

NOVA SCOTIA COURT OF APPEAL

Citation: *Hogg v. Registrar of the College of Paramedics of Nova Scotia*,
2025 NSCA 83

Date: 20251205

Docket: CA 539093

Registry: Halifax

Between:

Sybil Hogg

Appellant

v.

The Registrar of the College of Paramedics of Nova Scotia

Respondent

Judges: Wood C.J.N.S., Fichaud and Bryson, J.J.A.

Appeal Heard: November 13, 2025, in Halifax, Nova Scotia

Facts: The case involves an individual who applied for registration and licensure as a paramedic in Nova Scotia. Her application was denied due to concerns about her character, specifically related to allegedly Islamophobic public posts. She later became registered in New Brunswick and sought the same status in Nova Scotia under the *Patient Access to Care Act*, but was informed she needed to file a new application as an inter-provincial applicant, which she did not do (paras [1-4](#), [11-13](#), [43](#)).

Procedural History:

- Justice Boudreau: Dismissed the applicant's first application for registration and licensure as she had not filed a completed application as an inter-provincial registrant (para [5](#)).

- Justice Smith: Dismissed the applicant's second application for similar reasons and declared her a vexatious litigant (para [5](#)).

- Ms. Hogg's appeal from the decision of Justice Boudreau had been dismissed. The Court heard Ms. Hogg's appeal from the decision of Justice Smith.

Parties' Submissions:

- Appellant: Argued that her 2021 application should suffice for registration and licensure, and that the *Patient Access to Care Act* and the *Canadian Free Trade Agreement* entitle her to immediate registration without further assessment (paras [65](#), [70](#)).

- Respondent: Contended that without a completed application for inter-provincial registration, the appellant's application was premature and an abuse of process, as it duplicated an earlier application dismissed by Justice Boudreau (para [65](#)).

Legal Issues:

- Whether the motions judge erred by dismissing the appellant's Notice of Application for Judicial Review dated July 19, 2024.

- Whether the judge erred by declaring the appellant to be a vexatious litigant.

Disposition:

- The appeal was partly allowed to overturn the designation as a vexatious litigant and otherwise dismissed without costs.

Reasons:

Per Wood C.J.N.S., Fichaud, and Bryson JJ.A.:

The Court found that the appellant's 2021 application did not trigger the provisions of the *Canadian Free Trade Agreement*, and she must file a new application as an inter-provincial registrant. The appellant's application for judicial review was barred by issue estoppel, as it attempted to relitigate matters already decided by Justice Boudreau. The Court overturned the vexatious litigant designation, noting that the appellant's actions could be controlled by existing procedures without such a designation. The Court provided clear directions on the

legal avenues available to the appellant for pursuing her registration and licensure (paras [70-102](#)).

This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 105 paragraphs.

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Judges: Wood C.J.N.S., Fichaud and Bryson, J.J.A.

Appeal Heard: November 13, 2025, in Halifax, Nova Scotia

Held: Appeal partly allowed to overturn the designation as a vexatious litigant and otherwise dismissed without costs, per reasons for judgment of the Court

Counsel: Sybil Hogg, Appellant, and Jeff Mahoney as agent for the Appellant Sybil Hogg
Ryan Baxter and Andrew Kinley for the Respondent

Reasons for judgment of the Court:

[1] The College of Paramedics of Nova Scotia regulates the registration and licensure of paramedics. It has been renamed the “Nova Scotia Regulator of Paramedicine”. To be consistent with the court’s record, we will use “College”. In 2021, Sybil Hogg applied to the College for registration and a license.

[2] On May 16, 2022, the College’s Registration Committee denied her application. The Committee cited concerns about Ms. Hogg’s “character”, a criterion under the regulations, due to her allegedly Islamophobic public posts several years earlier. The Committee feared Ms. Hogg might not provide duly attentive care to Muslim patients. Ms. Hogg appealed to the College’s Registration Appeal Committee. However, Ms. Hogg disputed a procedural ruling by the Appeal Committee, and at her request the appeal hearing was adjourned. Ms. Hogg then sued the Appeal Committee’s panelists for damages, after which the panelists resiled from Ms. Hogg’s appeal. Her appeal has not yet been heard.

