused it. Even on a balance of probabilities, there is no basis for concluding that any of the following unsupported possibilities is sufficiently likely to satisfy the applicable burden of proof: (i) that the AAF resulted from contamination by an unidentified substance or product; (ii) that transport conditions caused the Ostarine AAF; (iii) that storage temperatures caused the Ostarine AAF; or (iv) that the Laboratory's sanitary conditions caused the AAF.

68. It should be noted that the Athlete places considerable emphasis on storage temperatures (data relating to temperature, humidity, environmental conditions, and storage duration) without providing any reasons to support his request. On this point, the INRS Laboratory clearly stated in its disclosure of August 19, 2026, that:

> *[Translation]*
> *[E]ach room [in the laboratory] is independently monitored and has its own environmental controls and temperature records. […]*

*[…] under the International Standard for Laboratories (ISL) (published by WADA), the Laboratory is only required to provide the information specified in TD2023LDOC […] At first glance, this request goes well beyond that scope. […]*

*Lastly, and as a preliminary observation, none of the items covered by the request (temperature, humidity, environmental conditions) could explain the Athlete's Adverse Analytical Finding for Ostarine SARM (S-22) (S1.2 – Anabolic Agents – Other Anabolic Agents), much less have caused possible contamination of the sample.*

69. Accordingly, all the arguments raised at first instance and underlying this appeal remain purely speculative.

70. In light of the foregoing, the Arbitrator finds that the Appellant has not rebutted the presumption of validity of the AAF. The ADRV is therefore established.

*Applicable Presumptive Period of Ineligibility*

71. Pursuant to CADP Rule 10.2, the period of ineligibility is, in principle, four (4) years unless the athlete concerned can establish that the ADRV was not intentional.

72. With respect to whether the Athlete must establish the source of the Prohibited Substance found in his sample in order to demonstrate a lack of intent within the meaning of CADP Rule 10.2, the Arbitrator notes that, unlike the definitions of No Fault or Negligence (CADP Rule 10.5) and No Significant Fault or Negligence (CADP Rule 10.6), the wording of Rule 10.2 does not require the Athlete to establish how the Substance entered his body in order to claim that the ADRV was unintentional. However, according to consistent CAS and SDRCC jurisprudence, except in rare cases, an athlete must establish how the Prohibited Substance entered his body to discharge the burden of establishing a lack of intent (CAS 2016/A/4377, CAS 2023/A/9377). This is also reflected in the comment to Article 10.2.1.1 of the World Anti-Doping Code (and the CADP cited above). Moreover, to discharge the burden of establishing the source of the Prohibited Substance, it is not enough for an athlete to merely proclaim his innocence and suggest that the Prohibited Substance must have entered his body inadvertently through a supplement, medication, or other product or, as in this case, because of an unidentified laboratory error.

73. In this regard, the Arbitrator agrees with other SDRCC panels that have found that the requirement to demonstrate how a Prohibited Substance entered an athlete's body must be applied relatively strictly. Where the means by which a Prohibited Substance entered an athlete's body is unknown or unclear, it is logically difficult to determine whether the athlete took precautions to prevent such an occurrence without evidence to that effect. The threshold requirement to establish how the Prohibited Substance entered an athlete's body allows the Arbitrator to determine the issue of fault on the basis of facts rather than speculation. An athlete must provide compelling evidence demonstrating that his explanation for the AAF is scientifically plausible. In this case, the Athlete has provided no evidence and has made no attempt to understand or question the extensive evidence in the record.

74. Despite having access to the Doc Pack, the Laboratory's additional responses, and the Arbitrator's recommendations that he retain an expert to help him understand the evidence in the record, the Athlete has submitted no evidence that could assist his defence or allow him to obtain a reduction of the presumptive sanction. His objections and threats of judicial review cannot assist him when he has made no effort to gain even a basic understanding of the scientific evidence in the record.

75. With respect to the possible departures from the ISL alleged by the Appellant, presumably to support his position that the ADRV was unintentional, he has provided no evidence establishing, on a balance of probabilities, that any of these unidentified hypothetical scenarios occurred and caused the violation. His defence before the Appeal Tribunal rests on a challenge to the CADP based on an alleged inequality of arms.

*Equality of Arms*

76. The Arbitrator recognizes that the principle of equality of arms is inherent in the concept of a fair trial, on which the Athlete bases his appeal.

77. Equality of arms requires that each party have a reasonable opportunity to present its case without being placed at a disadvantage relative to the other party. It thus seeks to ensure procedural balance by allowing each party to examine and challenge any relevant document.

