

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

**CITATION: METH V. HOCKEY CANADA 2026 CASDRC 22
NO: SDRCC ST 25-0065
(SAFEGUARDING TRIBUNAL)
DATE: 2026-05-07**

**ANDREW METH
(Claimant)**

AND

**HOCKEY CANADA
(Respondent)**

AND

**ANONYMOUS COMPLAINANT
(Affected Party)**

Before:

Jay Sengupta – Arbitrator

Counsel:

For the Claimant: Karen McArthur

For the Respondent: Adam Klevinas
Cristy Cooper

INTERIM RULING ON PRELIMINARY ISSUE

INTRODUCTION

- [1] At the material time, the Claimant, Andy Meth, was an assistant coach and assistant General Manager with [redacted], a team in the Ontario Junior Hockey League.
- [2] Following an Independent Third Party (“ITP”) investigation into an anonymous complaint made against the Claimant under the Respondent, Hockey Canada’s, Maltreatment Complaint Management Policy (the “Policy”), an adjudicator made a finding that the Claimant had engaged in psychological maltreatment contrary to the *Universal Code of Conduct to Prevent and Address Maltreatment in Sport* (“UCCMS”) and the Ontario Hockey Federation’s *Respect and Expectations Policy* and imposed sanctions against the Claimant.
- [3] On December 23, 2025, the Claimant filed an Appeal (the “Appeal”) before the Safeguarding Tribunal of the Sport Dispute Resolution Centre of Canada (the “SDRCC”). The Appeal was filed pursuant to Article 48 of the Policy and Subsection 8.2(b) of the *2025 Canadian Sport Dispute Resolution Code* (the “Code”). The Appeal is designated as a review under the Code.
- [4] At the same time the Appeal was filed, the Claimant made an application for interim relief seeking the stay or suspension of sanctions imposed against him pending the outcome of the Appeal, also described as a request for Conservatory Measures. The Conservatory Measures issue was heard, and the request denied, by Arbitrator Goldvine in a decision dated February 26, 2026.
- [5] I was subsequently appointed as a sole arbitrator constituting the Safeguarding Panel, also referred to as the Safeguarding Tribunal (the “Tribunal”) to decide the Appeal. The parties have confirmed the jurisdiction of the Tribunal.
- [6] An initial case management meeting was held on March 18, 2026, at which the Claimant and Respondent were present. The Affected Party, although contacted, elected not to participate.
- [7] The Claimant’s request to introduce fresh evidence was opposed by the Respondent. The latter also requested that the issue be addressed on a preliminary basis, which request was granted. The parties were provided an opportunity to provide written submissions on the issue on a timeline set by the Tribunal and agreed to by the parties.
- [8] Although the parties were directed to file submissions focused on the identified preliminary issue, the Claimant made a number of general and broader

arguments more relevant to the main issue to be decided on the Appeal. To the extent that the broader arguments are relevant to the instant issue and provide context for the narrower preliminary issue being decided, I have given them due consideration.

- [9] For the reasons that follow, I deny the Claimant's request to introduce fresh evidence in support of his Appeal.

REASONS

The Code

- [10] Relevant to the issue at hand is subsection 8.5.2 of the Code, which is reproduced, in part, below:

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. [...]

Analysis

[11] In reviewing the Claimant's submissions regarding the relief sought, the following list is responsive to the limited preliminary issue being decided:

- a. admission of "proposed fresh evidence, including the witness statements of Minor Player A and his family";
- b. "permitting the filing of affidavit evidence authenticating that material and reply evidence responding to the undisclosed adverse case".
- c. in the alternative, that "the matter proceed by way of a de novo hearing before a different adjudicator".

[12] As a starting point, the framework established by the Code must be considered in addressing the Claimant's request. Both subsections 8.3(a) and 8.5.2(a) clearly state that a Safeguarding Panel shall not conduct a hearing de novo and the hearing is not a redetermination of the investigation.