[3] The *Patient Access to Care Act*, S.N.S. 2023, c. 3, s. 5(1) adopted the “Labour Mobility” provisions in Chapter Seven of the *Canadian Free Trade Agreement* between the Governments of Canada and the Provinces. In January 2023, Ms. Hogg became registered and licensed as a paramedic in New Brunswick. Then, citing Chapter Seven, she sought the same status with Nova Scotia’s College. The College replied that, as prescribed by the legislation, she must file another “completed application”, this time as an inter-provincial applicant, after which the College would process her application. Ms. Hogg has not done so.

[4] Ms. Hogg maintains her 2021 application suffices, and the *Patient Access to Care Act* prescribes her immediate registration and licensing without further ado.

[5] In 2024, Ms. Hogg applied twice in the Supreme Court for an order that the College forthwith register and license her. Justice Boudreau dismissed the first application because Ms. Hogg had not filed a “completed application” as an inter-provincial registrant. Justice Smith dismissed Ms. Hogg’s second application for similar reasons and designated Ms. Hogg as a vexatious litigant.

[6] Justice Boudreau’s order is not under appeal. This is Ms. Hogg’s appeal from Justice Smith’s Order. The main issues are whether the judge erred by (1) ruling Ms. Hogg must file an application for registration and licensure as an inter-provincial applicant and (2) designating Ms. Hogg as a vexatious litigant.

Ms. Hogg’s 2021 Application under the Paramedics Act

[7] Ms. Hogg’s objective of licensure and registration in Nova Scotia encounters a network of evolving legislation.

[8] When Ms. Hogg applied to the College in 2021, the governing statute was the *Paramedics Act*, S.N.S. 2015, c. 33. Section 21 authorized the Council to make by-laws and, with the Governor in Council’s approval, regulations respecting the criteria and process for the registration and licensure of paramedics. Section 24 authorized the appointment of a Registration Committee and Registration Appeal Committee with the authority to manage the process according to the regulations.

[9] The *Paramedics Regulations*, NS Reg. 57/2017, effective March 28, 2017, under the *Paramedics Act* included:

- Regulation 16(1) said: “[A]n applicant for registration **must submit a completed application** on a form prescribed by the Registrar together with ...” [listing several items].
- Regulation 16(2)(a) said: “An applicant for registration **must meet all of the following criteria**: (a) they must meet the **criteria** for entry in a roster **in Section 17 ...**”.
- Regulation 17(2) listed numerous criteria for registration and licensing, including in para. (h), that the applicant “**have the ... character** to safely and ethically practice paramedicine”.
- Regulations 8 and 9 established a Registration Committee and a Registration Appeal Committee.
- Regulation 12(1) directed the Registrar to refer an application to the Registration Committee “if there is any issue regarding whether the applicant meets the criteria for registration, licensing or renewal of their license”.
- Regulation 40 directed the Registration Committee to review the application and determine whether the applicant meets the criteria.
- According to Regulations 41-53, subject to an exception that is inapplicable in Ms. Hogg’s case, an appeal from a decision of the Registration Committee “**must be conducted by the Registration Appeal Committee**” [Reg. 41(1)] and the “decision of the Registration Appeal Committee **is final**” [Reg. 53].
[bolding added]

[10] The *Paramedics Act* did not authorize an appeal from a decision of the Registration Appeal Committee. A dissatisfied applicant would have to apply to the Supreme Court of Nova Scotia for judicial review.

[11] The Registrar reviewed Ms. Hogg's application and the further information sought and obtained from Ms. Hogg. Some years earlier, Ms. Hogg had made allegedly Islamophobic public posts. This was on the occasion of a federal election when she ran as a candidate. Based on this material, the Registrar had concerns whether Ms. Hogg would be inclined to provide Muslim patients with the attentive care expected of a paramedic. To the Registrar, this was an issue of "character". "Character" was a criterion under Regulation 17(2)(h). Consequently, under s. 24(4) of the *Act* and Regulation 12(1), the Registrar referred Ms. Hogg's application to the Registration Committee.

