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

Citation: Danton v. Hockey Canada, 2025 CASDRC 39

Nº: SDRCC ST 25-0058
(SAFEGUARDING TRIBUNAL)
DATE OF DECISION: 10-21-2025

MICHAEL DANTON
(CLAIMANT)

AND

HOCKEY CANADA
(RESPONDENT)

AND

ANONYMOUS
(AFFECTED PARTY)

ARBITRATOR: Simon Blais

Appearing:

For the Claimant:	Michael Danton
	Matthew Lefave (counsel)
For the Respondent:	Nathan Kindrachuk
	Adam Klevinas (counsel)
	Cristy Cooper (counsel)
For the Affected Party:	Anonymous Affected Party

DECISION

CONTEXT

1. On August 22, 2025, the Claimant filed an appeal (the "Appeal") before the Safeguarding Tribunal of the Sport Dispute Resolution Centre of Canada (the "SDRCC") pursuant to Article 8 of the *2025 Canadian Sport Dispute Resolution Code* (the "Code"). I was mandated to

conduct arbitration procedures for this Appeal as a sole arbitrator constituting the Safeguarding Panel which can also be referred to as the Safeguarding Tribunal (the "Tribunal"). The parties have confirmed the jurisdiction of the Tribunal.

2. The Claimant appeals the decision rendered by the Adjudicator Scott McAnsh (the "Adjudicator") dated July 21, 2025 (the "Adjudication Decision")[1]. The Adjudicator was mandated by the Respondent pursuant to *Hockey Canada's Maltreatment Complaint Management Policy* (the "Policy")[2]. The Appeal was filed pursuant to Article 48 of the Policy and Subsection 8.2 b) of the Code. Thus, the Appeal is designated as a review under the Code.

3. Section 8.3 of the Code provides that such review "will be heard by way of documentary review only, unless ordered otherwise by the Safeguarding Panel in exceptional circumstances for the proper administration of justice." The parties did not request an oral hearing, and I have confirmed to proceed by way of written submissions and documentary review.

4. The Claimant and the Respondent provided the Tribunal with their written submissions and documents through the case management portal of the SDRCC within the agreed procedural schedule. The Anonymous Affected Party ("AAP") indicated to the Tribunal that AAP relied on the Respondent's submission and thus, AAP did not provide distinct submissions.

OVERVIEW

5. The Claimant is a former professional hockey player who now coaches and runs private hockey camps in Nova Scotia. At the relevant time, the Claimant was the volunteer head coach of the Bedford Blues U11AA hockey team (the "Team") in the Bedford District Minor Hockey Association ("BDMHA") which operates within the jurisdiction of Hockey Nova Scotia.

6. The Respondent is the national governing body for amateur hockey in Canada. The Respondent oversees the management and structure of hockey programs in Canada from entry-level to high performance teams and competitions.

---

[1] ITP File No. 25-0156, Anonymous v. Michael Danton, dated July 21, 2025, Document R-01 on the Case Management Portal [Adjudication Decision].
[2] *Maltreatment Complaint Management Policy*, effective March 20, 2023, Document R-03 on the Case Management Portal [Policy].

7. The Respondent has developed the Policy to provide an independent and procedurally fair manner to handle all complaints which fall under its jurisdiction. According to the Policy, the Respondent has engaged an Independent Third-Party ("ITP") to oversee its complaint mechanism.

8. The Policy states that all complaints involving national-level participants are to be handled by the ITP, except where such complaints fall within the jurisdiction of the Office of the Sport Integrity Commissioner (now the Canadian Safe Sport Program). In addition, the Policy sets out the narrow circumstances where the ITP would take jurisdiction over complaints which would have previously fallen under the jurisdiction of the Respondent's provincial and territorial sport organizations (the "Members"). The most common of these circumstances is where a complaint features allegations of "Serious Misconduct" against a "Member Participant", each as defined therein.

9. As a result, all complaints which occur in the Respondent's sanctioned programs are sent to the ITP for assessment. If the ITP determines that an allegation does not meet the threshold of Serious Misconduct, the matter is returned to the relevant Member for handling pursuant to its own protocols. However, if the ITP determines that the threshold is met, the ITP retains the matter and administers it according to the Policy. The latter process occurred in the within case.