- [13] Subsection 8.3(a) specifies that the proceeding will be conducted by way of a documentary review only except in “exceptional circumstances for the proper administration of justice.”
- [14] Subsection 8.5.2(a) states that findings of fact and credibility made in the investigation report shall be accepted, except where the findings are successfully challenged by a Party, in the case of reviews of decisions made under Sport Organizations (SO) Safe Sport Policies, as is the case here, in accordance with the grounds outlined in subsection 8.5.2(b).
- [15] The test for consideration of fresh evidence includes a list of factors, all of which must be satisfied for the review of fresh evidence.
- [16] Firstly, having regard to the test for consideration of fresh evidence, laid out in paragraphs (iii) and (iv) of s.8.5.2(b), I am not persuaded that “witness statements of Minor Player A and his family” meet the test of likely relevance. I note that the allegation relating to Minor Player A, specifically that the Claimant sent an inappropriate photograph of himself to that player, was not substantiated.
- [17] The finding of a violation and the resulting sanction that are before me in this review do not relate to the specific, unsubstantiated allegation related to Minor Player A and any fresh evidence from him or his parents on that issue is not relevant. Having found that one of the factors outlined in s.8.5.2(b)(iii) have not been satisfied, it is unnecessary for me to consider the balance of the factors, given the conjunctive nature of the test.
- [18] To the extent that the proposed fresh evidence of Minor Player A and his parents address issues beyond the allegation specific to him having received an inappropriate image from the Claimant, I have addressed it below.
- [19] Secondly, I take the reference to the “undisclosed adverse case” referred to in the Claimant’s submissions to be related to the evidence of Witness A. The crux of the Claimant’s request to permit fresh reply evidence appears to stem from his contention that he was not given an opportunity by the Adjudicator to respond to the evidence of Witness A and to provide rebuttal evidence challenging the credibility of that witness.
- [20] The Claimant argues that he was not aware that Witness A would be an “adverse participant witness” and could not, with the exercise of due diligence, have produced this evidence before a decision was made. He further asserts that he has provided sufficient particulars in respect of the fresh evidence to establish relevance, credibility and probative value.
- [21] In the Claimant’s view, the materials sought to be adduced such as video evidence, the evidence from Minor Player A and his family, contemporaneous text messages and communications and “other documentary material” to

establish the absence of contemporaneous safeguarding complaints regarding the Claimant go to the heart of the credibility findings made by the Adjudicator.

- [22] I am not satisfied that this proposed fresh “reply evidence” meets the test outlined in the Code.
- [23] Firstly, I note that there is no assertion that the evidence the Claimant seeks to challenge with the admission of fresh rebuttal evidence, that of Witness A, introduced any additional allegations of violation of policies which the Claimant did not have an opportunity to address.
- [24] I have also considered the arguments made by the parties regarding whether the proposed fresh evidence is sufficiently cogent to warrant admission. I agree with the parties that, in the circumstances, I am not required to determine definitely whether the proposed evidence from both identified and unidentified persons will be relevant or credible; merely that it is sufficiently cogent to warrant admission. The scheme in the Code is structured to allow for challenges to credibility findings made by the Adjudicator on the basis of fresh evidence. However, it is not necessary for me to make a finding as to whether the proposed fresh evidence meets the second two elements of the test in the present case for the following reason.
- [25] Even assuming without finding that the Claimant has satisfied the first three elements of the test, I am not persuaded that the probative value of the proposed fresh evidence would have led to a different conclusion on the material issues before me.
- [26] For example, the adjudicator’s findings included a recognition that Witness A was no longer employed by the organization and was owed money – evidence that the Claimant seeks to introduce as part of the fresh evidence to support his challenge relating to the credibility of this witness. An internal discussion regarding the issues that led to the finding of violation and sanction by the Adjudicator is of limited probative value in this Appeal. While there is reference to the Claimant’s previous disciplinary record, there is no indication that the Adjudicator’s findings were based on the existence of contemporaneous safeguarding complaints about the Claimant in either the finding of violation of the policy or his decision on sanctions.
- [27] Finally, it is not clear with respect to the last of the relevant requests for relief made by the Claimant, outlined in paragraph 11 (above), whether the Claimant seeks a *de novo* hearing in this proceeding or whether he seeks to have the matter referred for a fresh investigation under the respondent’s policies.
- [28] If it is the former, the Code is clear that the Appeal will proceed on the basis of a written review, except in exceptional circumstances. I do not find such

circumstances exist on the basis of the submissions made in respect of this preliminary issue. It is, of course, open to the Claimant to make further submissions on this point when we move to a consideration of the Appeal.

RULING

[29] Accordingly, the Claimant's request to introduce fresh evidence is denied.

Jay Sengupta