CITATION: Um v. College of Naturopaths of Ontario and Prytula v. College of Naturopaths of Ontario, 2026 ONSC 2417
DIVISIONAL COURT FILE NO.: DC-25-0481, DC-25-0537
DATE: 2026-04-24

ONTARIO

SUPERIOR COURT OF JUSTICE

DIVISIONAL COURT

R.S.J. Newton, Backhouse and Matheson JJ.

BETWEEN:	
MICHAEL UM Appellant	*J. Lang*, for the Appellant
-and-	
COLLEGE OF NATUROPATHS OF ONTARIO Respondent	*R. Durcan* for the College of Naturopaths of Ontario
AND BETWEEN	
MICHAEL PRYTULA Appellant	*J. Lang*, for the Appellant
-and-	
COLLEGE OF NATUROPATHS OF ONTARIO Respondent	*R. Durcan* for the College of Naturopaths of Ontario
	HEARD at Toronto: on February 11, 2026

Reasons for Decision

R.S.J. Newton

Overview

[1] Dr. Michael Um, ND ("Dr. Um") and Dr. Michael Prytula, ND ("Dr. Prytula") are registrants of the College of Naturopaths of Ontario (the "College").

[2] Both registrants appeal the Discipline Committee's (the "Panel") findings of professional misconduct and the penalty and costs orders[1] made against them.

[3] The parties have requested that the appeals be heard together and consent to the delivery of one set of reasons for both appeals.

[4] For the following reasons, both appeals are dismissed.

Background Facts

[5] Dr. Um and Dr. Prytula have worked together at the Nature Medicine Clinic in St. Catherines, Ontario (the "Clinic") since 2002.

[6] Both registrants are also members of an organization called the Pastoral Medical Association ("PMA").

[7] The College alleged that Dr. Prytula and Dr. Um contravened the standards of the College by:

a. offering treatment outside the scope of the profession in Ontario;

b. engaging in controlled acts that they were not authorized to provide;

c. advertising that they could treat cancer and/or kill cancer cells; and

d. representing to patients who also became members of the PMA that regulatory limits on treatment and record keeping for naturopathy could be bypassed by private agreement.

[8] Many of the allegations of professional misconduct were based on representations made and treatments offered on the Clinic's website.

[9] Dr. Prytula's hearing proceeded over ten days in 2023-2024 with six witnesses called by the College.

[10] Dr. Um's hearing proceeded before a different discipline panel over eight days in 2024 with five witnesses called by the College.

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[1] Dr. Um: Professional Misconduct Decision – November 14, 2024; Penalty and Costs Decision – May 1, 2025.
Dr. Prytula: Professional Misconduct Decision – November 7. 2024; Penalty and Costs Decisions – May 28, 2025, June 3, 2025, and June 9, 2025.

[11] Both registrants were represented by the same paralegal. The College was represented by the same counsel at both hearings. Most of the witnesses testified in both hearings and included the Chief Executive Officer/Registrar of the College, as well as investigators appointed by the College who attended the Clinic "undercover". These "undercover" investigators spoke to the registrants and executed a search warrant.[2]

[12] Both Dr. Prytula and Dr. Um testified at their own hearings and at each other's hearing.

[13] Both registrants admit in their appeal factums that the "facts were mostly uncontested" and that the registrants' defences were based "mainly on raising procedural issues and questions of law".

[14] At both Discipline Hearings, the registrants brought motions to exclude evidence or to stay the proceedings based on:

a. no authority to investigate (*ultra vires*);
b. unreasonable search and seizure of records (*Charter,* s. 8);
c. delay in the proceedings constituting abuse of process (*Charter,* s.11(b)); and
d. vague allegations and violation of fundamental/natural justice (*Charter,* s.7).

[15] Both Panels dismissed the registrants' motions.

[16] Dr. Um was found to have engaged in thirteen acts of professional misconduct as defined in s. 1 of Ontario Regulation 17/14 "Professional Misconduct" made under the *Naturopathy Act, 2007*.[3]

[17] Dr. Prytula was found to have engaged in the same acts of professional misconduct as Dr. Um, plus he was found to have contravened a Compounding Standards of Practice, and he was found to have failed to abide by an undertaking given to the College.

[18] At the penalty stage, both registrants brought motions to stay the proceedings and addressed penalty.

[19] Dr. Prytula brought motions:

a. alleging that the findings of misconduct were without jurisdiction;
b. alleging a reasonable apprehension of bias; and
c. seeking recusal of the Panel based on new facts.

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[2] Witnesses at the Prytula Hearing were R. McBride, Coordinator of Professional Conduct at the College of Naturopaths of Ontario ("CONO"); Z. Mardel and D. Benard, Investigators appointed by CONO; M. Musters and T. Musters, Digital Forensic Investigators; A. Parr, CEO of CONO. In addition to Dr. Prytula, Dr. Um and a former employee of their practice, E. MacDonald, testified for Dr. Prytula.
Witnesses at the Um Hearing were S. Blacker, Z. Bardel, and D. Benard, Investigators appointed by CONO; M. Musters, Digital Forensic Investigator; and A. Parr, CEO of CONO. Dr. Um testified and called Dr. Prytula.
[3] S.O. 2007, c. 10, Sched. P.

[20] Similar motions were brought by Dr. Um:

a. alleging that the findings of misconduct were without jurisdiction;

b. alleging a reasonable apprehension of bias on that basis that:
   i. the Panel was not paying attention;
   ii. the Panel did not make its own decision since the decision appears to have been copied from another decision;
   iii. the Panel repeatedly misapprehended evidence and submissions beneficial to Dr. Um; and
   iv. the Panel provided inadequate reasons.