10. On January 27, 2025, an anonymous complainant (the "Complainant") made a complaint to the ITP alleging conduct contrary to applicable policy by the Claimant, including the BDMHA's *Zero Tolerance Policies* and Hockey Nova Scotia's *Code of Conduct and Maltreatment, Bullying and Harassment Protection and Prevention Policy*, as well as the *Universal Code of Conduct to Prevent and Address Maltreatment in Sport* ("UCCMS"), hereinafter referred to as the "Complaint".

11. The Complaint was administered under "Process #1" of the Policy and culminated with the Adjudication Decision.

THE ADJUDICATION DECISION

12. The Complaint alleged that during a play-down game against the TASA Ducks ("TASA"), held in Bedford, Nova Scotia on January 21, 2025 (the "Game"), the Claimant:

a) Yelled at his players for bad plays;
b) Manipulated the youth referees at the Game;
c) Purposely wasted time during the Game to preserve the Team lead; and
d) Said to a TASA player, during the end of game handshake, "you fucking suck"[3].

13. On February 18, 2025, the ITP appointed the Adjudicator to conduct a summary procedure (Process #1) regarding the Complaint. Following his appointment, the Adjudicator issued a procedural order advising the parties that he would proceed with interviews.

14. From March 13, 2025, to June 13, 2025, the Adjudicator conducted interviews with six witnesses (identified anonymously) and the Claimant[4].

15. The Adjudication Decision summarizes the factual findings of the Adjudicator in relation to the allegations of the Complaint. In the process, the Adjudicator acknowledged that such findings necessarily involved an assessment of the credibility of the witnesses and the Claimant.

16. In his decision, the Adjudicator determined that the allegations against the Claimant outlined in the Complaint were generally substantiated. Consequently, such conduct breached the applicable conduct policies and constituted a "Violation" as determined in the Policy.

17. After considering the factors at Section 42 of the Policy, the Adjudicator made the following order: "I suspend [the Claimant] for 14 days, commencing on the first day of the 2025/2026 season as determined by the Member"[5].

18. On September 25, 2025, the Tribunal was informed that Hockey Nova Scotia's season commenced on September 21, 2025. Accordingly, the period of suspension of the Claimant ran between September 21, 2025, and October 4, 2025[6], and have been completed by the date of the Tribunal's decision. Nevertheless, the Claimant informed the Tribunal that he pursued with the Appeal[7].

[3] Adjudication Decision, paras. 3 and 70.
[4] Adjudication Decision, paras. 14-15.
[5] Adjudication Decision, para. 118.
[6] Document R-04 on the Case Management Portal.
[7] Document C-04 on the Case Management Portal.

ARGUMENT

19. In his initial request[8] for the Appeal, the Claimant indicates that he is seeking reconsideration of the Adjudication Decision on a standard of correctness. The Claimant appeals the Adjudication Decision on the following grounds:

> "(a) Adjudicator Scott McAnsh failed to conduct a fully independent and procedurally investigation contrary to Schedule A of the Policy;
>
> (b) Adjudicator Scott McAnsh conducting a biased investigation;
>
> (c) Adjudicator Scott McAnsh failed to conduct an impartial and independent investigation;
>
> (d) Adjudicator Scott McAnsh failed to consider and review all relevant evidence during the course of his investigation;
>
> (e) Such further and other grounds as counsel may advise and this Honourable Tribunal may permit."[9]

20. The Claimant enumerates different elements pertaining to his arguments. In addition, the Claimant submits a document that was not attached to the Adjudication Decision. The said document is referred to as an "Investigation Report by the BDMHA" which is constituted as one email dated January 29, 2025 (the "BDMHA Report")[10].

21. In his response, the Respondent opposes the Claimant's grounds of appeal. The Respondent denies that the Adjudicator committed the errors alleged by the Claimant. Regarding the standard of review for the Appeal, the Respondent submits that the Tribunal shall apply the standard of reasonableness.

22. For clarity purposes, I will discuss more in detail the arguments presented by the parties in my analysis.

ANALYSIS

23. Firstly, I must refer to the Policy and the Code to establish the legal framework and determine the applicable standard for this review. Once determined, I shall analyse the arguments of the parties through theses lens.

