

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

**CITATION : METH V. HOCKEY CANADA 2026 CASDRC 10
NO: SDRCC ST-25-0065
(SAFEGUARDING TRIBUNAL)
DATE: 2026-02-26**

**ANDREW METH
(Claimant)**

AND

**HOCKEY CANADA
(Respondent)**

AND

**ANONYMOUS
(Affected Party)**

Before:

Ryan Goldvine (Arbitrator)

Appearances and Attendances:

On behalf of the Claimant: Karen McArthur (counsel)

On behalf of the Respondent: Adam Klevinas (counsel), Cristy Cooper (counsel)

INTERIM AWARD - CONSERVATORY MEASURES

INTRODUCTION

[1] The matter before me concerns an application for interim relief seeking the suspension of sanctions imposed against the Claimant pending the outcome of his appeal (the “Application”). The relief sought in the Application is consistent with conservatory measures described in Section 6.8 of the Canadian Sport Dispute Resolution Code (the “Code”). For the sake of consistency, I refer throughout to Conservatory Measures.

[2] For the period relevant to the present appeal, the Claimant, Andrew Meth, was an assistant coach and assistant general manager of a minor hockey team (the “Team”) in the Ontario Junior Hockey League.

[3] Following an Independent Third Party (“ITP”) investigation into an anonymous complaint (the “Complaint”) under Hockey Canada’s (the “Respondent”) Maltreatment Complaint Management Policy, an adjudicator under that policy (the “Adjudicator”) imposed sanctions against the Claimant as follows:

(a) the Respondent be suspended immediately (December 22, 2025) from any coaching or on-ice activity, including as referee, with a Hockey Canada affiliated entity through July 31, 2027.

(b) the Respondent be suspended from participation, in any capacity, in any program, activity, event, or competition sponsored by, organized by, or under the auspices of Hockey Canada from January 1, 2026, through July 31, 2026.

(c) upon expiry of his general suspension (sub-paragraph b), the Respondent will be subject to probation for two seasons (to expire on July 31, 2028) during which time any subsequent finding of Psychological Maltreatment or breaches of the Respect Policy may constitute immediate grounds for permanent ineligibility.

(the “Sanctions”)

[4] The Claimant appeals the Sanctions and seeks through the Application to have the effect of the Sanctions suspended pending the outcome of the Appeal.

[5] While I understand the Complainant was offered the opportunity to participate as an Affected Party, they did not seek to provide any submissions.

[6] The Sport Dispute Resolution Centre of Canada (“SDRCC”) appointed me as Jurisdictional Arbitrator from its rotating list to hear this Application.

[7] The issue to be decided is whether this is an appropriate case to stay or suspend the Sanctions pending the outcome of the Appeal. For the reasons that follow, I am not persuaded that it is, and, accordingly, I deny the Application.

Background

[8] The Complaint, which I understand was made by another, now former, assistant coach of the Team, alleged that the Claimant sent an inappropriate photo of himself to a minor player on the Team, and alleged the Claimant engaged in verbal abuse, bullying, and harassment of players on the Team, including the specific targeting of one player.

[9] The Claimant admitted to sending the image inadvertently, and immediately apologized and told the player it was an accident.

[10] While the Adjudicator was “troubled” by the inappropriate photo, he concluded there was not sufficient evidence before him to find that this breached any policies.

[11] In addition to the Complainant and the Claimant, the Adjudicator interviewed the team’s owner, and other current and former members of the team’s coaching and management staff.

[12] While the Adjudicator reached out to the individual player alleged to have been targeted by the Claimant, that player declined to participate.

[13] This notwithstanding, the Adjudicator concluded that, on a balance of probabilities, the Claimant engaged in Psychological Maltreatment contrary to the *Universal Code of Conduct to Prevent and Address Maltreatment in Sport* (“UCCMS”) and the Ontario Hockey Federation *Respect and Expectations Policy*.

Claimant Submissions

[14] The thrust of the Claimant’s submissions challenge the procedural fairness of the investigation process and the basis for the Adjudicator’s decision.

[15] The Claimant points to the Adjudicator’s failure or refusal to interview any players or parents in respect of the maltreatment allegations.

[16] In addition, the Claimant points out that although he was promised a further opportunity to respond to any new evidence, including allegations made by one witness that were not put to him after they were received by the Adjudicator. The Claimant says this is significant because he has evidence he was precluded from presenting that would undermine that witness’ testimony.

[17] In addition, the Claimant says the Adjudicator improperly relied on stereotype and demeanour evidence.

[18] The Claimant also says he was denied any opportunity to address his prior disciplinary record or make submissions with respect to the Sanctions before they were imposed.