[21] Both Panels dismissed the motions and imposed penalties.

[22] By Order dated May 29, 2025, Dr. Um's Certificate of Registration was suspended for eighteen months, conditions and limitations were placed on his Certificate of Registration, and he was ordered to pay to the College two thirds of the investigative, legal and hearing costs, $189,933.49, within two years.

[23] By Order dated June 9, 2025, Dr. Prytula's Certificate of Registration was revoked as the Panel found that he was "ungovernable". Dr. Prytula was ordered to pay to the College two thirds of the investigative, legal and hearing costs, $262,953.29, within two years.

Grounds of Appeal

[24] Both registrants raise several grounds of appeal that are relevant to both cases. Some grounds apply to only one registrant and not the other.

[25] Not surprisingly, the appeal factums filed by Dr. Prytula and Dr. Um are almost identical. Similarly, the factums filed by the College are almost identical.

Common Grounds of Appeal

a. The College lacked reasonable and probable grounds to commence an investigation;
b. The search warrant for records was obtained based on misinformation and was executed improperly, contrary to s. 8 of the *Charter;*[4]
c. Allegations of misconduct were vague and infinitely broad;
d. Misconduct allegations were based on standards of practice that had no legal authority;
e. Treating cancer was not outside the scope of practice;
f. There was no failure to cooperate or obstruct investigators;

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[4] *Canadian Charter of Rights and Freedoms.*

g. The registrants were not tried within a reasonable time, contrary to s. 11(b) of the *Charte*r;
h. There were multiple findings of professional misconduct based on same facts contrary to *Kienapple;*[5] and
i. The Panels failed to provide adequate reasons.

Grounds Applicable to Dr. Prytula

a. Disciplined on conduct previously approved;
b. Bias/Lack of Independence – Panel gave similar/identical reasons as in Um decision.

Grounds Applicable to Dr. Um

a. Bias/Lack of Independence – Panel gave similar/identical reasons as in Prytula decision.

Jurisdiction and Standard of Review

[26] An appeal lies to this Court from the findings of the tribunal under s. 70 of the *Health Professions Procedural Code*[6] (the "*Code*").

[27] The standard of review on the appeal from findings of misconduct is palpable and overriding error for findings of fact or mixed fact and law,[7] correctness for questions of law[8] and procedural fairness.[9]

Analysis

Common Grounds of Appeal

a. Reasonable and Probable Grounds to Commence an Investigation

[28] Section 75 of the *Code* provides that the Registrar of the College may appoint an investigator to determine whether a member has committed an act of professional misconduct if the Registrar believes on reasonable and probable grounds that the member has committed an act of professional misconduct and the Inquiries, Complaints and Reports Committee ("ICRC") of the College approves the appointment.

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[5] *Keinapple v. R.,* [1975] 1 S. C. R. 729 (*"Kienapple"*).
[6] Sched. 2 to the *Regulated Health Professions Act*, *1991.,* S.O. 1991, c. 18.
[7] *Trozzi v. College of Physicians and Surgeons of Ontario,* 2024 ONSC 6096, at para. 26, citing *Housen v. Nikolaisen*, 2002 SCC 33.
[8] *Ibid*.
[9] *Swerdfiger v. Director of the Ontario Disability Support Program,* 2025 ONSC 4829, at para. 18, citing *Law Society of Saskatchewan v. Abrametz*, 2022 SCC 29, at para. 27.

[29] At the hearing below and at this hearing, the appellants argued that the appointment of an investigator was outside the jurisdiction of the College because the Registrar did not have reasonable and probable grounds to believe that they had committed an act of professional misconduct.

[30] Andrew Parr is the Chief Executive Officer/Registrar of the College. Mr. Parr testified in both hearings and, at the request of Dr. Prytula's representative,[10] portions of Mr. Parr's testimony in Dr. Um's hearing was received in Dr. Prytula's hearing.

[31] An initial complaint was received about vaccine information that was posted on the Clinic's website. That prompted a further review of the website which grounded many of the allegations of misconduct.

[32] Mr. Parr sought approval of the College's ICRC to appoint an investigator for both registrants by requests dated September 23, 2019. In both requests, Mr. Parr stated that he believed on reasonable and probable grounds that, commencing on or around July 1, 2025, Dr. Prytula and Dr. Um had committed acts of professional misconduct.

[33] The request set out acts of professional misconduct that were substantially identical for both appellants and based on representations made and services described on the Clinic's website. Attached to the request was a ten-page memorandum setting out the information supporting the allegations, the proposed appointment of investigator, over 60 pages of printouts from the Clinic's website referencing killing cancer cells, treatments offered, and the benefits of becoming a member of the PMA.

[34] The appellants argued that the qualifying words such as "may" or "alleged" used by Mr. Parr meant that he did not have the requisite grounds to request the appointment of an investigator. Further, the appellants argued that Mr. Parr's reasoning in equating "not authorised to perform an act" with "lack of knowledge, skill, and judgment", coupled with Mr. Parr's answers with respect to defining treatments as "ineffective or unnecessary", demonstrated a lack of reasonable and probable grounds.

[35] Both Panels rejected the assertion that Mr. Parr did not have reasonable and probable grounds to believe that the appellants had committed acts of professional misconduct based on his report and testimony, and found that qualifying words like "may", "may have", or "alleged" used by Mr. Parr reflected his understanding that it was the role of the Panel to make the determination of professional misconduct. Neither panel addressed the "knowledge, skill and judgement" and "ineffective or unnecessary" arguments.