[12] On May 16, 2022, the Registration Committee, a panel of five, issued a Decision with eleven pages of reasons. The Registration Committee denied Ms. Hogg's application.

[13] The Registration Committee's Decision, para. 36, noted that Ms. Hogg had publicly posted that Islam is "pure evil" and "has no place in Canadian society". The Committee's Decision, para. 46, found reason for concern "about Ms. Hogg's ability to provide the required level of compassionate and empathetic care to Muslim Nova Scotians". The Registration Committee cited the College's mandate to maintain confidence in the College's ability to regulate the practice of paramedicine in the public interest. The Decision, para. 47, found "those in the Muslim Nova Scotia community would question Ms. Hogg's licensure with the College and may experience discomfort upon receiving her care".

[14] The Registration Committee concluded:

77. The public and members of the paramedicine profession must be confident that paramedics are accountable for their actions. Given Ms. Hogg's statements and their impacts on the Islamic community, it is clear that Ms. Hogg's licensure would not be in the public interest. ...

78. It is the Committee's decision that Ms. Hogg's application for registration and licensure as a Primary Care Paramedic be denied.

[15] Under Regulation 41, Ms. Hogg appealed to the College's Registration Appeal Committee.

[16] At the pre-hearing conference, the Registration Appeal Committee inquired whether the parties wished to proceed by a review of the record without new evidence, or by a *de novo* hearing with evidence. On October 14, 2022, Ms. Hogg and the College agreed the process would be a review. The Registration Appeal Committee set the hearing for one day on February 15, 2023, which sufficed for submissions without fresh evidence.

[17] However, at the hearing on February 15, 2023, Ms. Hogg proposed to offer fresh evidence. The College objected, on the ground that the process was supposed to be a review of the existing record. The Registration Appeal Committee deliberated then decided to permit Ms. Hogg to present evidence. The College then informed the Committee that, as Ms. Hogg would present fresh evidence, so would the College. The Committee adjourned the matter without day to schedule an extra day and allow the parties time to marshal their evidence.

[18] On March 14, 2023, the Chair of the Registration Appeal Committee emailed the parties that the appeal hearing was re-scheduled for May 30-31, 2023.

[19] Ms. Hogg and the College continued to disagree about the scope of permitted evidence on the appeal hearing. She objected to a hearing where the College could adduce fresh evidence. To clarify the procedure, on May 25, 2023, the Registration Appeal Committee issued a written decision that the appeal would proceed *de novo* with both parties having the opportunity to present fresh evidence.

[20] Despite the ruling, Ms. Hogg maintained her objection to a *de novo* hearing. At her request, the Registration Appeal Committee adjourned the hearing without day.

[21] On June 30, 2023, Ms. Hogg filed an Amended Notice of Appeal (Tribunal) to the Nova Scotia Court of Appeal to challenge the Registration Appeal Committee's Decision of May 25, 2023, that the appeal would proceed *de novo*. On September 5, 2023, on the College's motion, Justice Derrick of the Court of Appeal, in Chambers, dismissed Ms. Hogg's appeal for want of jurisdiction [2023 NSCA 62]. The reason was the *Paramedics Act* provided no right of appeal of a Decision by the Registration Appeal Committee.

[22] Ms. Hogg then re-framed her challenge to the Registration Appeal Committee's decision of May 25, 2023. She sought to proceed by judicial review in the Supreme Court of Nova Scotia. However, she was out of time for that application. On September 15 and 18, 2023, respectively, Ms. Hogg filed a motion

and an amended motion in the Supreme Court to request an extension to file a Notice of Judicial Review. On September 23, 2024, Justice Keith dismissed her motion and denied the extension [2024 NSSC 278]. On June 20, 2025, this Court dismissed Ms. Hogg’s appeal from Justice Keith’s ruling [2025 NSCA 50].

[23] Meanwhile, on May 16, 2024, Ms. Hogg filed a Notice of Action in the Supreme Court of Nova Scotia [Hfx No. 533366] against the College, the Registration Committee, the Registration Appeal Committee, the Chair of the Registration Appeal Committee, the Registrar and the College’s legal counsel. The Statement of Claim gave scant particulars, but claimed damages and other relief. At the hearing in this Court, the College’s counsel informed the Court that a justice of the Supreme Court has heard the defendants’ motion to dismiss Ms. Hogg’s civil action, and a decision is pending.

