

**DISCIPLINE COMMITTEE OF
THE COLLEGE OF CHIROPODISTS OF ONTARIO**

B E T W E E N:

COLLEGE OF CHIROPODISTS OF ONTARIO

(the “**College**”)

- and -

GAVIN BADYAL

(the “**Member**”)

NOTICE OF HEARING

THE INQUIRIES, COMPLAINTS AND REPORTS COMMITTEE of the College of Chiropractors of Ontario (the “**College**”) has referred specified allegations against **Gavin Badyal** (Registration #050236) to the Discipline Committee of the College. The allegations were referred in accordance with paragraph 26(1)1 of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991*.

Further information about the allegations is contained in the Statement of Allegations attached to this Notice of Hearing. A discipline panel will hold a hearing under the authority of sections 38 to 56 of the *Health Professions Procedural Code* for the purposes of deciding whether the allegations are true.

IF YOU DO NOT ATTEND AT THE HEARING IN ACCORDANCE WITH THE PRECEDING PARAGRAPH, THE DISCIPLINE PANEL MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THE PROCEEDINGS.

If the discipline panel finds that you have engaged in professional misconduct, it may make one or more of the following orders:

1. Direct the Registrar to revoke your certificate of registration.
2. Direct the Registrar to suspend your certificate of registration for a specified period of time.
3. Direct the Registrar to impose specified terms, conditions and limitations on your certificate of registration for a specified or indefinite period of time.
4. Require you to appear before the panel to be reprimanded.
5. Require you to pay a fine of not more than \$35,000 to the Minister of Finance.

The discipline panel may, in an appropriate case, make an order requiring you to pay all or part of the College's costs and expenses pursuant to section 53.1 of the *Health Professions Procedural Code*.

You are entitled to disclosure of the evidence against you in accordance with section 42(1) of the *Health Professions Procedural Code*, as amended. You, or your representative, may contact the lawyer for the College in this matter:

Debra McKenna
WEIRFOULDS LLP
Barristers & Solicitors
4100-66 Wellington Street West
PO Box 35, TD Bank Tower
Toronto, ON M5K 1B7
t. (416) 947-5080
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The College intends to introduce as business records, under section 35 of the *Evidence Act*, any writings or records that were made in the usual and ordinary course of business. Without limiting the generality of the foregoing, the College intends to introduce as business records the patient and financial records related to the patient care that is the subject of the allegations.

You must also make disclosure in accordance with section 42.1 of the *Health Professions Procedural Code*, which states as follows:

Evidence of an expert led by a person other than the College is not admissible unless the person gives the College, at least ten days before the hearing, the identity of the expert and a copy of the expert's written report or, if there is no written report, a written summary of the evidence.



Date: May 27, 2022

Nicole Zwiers, Registrar and CEO
College of Chiropodists of Ontario
180 Dundas Street West
Toronto, ON M5G 1Z8

TO: GAVIN BADYAL

STATEMENT OF ALLEGATIONS

1. Gavin Badyal (“**Mr. Badyal**” or the “**Member**”) was at all material times a registered member of the College.

2. It is alleged that, during the period from approximately August 2015 to October 2015 (the “**Relevant Period**”), the Member engaged in conduct that constitutes professional misconduct pursuant to the following:
 - (a) Clause 51(1)(b.1) of the *Health Professions Procedural Code*, which is Schedule 2 of the *Regulated Health Professions Act, 1991*, in that he engaged in sexual abuse of a patient; and/or

 - (b) Clause 51(1)(c) of the *Health Professions Procedural Code*, which is Schedule 2 of the *Regulated Health Professions Act, 1991*, and as defined in one or more of the following paragraphs of section 1 of the *Professional Misconduct Regulation (O. Reg. 750/93)* under the *Chiropractic Act, 1991*:
 - (i) paragraph 2 – failing to meet or contravening a standard of practice of the profession and, in particular, the College’s standards pertaining to Patient Relations;

 - (ii) paragraph 5 – abusing a patient verbally, physically or emotionally;

 - (iii) paragraph 10 – practising the profession while the member is in a conflict of interest;

 - (iv) paragraph 33 – engaging in conduct or performing an act, in the course of practising the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable, or unprofessional.

PARTICULARS OF THE ALLEGATIONS

1. At all times material to these allegations, the Member was registered with the College to practise chiropody in Ontario. He was first registered with the College on or about July 14, 2005.
2. At the material time, the Member practised in Hamilton, Ontario, at the Hamilton Urban Core Community Health Centre (the “**Clinic**”) on a part-time basis. The Member also maintained two practice locations in Toronto, Ontario.
3. On or about August 6, 2015, the Member began seeing the Patient at the Clinic for footcare.
4. The Member saw the Patient on at least three occasions between August 2015 and October 2015, when the Member discharged the Patient, at her request, on October 13, 2015.
5. During the course of treating the Patient, the Member engaged in conversation with the Patient about personal matters, including dating.
6. In addition, the Member exchanged phone numbers with the Patient and made comments of a sexual nature to her, including using words to the effect that the Patient was “sexy” and/or “hot” and/or that he wanted to have sex with her.
7. On at least one occasion, the Member engaged in touching and/or behaviour of a sexual and/or inappropriate nature with the Patient, including, but not limited to, placing his arms around the Patient and holding her tightly to his body.
8. Additional information and disclosure about the allegations against the Member will be provided in advance of the hearing.

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Lawyers for the College of
Chiropodists of Ontario