[36] Like the Panels below, I am satisfied that Mr. Parr's evidence based on his reports, supporting documents, and testimony establish that he did have reasonable and probable grounds to request the appointment of an investigator. Like the Panels below, I accept that the qualifying words used by Mr. Parr reflect his understanding that it was role of the Panel to make the determination of professional misconduct. That the Panels did not comment

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[10] Dr. Prytula and Dr. Um were represented by the same licensed paralegal at their hearings.

on the "knowledge, skill, and judgment" and "ineffective or unnecessary" arguments does not amount to a misapprehension of material evidence as I find that these arguments have no bearing on whether Mr. Parr had reasonable and probable grounds. These arguments made below are largely nonsensical and irrelevant to the issue.

[37] No legal error or palpable and overriding error has been made out with respect to the finding that there were reasonable and probable grounds to appoint investigators for both appellants.

b. Search Warrant for Records was Obtained based on Misinformation and was Executed Improperly Contrary to s. 8 of the *Charter*

i. Misinformation in the Information to Obtain ("ITO")

[38] When summonses were initially served upon Dr. Prytula, he refused to provide access to some patient files, including files belonging to patients who were members of the PMA.

[39] Accordingly, the College's investigators applied for, obtained, and executed a search warrant for those records.

[40] Both appellants submit that the search warrant for records was based on misinformation contained in the ITO placed before the Justice of the Peace to obtain the search warrant. The affiant for the ITO was Dean Benard, an investigator appointed by the College. The ITO set out, in 49 paragraphs, the grounds for the search warrant.

[41] The appellants assert that the following three statements were false:

a. Dr. Um failed to make himself available to investigator when investigator visited the Clinic;
b. Dr. Prytula agreed to provide summonses to Dr. Um; and
c. Search warrant is the "final recourse" and an "only option" left to the investigator to obtain the records sought.

[42] The appellants submit that the investigator testified that he did not speak to Dr. Um and, although he provided the summonses to Dr. Prytula, Dr. Prytula did not indicate whether he would be giving the summonses to Dr. Um. The appellants argue that the investigator materially misled the Justice of the Peace because the investigator never demanded to see Dr. Um and that no-one undertook to provide Dr. Um with the summonses.

[43] However, the investigator testified that he asked to speak to both Dr. Prytula and Dr. Um and that only Dr. Prytula chose to speak with him. As Dr. Prytula had access to the records, he did not need to speak to Dr. Um.[11] He further testified that he handed the summonses to Dr. Prytula and asked him to provide the summonses to Dr. Um and that, while Dr. Prytula

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[11] See *Um and Prytula v. College of Naturopaths of Ontario,* DC-25-0481, DC-25-0537 (Div. Ct.) (*"Um and Prytula"*) (Transcript, Testimony of D. Benard – January 25, 2024, at pp. 130-131).

did not indicate what he was planning to do, the investigator left with the belief that Dr. Prytula was going to provide the summons to Dr. Um.[12]

[44] Both panels were satisfied that the search warrant was properly and legally requested.

[45] It is not disputed that only Dr. Prytula spoke to the investigator when the investigator attended with the summonses and that Dr. Prytula was given a summons for Dr. Um and asked to provide the summons to Dr. Um. It is not disputed that all records requested were not delivered in response to the summonses. Whether Dr. Prytula was silent with respect to whether he would provide the summons to Dr. Um or agreed to is not material to whether the search warrant would have been issued. The search warrant was the only option because of the failure to cooperate.

ii. Warrant Executed Improperly Contrary to s. 8 of the *Charter*

[46] When Mr. Benard attended to execute the search warrant, he was accompanied by another investigator, two computer support persons to help with the extraction of the necessary computer records that were the subject of the warrant, and two police officers to keep the peace.

[47] Dr. Prytula was the only person present as the Clinic was closed for holidays.

[48] Dr. Prytula testified that he initially refused to open the door to the Clinic and provide the records (records of clients who were members of the PMA) as he had made an oath to those "private members" to protect their files. He said that it was only when he was threatened with arrest, if he did not co-operate, that he complied.[13]

[49] The appellants submit that this "threat" constituted an improper execution of the search warrant.

[50] Mr. Benard testified that Dr. Prytula originally indicated he would not unlock the door and let the investigators enter.[14] He told Dr. Prytula that they would be entering the premises with or without Dr. Prytula's cooperation and if he obstructed the investigators in any way, that could lead to his arrest.[15]

[51] The Um Panel addressed this argument as follows:

> With respect to the execution of the search warrant itself, the Panel heard from Mr. Benard, Mr.Bardel, Mr. Musters and Dr. Prytula, ND. The Panel also received an interview recording made by the Registrant's counsel with one of the police officers in attendance at the execution of the warrant on August 19th. In that recording, contrary to the evidence of Dr. Prytula, ND, the police officer

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[12] *Um and Prytula* (Testimony of D. Benard – January 25, 2024, at pp. 37-38).
[13] *Um and Prytula* (Testimony of Dr. Prytula, ND – March 19, 2024, at pp. 189-190).
[14] *Um and Prytula* (Testimony of D. Benard – January 25, 2024, at p. 150).
[15] *Um and Prytula* (Testimony of D. Benard – January 25, 2024, at pp. 103-104).

> confirmed that he did not recall any threat of arrest being made by Mr. Benard or anyone else toward Dr. Prytula, ND. This is consistent with Mr. Benard's evidence that he did not threaten or in any way try to intimidate Dr. Prytula, ND during the execution of the warrant. The Panel was not persuaded by Dr. Prytula, ND's evidence that Mr. Benard was threatening or acting outside of the scope of his authority as investigator.