---

[8] Document C-01 on the Case Management Portal.
[9] Document C-02 on the Case Management Portal, para. 6.
[10] Document C-03 on the Case Management Portal [BDMHA Report].

The Code

24. As mentioned at the beginning of the present decision, the Appeal was filed pursuant to Article 48 of the Policy and Subsection 8.2 b) of the Code. Consequently, the Tribunal must refer to Section 8.5.2 of the Code which stipulates:

> ***8.5.2 Review of a Decision on Violation or Sanction Pursuant to the SO Safe Sport Policies***
> *(a) The Safeguarding Panel shall not conduct a hearing de novo and the hearing is not a redetermination of the investigation. The findings of fact and credibility made in the investigation report shall be accepted by the Safeguarding Panel, except where the findings are successfully challenged by a Party in accordance with Subsection 8.5.2(b).*
>
> *(b) A review of the findings of fact or credibility by the investigator or the decision that a Party did or did not violate the UCCMS may only be made on the following grounds:*
>
> *(i) Error of law that has a material impact on the findings and/or decisions made. For greater clarity, an error of law includes:*
>
> *(1) a misinterpretation of a section of the UCCMS;*
>
> *(2) a misapplication of an applicable principle of general law;*
>
> *(3) acting without any evidence;*
>
> *(4) acting on a view of the facts which could not reasonably be entertained; or*
>
> *(5) failing to consider all the evidence that is material to the decision being challenged.*
>
> *(ii) Substantive failure to observe the principles of procedural fairness and natural justice in the investigative process and in reaching a determination on whether there was a violation of the UCCMS, or in reaching a conclusion on the appropriate sanction (if any). The extent of natural justice rights afforded to a Party will be less than that afforded in criminal proceedings and may vary depending on the nature of the alleged violation and sanction that may apply.*
>
> *(iii) Fresh evidence where such evidence:*
>
> *(1) could not, with the exercise of due diligence, have been discovered and presented during the investigation and prior to the decision being made;*
>
> *(2) is relevant to a material issue arising from the allegations;*
>
> *(3) is credible in that it is reasonably capable of belief; and*

> *(4) has high probative value, in the sense that, if believed, it could, on its own, or when considered with other evidence, have led to a different conclusion on the material issue.*
>
> *(iv) For greater clarity, fresh evidence in this section may not be admitted where the evidence was available with the exercise of due diligence and, absent compelling justification, was not produced during the investigation, or where the party did not participate in the investigation.*
>
> *(c) When assessing a review of a finding of violation, the Safeguarding Panel shall apply the standard of reasonableness.*
>
> *(d) When assessing a review of a sanction imposed, the Safeguarding Panel shall determine whether it is unreasonable having regard to the purposes of sanction under UCCMS Sections 7.3 and 7.4.* […]

The standard of review

25. As indicated in the Code[11], the Tribunal shall apply the standard of reasonableness for this Appeal. The Supreme Court of Canada has defined the standard of reasonableness in *Vavilov*[12].

26. This is consistent with the jurisprudence of the SDRCC Tribunal[13] under the previous Code[14] where appeals of ITP and/or adjudicator decisions proceeded as judicial reviews, applying a reasonableness standard rather than correctness.

27. Based on the reasonableness standard of review, the Tribunal does not re-hear the case or substitute its own discretion unless the decision falls outside a range of acceptable outcomes[15].

28. In the decision *Greco v. Hockey Canada*[16], Arbitrator Skratek mentions:

---

[11] Code, Section 8.5.2.
[12] Canada (Minister of Citizenship and Immigration) v. Vavilov, 2019 SCC 65.
[13] Greco v. Hockey Canada, SDRCC 24-0716; Jackson v. Hockey Canada, SDRCC 24-0748; Barch v. Hockey Canada, SDRCC 23-0680.
[14] 2023 Canadian Sport Dispute Resolution Code.
[15] Jackson v. Hockey Canada, SDRCC 24-0748, paras. 31-32; Barch v. Hockey Canada, SDRCC 23-0680, paras. 25-29.
[16] Greco v. Hockey Canada, SDRCC 24-0716, para. 29.