[24] On September 2, 2024, the Chair of the Registration Appeal Committee wrote to Ms. Hogg and the College’s counsel stating that, given Ms. Hogg’s Notice of Action, the members of the Registration Appeal Committee would resign due to a reasonable appearance of bias.

[25] Ms. Hogg has not withdrawn her opposition to the Registration Appeal Committee’s ruling on the *de novo* hearing or her position that the Committee’s hearing be adjourned. The Committee is not yet re-constituted with new panelists. The Committee’s hearing of Ms. Hogg’s appeal remains adjourned without day.

Regulated Health Professions Act

[26] The *Regulated Health Professions Act*, S.N.S. 2023, c. 15, s. 196, repealed the *Paramedics Act*. Sections 27-59 [in force on June 3, 2024 - see s. 241], govern “Registration and Licensing”. The *Regulated Health Professions Act* includes:

- Section 2 defines “regulated health profession” as a health profession designated by a regulation under s. 4(a), “regulatory body” as “the regulatory body of a regulated health profession that is continued or established by a regulation under clause 4(b)”, and “registrar” as the “registrar of the regulatory body”.
- Sections 4(a) and (b), respectively, authorize regulations designating a health profession as a “regulated health profession” and regulations to govern registration and licensing criteria and the powers of regulatory bodies.

- Section 30 authorizes the board of regulated profession to appoint a committee to perform the functions of registration and licensing according to the *Regulated Health Professions Act*, its regulations and by-laws.

- Section 34 and 35(1) of the *Act* say:

Application and criteria for registration

34 An applicant for registration on any register other than a conditional register **shall submit an application** in accordance with **the criteria set out in the regulations**.

Application and criteria for a practising licence

35(1) An applicant for a practising licence **shall submit a completed application** in a form approved by a registrar together with **the criteria set out in the regulations**.

[bolding added]

- Section 36 authorizes the Registrar to deny an application that fails to meet the criteria or refer the application to the registration and licensing committee of the regulatory body. Sections 37-38 authorize the registration and licensing committee to approve or, if the criteria are not met, deny the application.

- Section 50 says, where an applicant has been denied a license or registration, the applicant may seek review by a registration and licensing review committee. Section 52 permits the registration and licensing review committee to determine its own procedures, subject to the process outlined in ss. 53-59. Section 58(3) says: “A determination of the registration and licensing review committee is final”.

- The *Regulated Health Professions Act*’s transitional provisions may affect the status of Ms. Hogg’s 2021 application, if her appeal to the Registration Appeal Committee resumes. These provisions include:

Action, appeal, application or other proceeding continued

168 An action, appeal, application or other proceeding being carried on or power or remedy being exercised by or with respect to an existing regulator may be continued in the name of a successor regulatory body under this Act.

Processes initiated under former Acts

169 (1) A matter subject to a regulatory process under a former Act must continue to be proceeded with in accordance with this Act as nearly as circumstances permit.

(2) Notwithstanding subsection (1), where a hearing has commenced under a former Act, the hearing must proceed in accordance with the former Act, unless the parties agree the matter can be addressed under this Act.

(3) Where a completed application for registration or licensing has been received by an existing regulator before the coming into force of the regulatory body under this Act but no decision has been rendered on the application, the decision must be made in accordance with the process in place under this Act.

(4) Where an application for registration or licensing has been commenced but not completed at the time of the application of this Act to a regulated health profession, the application must be continued in accordance with this Act.