[19] The Claimant says the Sanctions have and will continue to cause significant harm including:

- a) Loss of professional income and future opportunities;
- b) Reputational harm;

- c) Long-term career disruption; and
- d) Continued stigma associated with a maltreatment finding.

[20] The Claimant says these harms cannot be remedied through a successful appeal.

[21] Finally, the Claimant says the balance of convenience favours conservatory relief in the absence of evidence that lifting the Sanctions would cause actual harm.

[22] The Claimant asks that the operation of the Sanctions be suspended pending the outcome of the Appeal, or, in the alternative, that the Appeal be expedited, and an order granted for the production of player/parent contact information for the purpose of supporting the Appeal.

Respondent Submissions

[23] The Respondent articulates the applicable test for applications for Conservatory Measures adopted by SDRCC tribunals as following the reasoning of the Supreme Court of Canada in *RJR MacDonald v. Canada (Attorney General)*, [1994] 1 SCR 311 (*RJR MacDonald*). This test requires an applicant to demonstrate:

- a) the existence of a serious issue to be tried;
- b) the likelihood of irreparable harm to the moving party; and
- c) the balance of convenience favours the granting of the relief sought.

[24] The Respondent also relies on this Tribunal's decisions in *Smirnova v. Skate Canada*, SDRCC 16-0291 (*Smirnova*), and *Gagnon v. Racquetball Canada*, SDRCC 04-0016 (*Gagnon*), for the proposition that the weighing of these elements may vary based on the circumstances of the case and that Conservatory Measures may only be granted in exceptional circumstances.

[25] With respect to the matter before me, though the Claimant disagrees with the Sanctions, and although one of the Sanctions may very well expire prior to a decision on the Appeal, these alone do not constitute exceptional circumstances to warrant Conservatory Measures.

[26] In particular, the Respondent points to *B.R. v. Hockey Canada*, SDRCC 24-0704 (*B.R.*), in which Arbitrator Roberts concluded that the fact that a sanction may expire prior to the hearing of an appeal is not sufficient in itself to constitute exceptional circumstances given that a claimant nevertheless retains the right to clear his name.

[27] The Respondent says whether or not there is a serious issue to be tried, this Tribunal has stated that this test goes beyond the substance of the dispute to include an assessment of the likelihood of success.

[28] In the matter before me, the Respondent says it is significant that the standard of review of the Adjudicator's decision is one of reasonableness, not correctness, and says the Adjudicator is to be afforded deference. Notwithstanding the Claimant's assertions to the contrary, the Respondent says the Claimant has not demonstrated that the Adjudicator's decision was tainted by any serious shortcomings that would render it unreasonable.

[29] In respect of the matter before me, the Respondent says the Adjudicator was within his authority to decide who to interview, and has no obligation to interview any witnesses, or further witnesses. The Respondent says failure to interview any further witnesses does not constitute a procedural error.

[30] With respect to the Claimant's assertions of impermissible stereotyping or reliance on demeanour, the Respondent says this is far from impermissible, but instead part of an overall assessment of credibility necessary to make the findings at hand.

[31] The Respondent says it was not incumbent on the Adjudicator to raise the issue of the Claimant's prior discipline, as this was well within the Claimant's own knowledge and he could have addressed it at any time. The Respondent further notes that the fact the Adjudicator's decision relied, in part, on prior disciplinary findings for similar offences, supports the reasonableness of the decision and the Sanctions.

[32] The Respondent rejects the Claimant's contention that he will suffer irreparable harm and points out that the Claimant has not provided any particulars, let alone evidence, of the nature of any financial impacts of the Sanctions. While the Claimant says the Sanctions render him unemployed, the Respondent points to the Claimant's own submissions that suggest he remains General Manager of the team.

[33] While the Claimant has asserted that the Adjudicator's decision has been reputationally ruinous, he provides no evidence of any reputational or other harms actually suffered as a result.

[34] Based on the foregoing, the Respondent says the Claimant has failed to demonstrate any harm, let alone irreparable harm, that would result from not granting the Conservatory Measures.

[35] Turning to the balance of convenience, the Respondent says the test requires more than a simple assessment of the merits but instead requires the Claimant to raise a highly arguable case.

[36] The Respondent says while the Claimant's submissions in this regard focus on what he says is the absence of evidence that granting the Conservatory Measures would adversely impact any players or participants, this is directly at odds with the Adjudicator's findings of a pattern of behaviour on the part of the Claimant, and the absence of any serious attempts to modify his behaviour.

[37] The Respondent relies on *Armstrong v. Hockey Canada*, SDRCC 25-0767, and says the balance of convenience should favour protecting current team members and the hockey community at large, rather than the Claimant's interest in returning to his position in the short term.

