

Awarding Costs

Policy Section: Administration of the Act	Policy Number: AA-11	Approved By: Council
Regular Policy Review Frequency: Every five years	Date Approved: March 9, 2018	Date Reviewed/Revised: December 7, 2023

Purpose:

1. To state the considerations, scope, and procedure for the Complaints Investigation Committee, the Inquiry Committee, and the Council with respect to cost recovery in accordance with The Regulated Health Professions Act (the “Act”).
2. The Complaints Investigation Committee, the Inquiry Committee, and the Council are to be guided by the principle that a proportionate amount of the costs of the applicable process should be borne by the investigated registrant who, among other things, has committed or has admitted to any of the misconduct described in subsection 124(2) of the Act, rather than by registrants as a whole.
3. Each particular cost award must be determined by the facts and circumstances particular to that case.

Policy:

- I. Nature of Costs
 1. The Complaints Committee may order costs following a decision to censure an investigated registrant, to accept an investigated registrant’s voluntary withdrawal from practice, or to place conditions on the investigated registrant’s right to practice.
 2. The Inquiry Committee may order costs after a hearing if it finds that the investigated registrant is guilty of some or all of the charges. The Inquiry Committee can also order costs arising from conditions imposed on an investigated registrant, or from monitoring undertakings to which the investigated registrant has agreed.
 3. The Council may order costs arising from its decision with respect to an appeal from an order placing interim conditions or an interim suspension. Where a registrant has had their registration or certificate of practice cancelled, and the Council imposes conditions on reinstatement, the Council may also order costs arising from those conditions.
 4. When ordering costs, the Complaints Investigation Committee, the Inquiry Committee or the Council may include but are not limited to:
 - (a) Costs incurred by the College in providing legal counsel for the College and the Inquiry Committee panel;
 - (b) Payment of remuneration and reasonable expenses to be paid to members of the Complaints Investigation Committee, or the Inquiry Committee panel; and,
 - (c) All disbursements incurred by the College, including:



- i. fees and reasonable expenses for experts, investigators and auditors whose reports or attendance were reasonably necessary for the investigation or hearing,
- ii. fees, travel costs and reasonable expenses of any witnesses required to appear at the hearing,
- iii. fees for retaining a reporter and preparing transcripts of the proceedings, and
- iv. costs for serving documents, long distance telephone and facsimile chargers, courier delivery fees and similar miscellaneous expenses.

II. Factors to Be Considered

5. When determining costs, the following factors may be considered:
 - (a) The circumstances of the conduct being investigated, prosecuted or appealed, including any aggravating or mitigating factors.
 - (b) The amount of time and the expenses associated with the investigation, hearing and/or appeal.
 - (c) The impact of the costs on the registrant, as costs should not be punitive in nature.
 - (d) The registrant's right to raise a reasonable defence.
 - (e) Whether some of the allegations have been dismissed, and the relative seriousness of the allegations which were proven and the relative seriousness of those which were dismissed.
 - (f) The registrant's financial circumstances and the impact of a cost award.
 - (g) The extent to which the registrant's conduct resulted in costs accumulating or being saved.
 - (h) The range of costs awarded in other similar cases.
 - (i) Any other factors considered relevant given the particular circumstances of the case.

III. Terms of Payment

6. Where costs are awarded, the Complaints Investigation Committee, the Inquiry Committee, or the Council, as the case may be, may fix a deadline for the payment of the costs to the College, and may make an order as to payment terms as it deems just, including the consequences of nonpayment. In appropriate cases, consideration should be given to providing time to pay the costs.