> *29. […] Further, « a court conducting a reasonableness review must focus on the decisions the administrative decision maker actually made, including the justifications offered for it, and not on the conclusion the court itself would have reached in the administrative decision make's place." Canada (Minister of Citizenship and Immigration) v. Vavilov (2019 SCC65) at paras. 13 and 15.*

29. The Supreme Court in *Vavilov* confirms that reasonableness review is a robust form of review, requiring the decision to be transparent, intelligible, and justified, considering both the reasoning process and the outcome[17].

30. Under the precedents of the SDRCC Tribunal, the burden lies on the Claimant to show that shortcomings are sufficiently central or significant to render the decision unreasonable[18].

Application to the Appeal

31. The Tribunal notes that the Claimant's Appeal is challenging the Adjudication Decision as a whole. Since the Adjudication Decision concludes to a violation[19] and determines a sanction[20], I consider that the Claimant is challenging both the findings of a violation, and the related sanction ordered in the Adjudication Decision. In both challenges, the Tribunal must apply the standard of reasonableness as prescribed by the Code and the jurisprudence.

32. The Claimant argues bias and procedural unfairness notably due to failure to interview the Game referees, the Vice President of Competitive from TASA (the "VP of TASA") and the Team assistant coaches and disregard of the BDMHA Report. The jurisprudence recognizes that procedural fairness is variable and context-specific[21].

33. The Tribunal acknowledges that Policy's Process #1 was chosen by the ITP, thus independently from the Adjudicator[22]. The Policy's Process #1 signals a summary procedure

---

[17] Canada (Minister of Citizenship and Immigration) v. Vavilov, 2019 SCC 65, paras. 13-15.
[18] Barch v. Hockey Canada, SDRCC 23-0680, para. 29; Bui v. Tennis Canada, SDRCC 20-0457, paras. 33-35.
[19] Adjudication Decision, para. 102.
[20] Adjudication Decision, paras 115-116.
[21] Baker v. Canada (Minister of Citizenship and Immigration), [1999] 2 SCR 817, paras. 21-28; Dunsmuir v. New Brunswick, 2008 SCC 9, para. 79.
[22] Policy, Article 14.

where Process #2 indicates a more comprehensive procedure as outlined in the Policy. In addition, the Policy's *Schedule A – Investigation Procedure* is only applicable to Process #2[23].

34. Consequently, the Adjudication Decision is rendered under the context-specific of Process #1 of the Policy. Process #1 is a summary procedure permitting discretion in scope of investigation which notably includes that the Adjudicator may conduct any additional interviews which he believes are necessary to gather all the relevant facts[24]. Therefore, the Adjudicator had no obligation to interview the Game's referees or the VP of TASA or the Team's assistant coaches, nor consider the BDMHA Report. In addition, the Adjudicator explains why the interviews of the six witnesses and the Claimant are sufficient for his conclusions regarding the allegations of the Complaint.

35. Regarding the BDMHA Report, the Claimant has not specifically submitted argument as if the Tribunal should consider it as "fresh evidence" under the Code[25]. For clarity purposes, the Tribunal rules that the BDMHA Report does not qualify as "fresh evidence". Firstly, the Adjudicator explains why he did not consider the BDMHA investigation (with its conclusions in the BDMHA Report) when informed by the Claimant during the adjudication process[26] and thus, prior to the Adjudication Decision being made[27]. Secondly, the Tribunal finds that the BDMHA does not meet the threshold of a sufficient high probative value required by the Code[28].

36. Courts have held that investigators have "wide latitude" and are not required to "turn over every stone"[29]. Failure to interview all suggested witnesses does not, by itself, establish bias or unfairness. The Adjudicator's reasons show awareness of credibility issues and explain reliance on consistent accounts. While the approach could have been more thorough, decisions are not assessed against a standard of perfection[30].