[38] For these reasons, the Respondent says the Claimant has not met the test for granting Conservatory Measures and asks that the Application be denied.

Analysis and Decision

[39] There is no dispute that *RJR MacDonald* sets out the applicable legal test in the matter before me, nor that this Tribunal has required the presence of exceptional circumstances to support granting Conservatory Measures.

[40] While I do have some reservations, discussed below, regarding the fairness of the Adjudicator's process, and the reasonableness of his conclusions, in respect of this matter, that is not the only consideration in determining whether to grant Conservatory Measures.

[41] I do not disagree with the Respondent's assertions that the Adjudicator's reliance on alleged stereotyping and the demeanour of the Claimant during the investigation are more akin to assessing credibility rather than reliance on impermissible reasoning. This line can be crossed, however, when misconduct is found to have occurred in the absence of evidence, based solely on assumptions.

[42] That said, although the ITP does grant adjudicators broad discretion with respect to their investigation process, it gives me pause that the Adjudicator in this case was able to conclude that the Claimant had engaged in Psychological Maltreatment of players in the absence of any evidence from any player or parent witness to the alleged maltreatment.

[43] While the Respondent says the Adjudicator's discretion in this regard renders his decision within the range of possible acceptable outcomes and defensible in respect of the facts and law, I am not convinced.

[44] Accordingly, I find there is, in fact, a serious issue to be tried, and the matter before me meets the first part of the *RJR MacDonald* test.

[45] I am nevertheless not persuaded, however, that the Claimant has met his onus to demonstrate as well that he will suffer irreparable harm should I not grant the Conservatory Measures, nor that the balance of convenience favours such an outcome.

[46] I note, first, that the Claimant's initial submissions do not address the test set out above with respect to Conservatory Measures, but instead focuses predominantly on the merits of the Appeal. Though the Claimant does initially assert that the Sanctions are or have been both financially and reputationally ruinous, he does later provide further submissions regarding irreparable harm in his reply submissions.

[47] As noted above, the harm alleged includes:

- a) Loss of professional income and future opportunities;
- b) Reputational harm within a tightly-connected sport community;
- c) Long-term career disruption; and
- d) Continued stigma associated with a safeguarding finding.

[48] The Claimant then asserts, generally, that reputational and professional harms in sport are irreparable.

[49] While the Claimant has made these submissions in reply, I note that there is nevertheless no evidence before me of actual harm, let alone such that would be irreparable.

[50] The Respondent pointed to the lack of evidence of harm in its submissions, noting that it was unclear whether the Claimant had, in fact been suspended from, or lost, his employment, nor suffered any actual financial losses.

[51] Even though the Respondent raised this oversight and took the position that it may object to attempts to address this in reply, the Claimant's submissions remain only assertions, without any evidentiary foundation, asking me instead to infer harm from the nature of the findings and Sanctions.

[52] Even if I accept that findings of Psychological Maltreatment carry with them an assumption that some degree of reputational harm has attached, absent evidence in support I am nevertheless not prepared to find that such harm could not be remedied by a successful appeal of those findings.

[53] In addition, the matter before me is not one in which the Claimant comes in with an otherwise pristine record. While the Claimant has taken issue with the Adjudicator's failure to put the Claimant's past discipline record to him during the investigation, the fact remains that the Claimant's record prior to this most recent decision included suspensions and probation related to conduct akin to that found in the matter before me.

[54] Turning to the balance of convenience, the Claimant says this factor should favour him on the basis that there was no evidence of actual harm presented during the investigation from players or parents, and says there have been no contemporaneous complaints or maltreatment allegations since the allegations and findings before me.

[55] While I am troubled by the absence of any player or parent evidence in the investigation of the Complaint, this is not to say with any certainty that such evidence would not have substantiated the allegations against the Claimant.

[56] For this reason, coupled with the fact that the Claimant does have prior discipline of a similar nature, I find the best approach to weighing the balance of convenience is a precautionary one, respecting the aims of the *Policy* and the *UCCMS*, removing any potential for harm pending the outcome of the Appeal.

[57] While the Claimant asks in the alternative for the hearing of the Appeal to be expedited, and seeks an order for the production of player/parent contact information, my jurisdiction at this time does not extend beyond the Application for Conservatory Measures.

Conclusion

[58] For all of these reasons, I deny the Claimant's request for Conservatory Measures.

issued on February 26, 2026, at Vancouver, BC

Ryan Goldvine, Arbitrator.

With gratitude and respect, I appreciate the opportunity to live, work, and play on the shared, unceded, ancestral territories of the xʷməθkʷəy̓əm (Musqueam), Skwxwú7mesh (Squamish), and səliłwətaʔ (Tsleil-Waututh) Peoples.