(5) **An agreement, informal resolution, undertaking, decision or order made in a regulatory process under a former Act remains in effect under this Act under the same terms and conditions.**

[bolding added]

[27] Under the *Regulated Health Professions Act*, the Governor in Council enacted the *Paramedicine Regulations*, O.I.C. 2024-181, N.S. Reg. 107/2024, effective on June 1, 2024. The *Paramedicine Regulations* include:

- Reg. 2 defines “registration and licensing decision maker” as “the registrar, the registration and licensing committee or the registration and licensing review committee, as applicable”.
- Reg. 3 renames the College the “Nova Scotia Regulator of Paramedicine”.
- Regs 10(1) and 11(1) establish the process and criteria that the Registrar cites in Ms. Hogg’s case:

Application and criteria for registration in practising register

10(1) An applicant for registration in a practising register **must submit all of the following** to the registrar:

- (a) **a completed application** in a form approved by the registrar;
- (b) **proof** satisfactory to the registration and licensing decision maker that the applicant meets all of the following criteria, except if any or all of the criteria are waived under Section 59 of the Act:

...

(vii) **they have the** capacity, competence and **character** to safely and ethically engage in the practice of paramedicine without conditions or restrictions,

Criteria for practising licence

11(1) An applicant for a practising licence **must submit all of the following** to the registrar:

- (a) **a completed application** in a form approved by the registrar;
- (b) **proof** satisfactory to the registration and licensing decision maker that the applicant meets all of the following criteria, except if any or all of the criteria are waived under Section 59 of the Act:
 - (i) **they meet the criteria in subclauses 10(1)(b)(iii), (iv), (v), (vi), (vii) and (ix),**

[bolding added]

Patient Access to Care Act

[28] The *Patient Access to Care Act* received Royal Assent on April 12, 2023. Section 2 says its purposes include “further opening the Province to out-of-province health professionals” and “ensuring all health professionals can work to the full extent of their training”.

[29] Section 3 defines (1) “authority” as “any college, board, committee, registrar ... responsible for making decisions respecting registration, licensing ... of a regulated health profession” and (2) “regulated health profession” to include a health profession regulated under the *Regulated Health Professions Act*, which in turn includes paramedicine.

[30] The *Patient Access to Care Act* continues:

Act prevails

4 In the event of a conflict between this Act and any other enactment, this Act prevails.

Waiver of requirements

5 (1) Where an authority **receives an application** from a practitioner licensed in another province of Canada, **the authority shall waive any requirement for registration, licensing or renewal of registration or licensing in accordance with the *Fair Registration Practices Act*, the *Canadian Free Trade Agreement Implementation Act*** or any agreement entered into between the Government and the Government of that other province of Canada.

(2) **An authority shall waive any requirement** for registration, licensing or renewal of registration or licensing for any applicant who is registered or licensed and **who is in good standing** in any jurisdiction prescribed by the regulations.

(3) When an applicant is eligible for a waiver under subsection (1) or (2), an authority shall issue a license and any other approval issued by that authority required to practise in the Province within five business days **following receipt by the authority of a completed application.**

(4) An authority may waive any requirement for registration, licensing or renewal of registration or licensing if the authority determines it is in the public interest to do so.

...

Regulations

8 (1) Where in the opinion of the Governor in Council it is in the public interest, the Governor in Council may make regulations

...

(d) prescribing jurisdictions for the purpose of subsection 5(2) and Section 6;

...

(g) defining any term used but not defined in this Act;

...

[bolding added]

[31] Further to s. 8, the Governor in Council enacted the *Patient Access to Care Act Definitions Regulations*, O.I.C. 2023-250, N.S. Reg. 162/2023, effective September 12, 2023. Regulation 3(1) defines “completed application” in s. 5(3) of the *Act*, and “in good standing” in s. 5(2) of the *Act*:

Definitions for Act

3(1) In the Act,

“completed application” means an application that includes all information and documentation necessary for an authority to determine whether an applicant meets the requirements for registration and licensing, and includes information provided by a third party.

...

“in good standing” means the applicant meets all of the following criteria:

- ...
- (v) **they have been assessed by the authority to have the capacity, competence and character** to safely and ethically practise;

[bolding added]

[32] The Governor in Council has not enacted a regulation that prescribes jurisdictions under to ss. 5(2) and 8(1)(d) of the *Patient Access to Care Act*. Hence, s. 5(2) does not pertain to Ms. Hogg’s appeal.

