

September 17, 2026

In accordance with Chapter 11, Regulatory Policy and Procedures Manual the following reason for decision is being posted.

Jiyun Zhang vs. Marie-Anne LeVasseur

Discipline Committee Reason for Decision

In summary:

- a) the Discipline Committee was not satisfied on a balance of probabilities that LeVasseur engaged in any misconduct which ought to attract any form of disciplinary sanction.
- b) the complaint filed by Ms. Zhang is therefore dismissed in its entirety; and
- c) a fee of \$262.50 (including GST), representing the costs of the investigation and hearing, is levied against Ms. Zhang on the basis that the complaint was found to be frivolous and vexatious.

Appeal Committee Reason for Decision

Having reviewed the material before it and having heard oral submissions, for the reasons set out below, the Appeal Committee is of the unanimous view that the decision of the Discipline Committee should be affirmed and the appeal dismissed.

REASONS

An appeal hearing is not a "trial de novo", rather it is a hearing to determine whether there is cause to overturn the finding of the Discipline Committee. The onus is on the Appellant to establish that the Discipline Committee committed any reviewable errors in reaching its decision. In our view, the Appellant has failed to meet that onus.

The Discipline Committee erred in its findings

The Appellant argues that the Discipline Committee committed three errors in its decision:

- (a) it applied an "incorrectly narrow time frame and scope",
- (b) it failed to "distinguish personal statements from source-supported evidence", and
- (c) it failed to address the Respondent's "actual welfare management conduct".

Having regard to the Appellant's written and oral submissions, the foundation of her argument in relation to this ground is her belief that the Discipline Committee incorrectly weighed and assessed the evidence that she presented. As regards the "time frame and scope", the evidence that the Appellant presented before the Discipline Committee was largely anecdotal in nature. Such evidence, while useful for generating hypotheses or providing context, lacks probative value and as such, warrants little, if any, weight. The Discipline Committee's assessment of the weight to be given to the evidence before it is entitled to deference. It is not sufficient for the Appellant to demonstrate that the evidence could have been weighed

differently; she must establish a reviewable error in the Discipline Committee's assessment of that evidence or in the conclusions it drew from it. We are not satisfied that she has done so.

New evidence

The Appellant's written submissions included material that had not been placed before the Discipline Committee. This material consisting of copies of various documents, including texts, shipping records, e-Transfer receipts, photographs, a "letter statement", a "personal reference letter", CKC and JKC records, emails, a Statement of Attempted Service" and River Road Animal Hospital Procedure Estimates. Some of it predates the Discipline Committee hearing, some of it antedates the hearing. The purpose of its admission is to provide "limited background evidence regarding earlier concerns, attempted mitigation and the reason the complaint was not submitted earlier" and to rebut "the Respondent's personal-dispute/improper-motive narrative".

The introduction of new evidence at an appeal hearing is at the discretion of the Appeal Committee. The test for the introduction of new evidence is twofold: first, it must be established that the new evidence could not reasonably have been made available to the decision-making Committee, in this case the Discipline Committee, at the hearing and secondly, that had it been so available and presented to the Discipline Committee, it could have influenced its decision.

It is our opinion that these requirements have not been met. Whether the documents predate or antedate the Discipline Committee hearing, it is clear from a review of the material that all of the evidence that the documentation is meant to establish was known to or otherwise available to the Appellant before the hearing and could have been placed before that committee at the hearing. Additionally, the Appellant has failed to establish that the evidence, if presented to it, could have influenced the decision of the Discipline Committee. Accordingly, the Appellant's request to introduce the new evidence is denied and the grounds of appeal predicated on its admission are dismissed.

The cost award was inappropriate

The Appellant submits that the Discipline Committee erred in finding her complaint to be frivolous and vexatious and in imposing administrative costs of \$262.50 against her. Having reviewed the complaint, the evidence before the Discipline Committee and its Reasons for Decision, we are not satisfied that the Appellant has demonstrated any error in that finding. The complaint extended substantially beyond the specific alleged breach of the Code of Ethics and relied heavily upon collateral and anecdotal matters that did not establish, on a balance of probabilities, that the Respondent failed to provide appropriate housing, food or health care to dogs in her care. In our view, the record supports the Discipline Committee's conclusion that the complaint was frivolous and vexatious. We therefore find no basis to interfere with either that finding or the administrative costs of \$262.50 imposed upon the Appellant.

The Discipline Committee failed to follow proper procedure

The Appellant alleges two procedural errors – "inconsistent hearing control and failure to manage privacy-sensitive disclosure in a public disciplinary hearing" and failure "... to test Respondent's actual welfare-management evidence before relying on 'reasonable steps' in the written reasons."

According to the Appellant, "welfare-related evidence and source/credibility questioning raised by [her] were redirected and interrupted", while "the Respondent was permitted to disclose an address associated with an unrelated non-party and link that address to unproven criminal-code-style allegations".

On review of the video recording of the Discipline Committee hearing, it is clear any "redirections and interruptions" of the Appellant by members of the Discipline Committee were requests to have the

Appellant to address the elements of her complaint (failure to provide dogs within her care with appropriate housing, food and health care).

In her oral submissions the Appellant continually brought up concerns that she had about what she described as the Respondent's "systemic pattern of dog management and exhibition practices that create[d] a welfare risk" based on anecdotal evidence of events that occurred as far back as April of 2024, some 17 months before she placed Kazuki with the Respondent and which involved dogs not owned by her despite repeated requests by members of the Discipline Committee made of her to provide instances that would establish that the Respondent had breached the relevant provisions of the Code of Ethics. To the extent that these requests constitute "redirections and interruptions" it is our view that those requests were justified and appropriate.

As regards the "source/credibility questioning", the Appellant was prevented from cross examining the Respondent on the relevance and authenticity of character reference which she provided from Dr. Kelly Volmers of the River Road Animal Hospital. This was done on the basis that it was of no relevance to the issue of whether the Respondent had failed to provide appropriate housing, food and health care for dogs in her care. On review of that character reference, we agree that it was of no relevance to the complaint.

Other

This ground of appeal is based on the premise that the cumulative effect of the errors that were allegedly committed by the Discipline Committee constitutes a reviewable error. As the Appellant has failed to establish that the Discipline Committee committed any reviewable errors, this ground of appeal must be dismissed.