78. The Arbitrator notes at the outset that it is difficult for athletes to successfully invoke the principle of equality of arms in doping cases, primarily for the following reasons:

79. The principle of strict liability: Under CADP Rules 2.1 and 2.2, an anti-doping rule violation is established when a Prohibited Substance is found in an athlete's body, regardless of intent or negligence. Human rights legal experts[1], CAS, the Swiss Federal Tribunal, and the European Court of Human Rights ("ECHR") have consistently held that the principles underlying the World Anti-Doping Code (and, in this case, the CADP), including strict liability, do not violate human rights (namely, the European Convention on Human Rights) or the principle of equality of arms, as they serve the public interest. The objectives of the fight against doping—protecting health and ensuring fairness in sport competitions, which affect the rights and freedoms of others—have been recognized as legitimate objectives within the meaning of Article 8(2) of the Convention. The ECtHR has recognized that there is *"now a broad consensus, in Europe and beyond, in favour of the fight against doping, of which the Code, relayed by national laws (such as the CADP), is the main legal instrument"* (Fédération Nationale des Syndicats Sportifs (FNASS) and Others v. France ("FNASS"), Applications Nos. 4815/11 and 77769/13, January 18, 2018). The Arbitrator adopts the same reasoning in this case.

80. The reversal of the burden of proof: Once an anti-doping organization (ADO), such as Sport Integrity Canada, establishes a positive test result, the athlete has the burden to explain how the substance entered his body in order to obtain a reduction of the sanction. Athletes often argue that this framework creates a systemic imbalance because ADOs have substantial scientific resources, whereas athletes must personally finance costly analyses. However, this argument must be rejected because the CADP is a mandatory regulatory framework that, in accordance with the principle of harmonization, must be fully compliant with the World Anti-Doping Code.

81. The presumption of scientific validity: The CADP provides that WADA-accredited laboratories are presumed to have conducted testing in accordance with the International Standards. To rebut this presumption and support a claim of inequality arising from the laboratories' scientific resources, an athlete must demonstrate a specific and material departure from the applicable protocols. In this case, despite the disclosure of the Doc Pack and additional information revealing no departure by the Laboratory, the Athlete presented only unsupported allegations and

[1] See, among others: *Legal opinion on the compatibility of the proposed changes to the World Anti-Doping Code 2021 with general Human Rights principles* The Honourable Michael J Beloff KC, *Legal opinion 2019 (expert opinion) on the 2021 World Anti-Doping Code*, Jean Paul Costa. and *Legal opinion regarding the draft 3.0 revision of the World Anti-doping Code 2015,* Jean-Paul Costa. The three legal opinions cite several relevant sources.

therefore failed to rebut the presumption. The Laboratory did not deny him access to the raw data used to establish the Adverse Analytical Findings for his sample.

82. Equality of arms requires that the Athlete receive the same tools and information as the anti-doping organization so that he can challenge the evidence. As the Laboratory provided all the required data, the Arbitrator considers that this principle was fully respected. What the Athlete chooses to do (or not do) with the Laboratory documents is a matter of his own defence strategy.

83. In short, the Arbitrator finds no inequality of arms in this case. Procedural good faith requires parties to act consistently. Invoking inequality of arms after deliberately disregarding disclosed evidence constitutes inconsistent conduct or an abuse of rights (*venire contra factum proprium*).

84. In other words, a party cannot blame the Tribunal for a lack of resources or an imbalance when that situation results from the party's own inaction or strategic decision not to submit an expert report or challenge the disclosed evidence.

85. Sport Integrity Canada submits that, having failed to present any tangible evidence or call witnesses to challenge the scientific evidence in the record, the Appellant is precluded from invoking inequality of arms. The Arbitrator agrees. Disclosure is intended to ensure fair and equitable proceedings, but it does not relieve the Athlete of his responsibility when the violation is established by reliable scientific evidence and the applicable rules presume that the Laboratory complied with the ISL. This presumption is rebuttable, but the Athlete has attempted to rebut it only through general, unsupported allegations. As stated in CAS 2019/A/6190 at paragraph 108:

> *The Athlete bears the burden of rebutting a presumption of an anti-doping violation and it is solely her responsibility to introduce evidence upon which she intends to rely in the present proceedings. By merely referring to theories without introducing any corroborating evidence, the Panel has no duty to ex officio investigate by itself*.

86. Neither the applicable rules, nor the jurisprudence, nor the facts before the Arbitrator support the Athlete's objections.

*Relevant Jurisprudence*

87. In support of her reasoning and the grounds set out above, the Arbitrator also relies on two CAS decisions comparable to the present case.

88. In CAS 2024/A/10833, which involved a similar disclosure request, the Panel dismissed a request for the production of documents, noting that the requesting party had failed to specify what “it reasonably expects to find" or "how such documents would materially affect the determination of the legal questions at issue." The Panel concluded that a request framed in this manner:

> *resembles a “fishing expedition” designed in the hope of uncovering evidence, rather than based on a concrete understanding or reasonable expectation of relevant and material documentation* […]. (see paras. 93-103).