[33] Section 5(1) of the *Patient Access to Care Act* cites the *Fair Registration Practices Act*, S.N.S. 2008, c. 38 and the *Canadian Free Trade Agreement Implementation Act*, S.N.S. 2018, c. 23. We will turn to those statutes.

Fair Registration Practices Act

[34] The *Fair Registration Practices Act*, s. 3, recognizes the Province’s commitment, in the *Canadian Free Trade Agreement* of 2017, to facilitate the free movement of persons, goods, services and investments throughout Canada. In particular:

- Section 6 says a regulating body, for applicable vocations, must carry out registration practices that are “transparent, objective, impartial and procedurally fair”.
- Section 8 requires the regulating body to provide applicants with timely and helpful information.
- By s. 10, the regulating body must afford an unsuccessful applicant a process for internal review.
- Section 12 requires the regulating body to provide an applicant with records possessed by the regulating body, subject to exceptions for privilege and confidence.

[35] Nothing in Ms. Hogg’s case indicates the College offended the *Fair Registration Practices Act*. Ms. Hogg’s position turns on the impact of the other adopted statute, the *Canadian Free Trade Agreement Implementation Act*.

Canadian Free Trade Agreement Implementation Act

[36] The *Canadian Free Trade Agreement Implementation Act*, s. 2, states its purpose “to implement the Canadian Free Trade Agreement between the Government of Canada and the governments of all the provinces of Canada”. By s. 3(1)(a) of the *Act*, “Agreement” means the *Canadian Free Trade Agreement* of July 1, 2017.

[37] Under the title “Labour Mobility”, the *Act* says:

Duty to comply with Agreement

11 A regulatory authority **shall ensure** that any measure it adopts or maintains respecting the certification of workers in an occupation **complies with** the obligations of **Chapter Seven** of the Agreement.

[bolding added]

[38] Sections 3(f) and 23(2)(a) of the *Act* authorize the Governor in Council, by regulation, to designate a body as a “regulatory authority”.

[39] Further to s. 23(2)(a), the Governor in Council enacted the *Regulatory Authorities Designation Regulations*, O.I.C. 2019-154, N.S. Reg. 72/2019, effective May 31, 2019, which, in Reg. 2(1), designated the College of Paramedics as a “regulatory authority”.

Canadian Free Trade Agreement – Chapter Seven

[40] Section 11 of the *Canadian Free Trade Agreement Implementation Act* incorporates Chapter Seven, titled “Labour Mobility”, of Part III, titled “Specific Rules”, of the *Canadian Free Trade Agreement*. Article 705 in Chapter Seven, includes:

Article 705: Certification of Workers

1. **Subject to paragraphs 2, 3, 4 and 6, and Article 707**, any worker certified for an occupation by a regulatory authority of a Party **shall, upon application, be certified** for that occupation by each other Party that regulates that occupation without any requirement for any material additional training, experience, examinations, or assessments as part of that certification procedure.

[bolding added]

[41] Paragraphs 3 and 4 of Article 705 state the authority of the receiving jurisdiction, *i.e.* Nova Scotia’s College in Ms. Hogg’s case, may impose various requirements, provided: “the requirements ... are the same as, or substantially

similar to, but no more onerous than those imposed by the regulatory authority on its own workers”, and “the requirement does not create a disguised restriction on labour mobility” [Articles 705.3(h) and (i)].

[42] The permitted requirement that pertains to Ms. Hogg’s circumstances, given the Registration Committee’s finding in its Decision of May 16, 2022, is Article 705.3(e):

3. **A regulatory authority of a Party may, as a condition of certification** for any worker referred to **in paragraphs 1 or 2, impose requirements** on that worker (other than requirements for material additional training, experience, examinations or assessments), **including requirements to:**

...

(e) provide evidence of **good character;**

[bolding added]

Ms. Hogg Seeks Registration under Patient Access to Care Act

[43] On January 24, 2023, Ms. Hogg was registered and licensed as a paramedic in New Brunswick. She has never practiced paramedicine in New Brunswick. Her New Brunswick registration was a bridge to her goal of registration in Nova Scotia.