[52] The Prytula Panel reached the same conclusions, holding that they were not persuaded by Dr. Prytula's evidence "that Mr. Benard was threatening or acting outside of the scope of his authority as investigator". I agree. Advising that obstructing the investigation could lead to arrest is neither improper nor going outside the scope of authority as investigator.

[53] There is no error of law or palpable and overriding error with respect to the conclusions of the Panels on this issue.

c. Allegations of Misconduct were Vague and Infinitely Broad

[54] The Statements of Specified Allegations delivered with the Notice of Hearings were substantially identical for both appellants, except for slightly different allegations respecting the appellants' failure to co-operate with investigators and an allegation that Dr. Prytula breached an undertaking to the College.

[55] Each Panel reproduced the specified allegations in their decisions.

[56] Both appellants argued that the allegations were vague and infinitely broad because of the use of the expressions "including but not limited to" and "unnecessary or ineffective treatments". The appellants argue that the use of "including but not limited to" exposed the appellants to allegations not expressly referred to in the Notice of Hearing which is a breach of natural justice. Similarly, the appellants argued that, as the treatments alleged to be "unnecessary or ineffective" were not specified, they did not have notice of the allegations against them.

[57] The reasons of both Panels rejected these arguments for the same reasons. The Panels found that the phrase "including but not limited to" was used to provide the appellants with examples of the standards of practice at issue and that "unnecessary or ineffective treatments" related to treatments advertised as offered which were outside the appellants' scope of practice.

[58] The appellants repeated the same arguments on appeal. The College argues that the Notices of Hearing adequately informed the appellants of the cases against them, that the Notices of Hearing referenced the specified allegations referred by the ICRC, and that the Panels made findings only on the explicit allegations made in the Notices of Hearing.

[59] For the reasons given by the Panels, I am not persuaded that there was any denial of natural justice in this case. The Notices of Hearing satisfactorily set out the allegations of misconduct and provided particulars of the alleged misconduct.

d. Misconduct Allegations Based on Standards of Practice that had no Legal Authority

[60] The appellants argued that the allegations of misconduct were based on breaches of standards of practice that were not passed into regulation. The appellants relied upon *The Christian Medical and Dental Society of Canada v. College of Physicians and Surgeons of Ontario*[16] and that this breached s. 95(1.1) of the *Code.*

[61] That section provides that:

> **Standards of practice**
>
> (1.1) A regulation under clause (1) (n) may adopt by reference, in whole or in part and with such changes as are considered necessary, any code, standard or guideline relating to standards of practice of the profession and require compliance with the code, standard or guideline as adopted.

[62] The College submits that the General Regulation[17] under the *Naturopathy Act, 2007,* establishes enforceable statutory Standards of Practice ("SOP") and no further evidence was required to confirm these standards. With respect to other SOP tendered,[18] the College states that these SOP either incorporated statutory references or contained information so obvious that expert evidence was not required to demonstrate the standard.

[63] The appellants state that, as the Panels did not address these arguments, the Panels reasons are deficient, constituting an error of law.

[64] As the College notes, tribunal reasons "do not have to consider and comment upon every issue raised by the parties in their reasons".[19] As the Supreme Court observed in *Vavilov*, "the key question is whether the omitted aspect of the analysis causes the reviewing court to lose confidence in the outcome reached by the decision maker."[20]

[65] In this case, it does not. *The Christian Medical and Dental Society of Canada v. College of Physicians and Surgeons of Ontario* decision makes it clear that SOP may be used as evidence of professional standards in support of an allegation of professional misconduct.[21] The submissions made by the College were correct. The arguments raised by the appellants were obviously incorrect. That the Panels did not address these meritless submissions of the appellants does not cause this Court to lose confidence in the outcomes reached by the Panels.

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[16] 2018 ONSC 579, at para. 29, aff'd 2019 ONCA 393.
[17] O. Reg. 168/15.
[18] Exhibit 4 in Prytula Hearing; Exhibit 25 in Um Hearing.
[19] *Construction Labour Relations v. Driver Iron Inc.,* 2012 SCC 65, at para. 3.
[20] *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65, at para. 122.
[21] *The Christian Medical and Dental Society of Canada v. College of Physicians and Surgeons of Ontario* at para.30.

e. Treating Cancer was Not Outside the Scope of Practice

[66] Following the Panels' decision on the merits, the appellants argued that the Panels lacked jurisdiction to find that treating cancer was outside of the scope of naturopathic practice because there is nothing in law that prohibits naturopaths from treating cancer. The appellants argued that the Panels reached that conclusion without providing any authority.

[67] However, as the Panels noted, when Dr. Prytula was cross-examined, he agreed that naturopaths could not treat cancer.[22] Similarly, Dr. Um agreed that naturopaths could not provide or advertise cancer treatment.[23]

[68] The Panel relied upon this testimony, the SOP, and the Regulatory Guidance on advertising[24] to conclude that treating cancer was outside the scope of practice.

[69] As there was evidence to support this finding, no error is demonstrated.

f. Did Not fail to Cooperate or Obstruct Investigator

[70] Dr. Prytula refused to obey a summons to provide records of patients who were members of the PMA[25] to the College's investigator. His defence was that he believed that he had a right to withhold those records and that his belief does not justify a finding of misconduct.

[71] All this evidence was before the Panel and the Panel committed no error in finding that Dr. Prytula failed to cooperate with the investigator.

[72] The Um Panel also found that Dr. Um failed to provide his records in a timely fashion.