89. The CAS Panel further reiterated that the burden of establishing the basis for a disclosure request rests with the requesting party. Such a request must concern relevant documents that are reasonably likely to exist, be submitted in a timely manner, and not impose a disproportionate burden on the opposing party.

90. These same principles apply in this case. The Arbitrator concludes that, beyond general allegations that his ability to defend himself was compromised, the Appellant made no attempt to understand the contents of the Doc Pack or the additional information disclosed to him. He substantiated none of his allegations, filed no written brief in support of his appeal before this Tribunal, called no expert witnesses, and made no attempt to cross-examine Sport Integrity Canada's witnesses to rebut the presumptions established under the CADP.

91. On this last point, the Arbitrator also relies on CAS 2024/A/10647, in which the Panel dismissed two disclosure requests made by the Athlete, noting that the Athlete would have an opportunity to cross-examine the expert at the hearing and present his own evidence to rebut the expert's conclusions, thereby eliminating the need for further disclosure.

*ADRV Confirmed, Sanction Upheld*

92. On August 17, 2024, the Athlete provided an A Sample as part of a doping control conducted at a weightlifting competition held in Saint-Hyacinthe, Québec, in accordance with the CADP.

93. The Athlete's A Sample was analyzed by the doping control laboratory of the Institut national de la recherche scientifique, Centre Armand-Frappier (INRS), a WADA-accredited laboratory.

94. On September 17, 2024, the Athlete was informed that an Adverse Analytical Finding had been reported for the A Sample collected on August 17, 2024, involving the presence of a non-specified Prohibited Substance, Ostarine, listed on the WADA Prohibited List in effect at the time under category S1.2 – Anabolic Agents – Other Anabolic Agents.

95. In this notification, the Athlete was informed of his right to request an analysis of the B Sample.

96. On September 17, 2024, the same day, the Athlete confirmed that he wished to proceed with the analysis and requested disclosure of the laboratory documentation relating to his A Sample.

97. On October 18, 2024, Sport Integrity Canada informed the Athlete that the presence of the Prohibited Substance had been confirmed by the B Sample analysis.

98. Pursuant to CADP Rule 2.1.2:

> *2.1.2 Sufficient proof of an anti-doping rule violation under Rule 2.1 is established by any of the following: presence of a Prohibited Substance or its Metabolites or Markers in the Athlete's A Sample where the Athlete waives analysis of the B Sample and the B Sample is not analyzed; or, where the Athlete's B Sample is analyzed and the analysis of the Athlete's B Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the Athlete's A Sample; […]*

99. On February 14, 2025, the Athlete received notification of a possible violation of Rule 2.1.2 (ADRV), indicating that the applicable presumptive sanction was a four (4) year period of ineligibility, pursuant to CADP Rule 10.2.1.

100. As stated in the Arbitrator's short decision issued on October 5, 2026, the SDRCC Doping Tribunal decision under appeal made the following findings against the Appellant:

> [Translation]
>
> - The presence of Ostarine, a non-specified Prohibited Substance, in the Athlete's urine sample had been established by the certificates of analysis for the A and B Samples issued by the WADA-accredited laboratory. Pursuant to CADP Rules 3.2.1 and 3.2.2, these results benefited from a presumption of validity.
> - The Athlete had not established, on a balance of probabilities, any departure from the ISL or any irregularity in the chain of custody that could have caused an Adverse Analytical Finding. He therefore failed to rebut the presumption of validity attaching to the Laboratory results.
> - An anti-doping rule violation under CADP Rule 2.1.2 had been established.
> - The Athlete had not established the source of the Prohibited Substance or demonstrated that the violation was unintentional within the meaning of CADP Rule 10.2.3.
> - In the absence of such evidence, the conditions for departing from the application of the presumptive period of ineligibility under CADP Rule 10.2.1.1 had not been met.
> - The applicable period of ineligibility was four (4) years.

101. Nothing submitted to the Arbitrator warrants varying the reasoned decision of the Tribunal at first instance, which is therefore upheld.

## XIII. ORDER

102. The Appellant's appeal is dismissed.

103. The Doping Appeal Tribunal retains jurisdiction to decide matters ancillary to this decision.

104. Pursuant to CADP Rule 14.3.2, Sport Integrity Canada shall publicly disclose this decision and the outcome of its anti-doping proceedings, *including, at a minimum,*

*the sport, the anti-doping rule violated, the name of the athlete who committed the violation, the Prohibited Substance involved, and the Consequences imposed.*

105. Subject to the exceptions provided for in CADP Rule 13.2.2.3.2, this decision of the Doping Appeal Tribunal is final and binding on the Parties.

*Decision rendered on October 19, 2026.*

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*Janie Soublière, C.Arb., arbitrator*