[44] On December 15, 2023, Ms. Hogg inquired with Ms. Nicole Webb, the College’s Administrative Coordinator, about registration and licensure based on Ms. Hogg’s status as a paramedic in New Brunswick. On December 15, Ms. Webb emailed Ms. Hogg. Her email included:

Thank you for the call earlier today at 9:40 AM. As discussed I have our IT people working on removing your previous account so you can submit a new initial registrant application. I will update you as soon as I receive confirmation the IT work is completed.

You mentioned you were looking to submit an initial registrant application From Another Canadian Jurisdiction. You explained you were licensed with PANB, but not presently working there.

I suggested you reach out to Irene at PANB to request a verification of registration as they mail them to the other regulators. If you are licensed in any other jurisdictions inside or countries outside of Canada you will also need to request a verification of registration. If you were licensed with any other regulated health professions please ensure to indicate this on your application.

We discussed the application checklist, and the registration and licensure criteria and I confirmed although the application fee is waived the criteria remains.

As promised here is the link for the From Another Canadian Jurisdiction check list and application link.

Here is the link for the Registration & Licensure Policies, we discussed the potential for 16.0 Competency Assessment for Applicants: 1) without practice experience; and 2) without completion of a Council approved entry-to-practice examination since you may not have enough competency or may need an assessment. Again the College would need a completed application before any advice can be given, or decisions rendered I just wanted to ensure you had the appropriate information available.

- Here is the link to the competency logbook so you can review.

I will reach out once I have confirmation from IT you can submit an application.

[Ms. Webb's underlining]

[45] Later, on December 15, 2023, Ms. Webb emailed Ms. Hogg:

IT confirmed you should be able to submit an application. Here is the link for the From Another Canadian Jurisdiction check list and application link.

[Ms. Webb's underlining]

[46] On January 2, 2024, Ms. Hogg applied *ex parte* to the Supreme Court of Nova Scotia, with a hearing date of January 5, 2024, for an immediate issuance by the College of paramedic registration and licensure based on the *Patient Access to Care Act*. Justice Arnold declined to hear the matter *ex parte* and scheduled an *inter partes* hearing for January 25, 2024.

[47] On January 8, 2024, Ms. Hogg filed an *inter partes* Notice of Motion in the Supreme Court against the College's Registration Committee. The Notice sought "an order for immediate issuance of Paramedic registration and licensure and a declaration that the Applicant's Registration and Licensure Application is under the purview of the *Patient Access to Care Act*, an Act to Reduce Administrative Barriers to the Provision of Health Care". The requested order resembled *mandamus*.

[48] On February 22, 2024, Justice Denise Boudreau heard Ms. Hogg's application. The judge dismissed Ms. Hogg's application with \$400 costs to the College. Justice Boudreau's signed but unreported reasons [Hfx Docket No. 529637] included:

[20] Ms. Hogg certainly feels that she has met the requirements, and that the College should grant her registration and licence as it appears has been done in New Brunswick. I note that the College has not received a formal application from her on the basis that she is an applicant with registration in New Brunswick. Once she does so, and assuming she does apply in the appropriate fashion, decisions, I presume can and will be made. It is within the jurisdiction of the College to make those decisions at this stage.

[21] In relation to the *Patient Access to Care Act*, I have heard some argument with respect to that *Act* this morning and it is contained in the materials before me. Ms. Hogg is of the view that it says certain things and requires certain things. The College is of a contrary view. The College is of the view that the *Act* does not say what Ms. Hogg says it does, or it does not permit what she says it does.

[22] There are some interesting arguments that have been made by both sides with respect to that issue, but **the bottom line is, in my view, that the process requires this issue be first determined at the College level. Once there is a decision at the College level, if Ms. Hogg wishes to bring an appeal or judicial review, then the matter will unfold in the normal course.**

[23] I am unconvinced that this is the type of case that is in any way appropriate for a *mandamus* order. This is the case of a regulator of a profession who has yet to make a decision about an applicant's application to practice that particular profession. Ms. Hogg's application really, in bottom line terms, is asking this Court to circumvent this entire process. To put it in as plain terms as I can, **she is asking me to allow her to skip the process and to either grant the licence of my own power, or to order the College to grant the licence.**