[73] In this Court, Dr. Um argued that the Panel misapprehended the evidence concerning whether Dr. Um received the summonses. The Panel concluded that, regardless of whether Dr. Um saw the summonses left by the investigator, Dr. Um knew that the College was requesting records and knew that his summonses had been provided to Dr. Prytula.

[74] The Panel committed no error in finding that Dr. Um failed to cooperate with the investigator.

g. Not Tried within a Reasonable Time Contrary to s. 11(b) of the *Charter*

[75] Both appellants argue that the Panels erred in finding that s. 11(b) of the *Charter* – the right to be tried within a reasonable time – was inapplicable to statutory appeals from administrative tribunals.

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[22] *Um and Prytula* (Testimony of Dr. Prytula, ND – April 9, 2024, at CC-A3002).
[23] *Um and Prytula* (Testimony of Dr. Um, ND – September 4, 2024, at CC-677).
[24] Exhibit 5 in the Prytula Hearing; Exhibit 27 in the Um Hearing.
[25] The Pastoral Medical Association agreement provided that the "private association relationship" between the "practitioner" and the "client" was "free from secular governmental influence, regulation and control".

[76] The appellants argued before the Panels, and on appeal, that the Panels erred (i) in failing to apply the legal test in *R. v. Wigglesworth;*[26] and (ii) in not concluding that the discipline proceedings were criminal proceedings.

[77] Both Panels concluded that the *Charter* did not apply. The Prytula Panel, applying *Law Society of Saskatchewan v. Abrametz,*[27] found that there was no abuse of process as the delay was not inordinate. While not citing *Abrametz*, the Um Panel found that the College did not delay the prosecution of this matter as much of the delay was caused by the registrant's failure to cooperate.

[78] As stated in *Abrametz*, s. 11(b) does not apply to administrative tribunals.[28] Delay which impairs hearing fairness or causes significant prejudice due to inordinate delay may amount to an abuse of process.[29] The appellants offered no evidence of impairment of hearing fairness or significant prejudice on appeal.

[79] The Panels did not err in failing to apply s. 11(b) of the *Charter*.

h. Multiple Finding of Professional Misconduct based on same Facts contrary to *Kienapple*

[80] As noted, both appellants were found to have engaged in thirteen acts of professional misconduct as defined by the Professional Misconduct Regulation. With respect to *Kienapple*, both appellants argued that, as the Panels found that both appellants had offered treatment for cancer, which was outside the scope of practice, they should not also be punished for the following acts of professional misconduct as set out in the Professional Misconduct Regulation:

> 7. Recommending or providing treatment that the member knows or ought to know is unnecessary or ineffective.
>
> 8. Providing or attempting to provide services or treatment that the member knows or ought to know to be beyond the member's knowledge, skill or judgment.
>
> 9. Failing to advise a patient or the patient's authorized representative to consult another member of a health profession within the meaning of the *Regulated Health Professions Act, 1991*, when the member knows or ought to know that the patient requires a service that the member does not have the knowledge, skill or judgment to offer or is beyond his or her scope of practice.

[81] The appellants based their argument on this passage from the summary of findings by both the Prytula and Um Panels:

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[26] [1987] 2 S.C.R. 541.
[27] 2022 SCC 29 ("*Abrametz"*).
[28] *Abrametz,* at para. 47.
[29] *Abrametz,* at paras. 41-43.

> Further, the Registrant offered or provided treatment that he knew or ought to have known was unnecessary or ineffective. The Registrant offered treatment for cancer, which is outside of the scope of practice and therefore unnecessary and/or ineffective. While the Registrant may be trained to offer certain treatments for cancer in other jurisdictions, he is not allowed to do so in Ontario and therefore is not qualified here with the necessary skill or judgment. For this reason, the Panel finds that the Registrant provided or attempted to provide treatment beyond his knowledge, skill or judgment. The Registrant ought to have referred his patients elsewhere, when the Registrant believed that the patient required services beyond his scope of practice.

[82] The passages are identical except that the Prytula decision does not contain the words "For this reason" found at the fourth sentence quoted above.

[83] In *Carruthers v. College of Nurses of Ontario,*[30] the Court held that the rule against multiple convictions for the same matter or cause can be applied to similar allegations of professional misconduct heard by a Panel. However, the Court determined the same conduct may give rise to different incidences of professional misconduct. The College argued that the offering treatment outside the scope of practice, recommending or providing treatment that is ineffective, providing treatment beyond knowledge, skill or judgement, and failing to consult another health profession are all separate causes or matters of misconduct even if these allegations arise out of the same acts.

[84] Both appellants submit that neither Panel addressed the *Kienapple* arguments raised at the Penalty Hearings.

[85] In the Prytula Penalty Hearing on January 27, 2025, Mr. Kogan, the paralegal representing Dr. Prytula submitted that multiple convictions based on the exact same facts are not lawful. However, counsel for the College submitted that where an act of misconduct has distinct aspects to it, then multiple findings of misconduct may be made. While the Panel did not refer to this submission, the result is correct and in accordance with *Carruthers*.

[86] In the Um Penalty Hearing on March 25, 2025, Mr. Kogan did not directly make the *Kienapple*[31] argument, other than to state that there is a rule against multiple convictions arsing from the same events and that there were three convictions against Dr. Um for practising out of scope. Counsel for the College did not address this argument.