37. Bias denotes a closed mind or predisposition[31]. Adverse credibility findings and use of terms like "claimed" do not, without more, establish bias. Nothing suggests the Adjudicator was

---

[23] Policy, Article 23.
[24] Policy, Article 17.
[25] Code, Subsection 8.5.2 b) iii).
[26] Adjudication Decision, paras. 13 and 64.
[27] Code, Subsection 8.5.2 b) iii) 1).
[28] Code, Subsection 8.5.2 b) iii) 4).
[29] Whitelaw v. Canada (Attorney General), 2024 FC 1115, paras. 21-23.
[30] Canada (Minister of Citizenship and Immigration) v. Vavilov, 2019 SCC 65, para. 91; Whitelaw v. Canada (Attorney General), 2024 FC 1115, para. 37.
[31] R. v. S. (R.D.), [1997] 3 SCR 484, paras. 104-105.

predisposed to favour the Complainant or ignore contrary evidence. For instance, the Adjudicator recognizes that many witnesses have indicated that the Claimant is a "good coach"[32].

38. Weight of hearsay depends on consistency and corroboration. Multiple independent sources aligning can strengthen probative value. For the handshake allegation, the Adjudicator relied on indirect accounts of two witnesses corroborated by one witness' direct observation of the TASA player's (a child) distress at a relevant time[33]. Thus, the Adjudicator did not rely on isolated hearsay statements to come to his conclusions. I ascertain that the Code allow the Safeguarding Tribunal to consider evidence whether or not such evidence would be admissible in a court of law[34], which includes hearsay. Consequently, such consideration is applicable to the Policy and its investigation process for the present case.

39. The Tribunal reminds that administrative decisions are not required to be perfect. As noted in *Rinchen*[35], an imperfect decision with immaterial errors can still be reasonable if the flaws are not determinative. The Tribunal does not find any determinative flaw in the Adjudication Decision.

40. Under the jurisprudence[36], the Tribunal examines whether the Adjudicator's reasons "add up" and allow the reader to "connect the dots." Here, the Adjudication Decision notably:

    40.1. Explains the assessment of credibility for each witness by examining the honesty and reliability for the evidence provided by each of them[37].

    40.2. Identifies each allegation, explains findings and acknowledges indirect evidence on the handshake allegation but justifies reliance on consistency and corroboration[38].

    40.3. Determines a violation to the Policy based on the applicable codes and policies governing the Claimant's conduct[39].

---

[32] Adjudication Decision, para. 113.
[33] Adjudication Decision, paras 75-77.
[34] Code, Subsection 8.10 c).
[35] Rinchen v. Canada (Citizenship and Immigration), 2022 FC 437, para. 21.
[36] Canada (Minister of Citizenship and Immigration) v. Vavilov, 2019 SCC 65, para. 104; Whitelaw v. Canada (Attorney General), 2024 FC 1115, para. 43.
[37] Adjudication Decision, paras 17-29.
[38] Adjudication Decision, paras 75-77.
[39] Adjudication Decision, paras 80-102.

40.4. Applies the Policy's factors for sanction, balancing aggravating and mitigating elements[40].

41. Precedent of the SDRCC Tribunal[41] confirms that sanctions falling within policy guidelines and supported by rationale are reasonable. The responsive justification principle requires reasons to reflect the stakes[42]. The Adjudication Decision acknowledges notably the Claimant's coaching role and mitigates impact by limiting suspension to 14 days in accordance with the violation found, which the Tribunal finds reasonable. In addition, the Tribunal finds reasonable the sanction with regards to the purposes of Sections 7.3 and 7.4 of the UCCMS[43] which enumerates considerations substantially similar to the Policy[44].

Conclusion

42. The Tribunal finds the Adjudication Decision transparent, intelligible, and justified, considering both the reasoning process and the outcomes. The Tribunal finds no serious shortcoming sufficiently central or significant to render the Adjudication Decision unreasonable, including on the violation and the sanction. The Appeal is dismissed, and the Adjudication Decision is upheld.

DECISION

43. FOR ALL OF THESE REASONS, the Tribunal decides as follows:

The Appeal is dismissed.
The Adjudication Decision is upheld.

Montreal, October 21, 2025.

Simon Blais, Arbitrator

[40] Adjudication Decision, paras. 103-116.
[41] Greco v. Hockey Canada, SDRCC 24-0716, paras. 37-38.
[42] Canada (Minister of Citizenship and Immigration) v. Vavilov, 2019 SCC 65, para. 133.
[43] Code, Subsection 8.5.2 d).
[44] Policy, Article 42.