[87] Neither Discipline Panel addressed the *Kienapple* submissions. Reasons are sufficient if they are responsive to the case's live issues and the parties' key arguments and explain why the decision was made in a manner that permits meaningful appellate review.[32] While the appellants made *Kienapple* submissions at the Penalty Hearings, the submissions were not central to their arguments and made superficially in the Um Hearing, such that the College

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[30] (1996), 31 O.R. (3d) 377 (Div. Ct.) ("*Carruthers"*).
[31] In fact, there is no reference to *Kienapple* in any of the transcripts in the Um Hearings.
[32] *R. v. Walker*, 2008 SCC 34, at para. 20; *Canada Forgings Inc. v. Atomic Energy of Canada Limited* 2024 ONCA 677, at paras. 22-26

did not respond. The principles as expressed in *Carruthers* are sufficiently well settled, and uncontroversial, such that it was not necessary for the Panels to address this submission.

i. Failure to Provide Adequate Reasons

[88] The appellants argue that the Panels either failed to provide any or adequate reasons for the decisions.

[89] In *Canada Forgings Inc. v. Atomic Energy of Canada Limited,*[33] the Court of Appeal for Ontario recently commented upon the principles that apply to appeals on grounds of sufficiency of reasons in the civil context. The Court stated:

a. The overarching question is whether the reasons functionally permit meaningful appellate review;
b. In determining whether the reasons are sufficient, the reasons must be considered contextually, with respect to the issues, evidence, and arguments;
c. The duty to provide reasons has four objectives:
    1. To justify and explain the result;
    2. To explain to the unsuccessful party why they were unsuccessful;
    3. To provide for informed consideration of the grounds of appeal; and
    4. To satisfy that justice has been done.

[90] As noted, and conceded by the appellants, the facts were mostly uncontested, and the defences were based mainly on procedural issues and questions of law.

[91] Considering the issues, evidence, and arguments, the Panels' reasons with respect to the grounds to investigate, the search warrant and search, the sufficiency of notice, the standards and scope of practice, the failure to cooperate, and the inapplicability of s. 11(b) of the *Charter* satisfy the objective of reasons.

[92] While the *Kienapple* argument was not addressed by the Panels, as stated, the principles as expressed in *Carruthers* are sufficiently well settled and uncontroversial such that it was not necessary for the Panels to address this submission.

Grounds Applicable to Dr. Prytula

a. Disciplined on Conduct Approved Previously

[93] One of the allegations of professional misconduct against Dr. Prytula was that he breached an undertaking, dated May 14, 2008, to the College to not participate in parenteral (injection) therapy by injecting EDTA[34] until permitted.

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[33] 2024 ONCA 677, at paras. 22-26.
[34] Ethylenediaminetetraacetic acid (EDTA).

[94] Dr. Prytula claimed that the undertaking did not prohibit him from using a derivative of EDTA, Calcium Disodium Edetate (CDE). He relied upon correspondence from his then counsel, to counsel for the College[35] dated May 8, 2008, in which Dr. Prytula's counsel wrote "unless I hear from you to the contrary", Dr. Prytula will rely on the limitation that the undertaking did not apply to Calcium Disodium Edetate. Counsel for the College responded by correspondence dated May 13, 2008, to the contrary:

> I remind your client that calcium disodium edetate is not listed on the Board's Approved Substances List and by accepting Dr. Prytula's Undertaking, the Board is not approving it for use.

[95] Dr. Prytula makes two arguments with respect to the Panel's finding that he breached the undertaking.

[96] First, he submits that the Panel made no reference to the limitation on the undertaking. This is incorrect. The Panel stated:

> Finally, the Registrant admitted to defying his obligations under the 2008 Undertaking made with the BDDT. He has been administering EDTA since July 1, 2015. He argued that he only administers EDTA salts, which does not offend the undertaking. This is incorrect. The 2008 Undertaking is clear, as are the communications between Board counsel and the Registrant's counsel at the time the undertaking was finalized, that the Registrant was prohibited from administering EDTA, in any form.

[97] Second, he submits that the College is estopped from alleging this was a breach because the College condoned his use of CDE. The correspondence is clear. The College did not condone his use of CDE.

[98] There is no merit to this ground of appeal.

b. Bias/Lack of Independence – Panel gave similar/identical reasons as in the Um decision

[99] As the facts and arguments are similar, this issue will be addressed under the next section applicable to Dr. Um.

Grounds Applicable to Dr. Um

a. Bias/Lack of Independence – Panel gave similar/identical reasons as in Prytula decision

[100] Both appellants brought motions at the penalty stage alleging a reasonable apprehension of bias based on some identical reasons appearing in both decisions. The appellants argued

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[35] The College was then called the "Board of Directors of Drugless Therapy – Naturopathy".

that, as the reasons appeared copied, each Panel did not exercise its own independent decision making.

[101] The decision of the Panel with respect to Dr. Prytula is dated November 7, 2024. The decision of the Panel (a different panel) with respect to Dr. Um is dated November 14, 2024.

[102] As noted in these reasons, both appellants were represented by the same licenced paralegal throughout, and the College was represented by the same counsel. Both Panels were assisted by the same independent legal counsel. Most of the witnesses testified before both Panels as did both appellants.

[103] The allegations of professional misconduct against both appellants were almost identical. Dr. Um was found to have engaged in thirteen acts of professional misconduct. Dr. Prytula was found to have engaged in the same acts of professional misconduct, plus he was found to have contravened a Compounding Standard of Practice and to have failed to abide by an undertaking given to the College.

[104] The arguments advanced by both appellants before both panels were, as noted in these reasons, identical.

[105] Not surprisingly, there are similarities between the reasons of the two panels. For example, as the allegations based on the Notices of Hearing ("NOH") are almost identical, those sections of both reasons are almost identical.[36] As the same legislation applied, the sections of both decisions setting out the applicable legislation are identical.

[106] Notably, the summary of the evidence is different even though most of the witnesses testified before both panels.[37]

[107] Some paragraphs addressing the legal issues raised by the motions are the same or similar in both decisions.

[108] In addition to the similarities noted, Dr. Um submits that references are made in Dr. Um's decision to matters that were only raised or relevant to Dr. Prytula's decision such as:

a. the use of Form 140 for search warrants;[38]

b. the finding that Dr. Um had contravened the Compounding Standard of Practice when that was only a finding against Dr. Prytula;[39] and

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[36] Allegations consist of 5 pages in Dr. Prytula's decision and 4 pages in Dr. Um's decision.

[37] The summary of evidence in the Dr. Prytula decision consisted of 19 ½ pages and 10 ½ pages in the Dr. Um decision.

[38] However, reference is also made to the form during Mr. Benard's testimony in the Um proceeding.

[39] In its decision of May 1, 2025, the Um Panel corrected this error noting:

> At the outset of the hearing of the Registrant's motions, the Panel was advised that it had made one finding in its Reasons for Decision in error. The Panel mistakenly concluded that the

c. the identical statement in both decisions, "while the Registrant may be trained to offer certain treatment for cancer in other jurisdictions" when it is only Dr. Prytula who had training in other jurisdictions.

[109] On the Bias Motion brought at the penalty stage[40] before the Um Panel, the Panel responded[41] by noting that the allegations, evidence, and arguments were similar in both hearings and that the legal representatives for all parties were the same, "as was independent legal counsel, who provided editing assistance to the Panel during the decision writing process."

[110] The Um Panel stated that it did not have access to Dr. Prytula's decision prior to receiving the Bias Motion, but it was presented to the Panel on the Bias Motion.

[111] The Um Panel set out the law applicable to reasonable apprehension of bias and stated that it "was necessary that the decision-maker appear impartial in the objective view of a reasonably well-informed observer."[42]

[112] The Um panel observed that "most of the examples of similar language…can be found in submissions filed by the parties in this hearing on the argument of the motions and in closing submissions." The Panel concluded that the Dr. Um had not established that a reasonable person would conclude that there was a real likelihood that the Panel had prejudged the allegations against Dr. Um.

[113] On the Bias Motion brought at the penalty stage[43] before the Prytula Panel, the Panel noted that there is a strong presumption of impartiality and that the onus was on Dr. Prytula to demonstrate a reasonable apprehension of bias.

[114] The Bias Motion described Dr. Prytula's complaint on bias as the Panel making "the same factual and legal errors as another panel made in a companion action". The Panel noted that it was apparent that both appellants faced "similar and, in some instances, the exact same allegations and that in response to those allegations, both – through their same legal representative – responded to those allegations by bringing the same *Charter* motions and filing similar evidence". The Um decision was not presented to the Prytula Panel during the Bias Motion.

[115] The Prytula Panel concluded that there was not sufficient evidence of unfairness or misconduct to support an apprehension of bias on the part of the Panel.

[116] On appeal, Dr. Um repeats the same arguments made before the Panel: portions of the decision are identical to the Prytula decision; the Panel references arguments Dr. Um did

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Registrant contravened, among other standards of practice, the Compounding Standard of Practice.

[40] Heard March 25 and 31, 2025.

[41] Decision dated May 1, 2025.

[42] The Panel cited *Imperial Oil Ltd. v. Quebec (Minister of the Environment),* 2003 SCC 58, at para. 28.

[43] Heard January 27 and April 7, 2025. Decision June 3, 2025.

not make; and, facts and finding applicable to Dr. Prytula are mistakenly attributed to Dr. Um. Dr. Um submits that these observations "decisively established a feeling that the panel did not author the decision it signed, and did not thoroughly review it before signing".

[117] On appeal, the College submits that the Um Panel applied the correct legal test for establishing a reasonable apprehension of bias and correctly placed the burden upon Dr. Um. In concluding that the similarities to the Prytula reasons did not lead to the conclusion that the Um Panel did not author its reasons, the College states that:

a. the Um Panel did not have access to the Prytula Panel's decision or access to material filed exclusively for that hearing;

b. similarities between the reasons were inevitable as both matters shared the same representatives for both appellants and the College, most of the same witnesses, and the same independent legal counsel who assisted the Panel with editing during decision writing and dealt with numerous allegations that were identical in nature;

c. the evidence and submissions on various issues significantly overlapped; and

d. Dr. Um's representative filed transcripts from the Prytula Hearing as part of Dr Um's Hearing.

[118] On appeal, Dr. Prytula makes the same arguments as Dr. Um and asserts that the "fact that two hearings which are supposed to be independent resulted in decisions with substantially the same errors demonstrates that the decision making was not independent".

[119] The College repeats the arguments as made with respect to the Um reasons and submits that no reasonable person viewing the matter objectively would conclude that the Panel was biased.

[120] Post hearing, counsel for the College provided the decision of *Gannon v. Windsor Police Service,*[44] a decision of this Court released the day after this appeal was heard. Counsel were permitted to file brief written submissions on the applicability of *Gannon* to this case.

[121] Gannon applied for judicial review of a decision of the Ontario Civilian Police Commission regarding disciplinary proceeding against him. One issue was the propriety of copying and pasting passages from unrelated decisions into the decision regarding Mr. Gannon. In *Gannon*, the Court applied the decision of the Supreme Court of Canada in *Cojocaru v. British Columbia Women's Hospital and Health Centre.*[45] In *Cojocaru*, the trial judge's reasons consisted of 368 paragraphs, of which 321 paragraphs were copied from counsel's submissions. The Supreme Court stated:

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[44] 2026 ONSC 532(*"Gannon"*).
[45] 2013 SCC 30 ("*Cojocaru*").

> [51] The question is whether the extensive copying from the plaintiffs' submissions requires the trial judge's decision to be set aside. The starting point is the presumption of judicial integrity and impartiality. To reframe the matter in the words of *Teskey*, the onus is on the party challenging the decision to show that a reasonable person apprised of all the circumstances would conclude that the judge did not put his mind to the issues and decide them impartially and independently, as his duty required. The bar is high, and cogent evidence is required to hurdle it. The reviewing court should not approach copying from a sceptical perspective, but from the perspective imposed by the presumption of judicial integrity and impartiality. In deciding whether the presumption is rebutted the court should consider the nature of the case, what was copied, the extent of the copying, how it functions in the reasons as a whole, and any other relevant circumstances. [Emphasis added.]

[122] In its written submissions on *Gannon,* the College only addressed what it described as "an apparent error" in the Um reasons about the investigators' use of the Form 140 for search warrants, which was argued as an issue before the Prytula Panel and not before the Um Panel. The College submits that the inclusion of this evidence in the reasons of the Um Panel did not impact the rationale for the findings and penalties. The College submits that there is no evidence to displace the high presumption of judicial integrity and impartiality.

[123] Counsel for the appellants submit that the Um Panel has failed to explain why the decision of the Um Panel referenced the Form 140 issue (now described as "an apparent error") and why it removed the finding that Dr. Um had contravened the Compounding Standard of Practice (when that was a finding against Dr. Prytula only).

[124] Counsel for the appellants repeat the submission that both Panels failed to "address multiple key arguments" including the written submissions on the SOP issue. Relying upon *Cojocaru*, the appellants submit that the incorporation of materials of others would lead to the conclusion that the Panel did not put its mind to the issues such that the presumption of judicial integrity is rebutted and that the decision should be set aside.

Discussion

[125] First of all, applying a *Cojocaru* type analysis, the Prytula decision consisted of 122 paragraphs and the Um decision consisted of 81 paragraphs after excluding the allegations and law sections which were appropriately the same or identical. Notably, the summary of the evidence was not the same – 19 ½ pages in the Prytula decision and 10 ½ pages in the Um decision.

[126] There were also paragraphs that were the same or similar in the decisions dealing with the motions brought by the appellants:

a. 2 paras. same/similar dealing with the facts and law in the s. 8 section;

b. 2 paras. same/similar dealing with the facts and law in the lack of authority section;

c. 2 paras. same/similar dealing with the law and arguments in the s. 11 section; and

d. 5 paras. same/similar dealing with the law and arguments in the s. 7 section.

[127] As noted, identical motions were brought by the appellants' representative before each Panel and responded to by the same counsel for the College and written submissions were filed. As the Um Panel observed, "most of the examples of similar language…can be found in submissions filed by the parties in this hearing on the argument of the motions and in closing submissions." Those submissions are not in evidence.

[128] These four motions all involved complex legal arguments involving the *Charter* and jurisdiction. As instructed by *Cojocaru*, I am required to consider the nature of the case, what was copied, the extent of the copying and how it functions in the reasons as a whole. That some paragraphs are the same or similar in the decisions when the issues, arguments, and written submissions were the same does not create an appearance of bias or lack of independence.

[129] As discussed above, there was extensive overlap between these matters, including in the allegations, steps taken including motions, the witnesses and other evidence, counsel and the submissions made. This is relevant context under *Cojocaru*.

[130] The three comments that Dr. Um states do not apply to him have no bearing on any of the decisions made by the Um Panel. The evidence about the use of the search warrant forms was before both panels and I find no error in the conclusion reached by both Panels with respect to the search warrants. The error with respect to the contravention of the compounding standard was corrected by the Um Panel at the beginning of the penalty stage. The reference to "may be trained… in other jurisdictions" is explained by the reasons of the Um Panel which confirms that the reference is to "may be trained", not trained.

[131] In short, in considering the relevant factors under *Cojocaru* and how the overlap functions in the reasons as a whole, none of the passages have any impact on the correctness of the decisions made by the Um Panel. Nor do they create an appearance of bias or lack of independence.

[132] These concerns are not applicable to the decisions involving Dr. Prytula.

[133] The similarity of the reasons is, as I found with respect to Dr. Um, not sufficient to raise concerns with the independence of the decision.

[134] Dr. Prytula's other argument that the two panels made the same factual and legal errors cannot succeed as I have concluded no such factual or legal errors were made in either case.

[135] Both appeals are dismissed.

Costs

[136] As agreed by the parties,the College shall have its costs paid by Dr. Prytula fixed in the amount of $12,500 “all in” and the College shall have its costs paid by Dr. Um fixed in the amount of $12,500 “all in”.

R.S.J. Newton

I agree

Backhouse, J.

I agree

Matheson, J.

Released: April 24, 2026

CITATION: Um v. College of Naturopaths of Ontario and Prytula v. College of Naturopaths of Ontario, 2026 ONSC 2417
DIVISIONAL COURT FILE NO.: DC-5-0481, DC-25-0537
DATE: 2026-04-24

ONTARIO

SUPERIOR COURT OF JUSTICE

DIVISIONAL COURT

R.S.J. Newton, Matheson, and Backhouse JJ

BETWEEN:

MICHAEL UM

Appellants

– and –

COLLEGE OF NATUROPATHS OF ONTARIO

Respondent

AND BETWEEN

MICHAEL PRYTULA

Appellant

-and-

COLLEGE OF NATUROPATHS OF ONTARIO

Respondent

REASONS FOR DECISION

Released: April 24, 2026