[24] **In my view, I have no such power and it would be entirely inappropriate for me to even consider this.** There is no precedent in any caselaw that I know of for this type of power to be in my hands. In fact, the caselaw that exists right now goes against such a conclusion. It makes perfect sense to me, in any event, courts are not equipped to make such decisions in first instance. **The regulatory body has been mandated by this province to make those decisions. They have the expertise to do so, and they are the ones who will do so.**

[25] I note the case of *Vaziri v. Canada (Minister of Citizenship and Immigration)*, 2006 FC 1159, that has been raised in relation to the issue of *mandamus* and whether the Court could impose any order on the College. **In my view, the only duty that could be said to exist for the College at this point is this: if an application is made (by anyone), they are to review it and make a decision.** That is their duty. In this case, the application has not been made yet by Ms. Hogg and so there is no need for me to go further with that particular line of thought. I have no reason to believe the College will not process Ms. Hogg's application and make a decision in due course.

[26] I do sympathize with Ms. Hogg. I know based on her submissions this morning and in her written materials, she certainly feels that this process is taking a long time. She feels the College is unfair to her. She feels that a new application is not necessary. She feels that some of the hoops that she is being asked to jump through are not necessary and are inappropriate. However, quite apart from her feelings on this, **there is a process. It must be followed.**

[bolding added]

[49] On March 27, 2024, Ms. Hogg filed with the Nova Scotia Court of Appeal a Notice of Appeal from Justice Boudreau’s ruling [CA 532009]. However, Ms. Hogg failed to comply with the Court of Appeal’s filing deadlines. Consequently, on August 23, 2024, Justice Farrar, in Chambers, dismissed her appeal.

[50] On April 12, 2024, Ms. Hogg sent what the College’s Registrar, Mr. Kowalczyk, interpreted as the initial step of a new online application to the College for registration and licensure. Mr. Kowalczyk’s affidavit of October 4, 2024, says:

New Application

63. On April 12, 2024, Ms. Hogg initiated a new online application for registration and licensure as a paramedic with the College. As of today’s date, Ms. Hogg has not completed or submitted this application.

[51] However, Ms. Hogg denies she initiated a second application. Her email of July 10, 2024, to Mr. Kowalczyk says:

10. Furthermore, to ensure there is no misunderstanding, my investigation into CPNS and its claims should not be conflated with an attempt to submit a second application for registration and licensure. In no way have I sought or intended to submit a second application for registration and licensure when CPNS is in receipt of a valid and active completed application for registration and licensure from me.

Ms. Hogg’s factum to this Court, page 17, reiterates this point, as did her submission at this Court’s hearing. Ms. Hogg’s emphatic position is that her 2021 application is the only application she need file with the College.

[52] The Registrar disagreed. In 2021, Ms. Hogg had filed a complete application as a new-to-practice applicant. In 2024, she filed proof of her registration in New Brunswick. However, the Registrar maintained she has not filed a “complete application” for inter-provincial licensure and registration. The exchange on this matter is as follows.

[53] On July 4, 2024, Ms. Hogg sent an email to the College's Registrar. Her email cited the *Patient Access to Care Act* and Article Seven of the *Canadian Free Trade Agreement*. Her email says:

5. CPNS is in receipt of my completed application. My application for registration and licensure was deemed complete by CPNS on December 21, 2021, and remains active and valid as evidenced by the ongoing internal appeal process and a recent submission to the Nova Scotia Court of Appeal from CPNS on August 17, 2023, wherein CPNS acknowledges that my application remains active and valid at paragraph 58 when it stated:

“Rather, Ms. Hogg is an applicant for registration and licensure.”

Her email concludes:

In summary, my application is active, valid, and before you, you are an authority pursuant to PACA, PACA supersedes the Paramedic Act, I have met all requirements based on both the PACA and the CFTA, and nothing remains for me to do, say, or furnish you with that could possibly further justify my entitlement to Paramedic registration and licensure.

Denying me at this point is unlawful and if my registration and licensure is not approved within five business days in accordance with PACA, I will be forced to seek Judicial Review.

If I am good enough to be a Paramedic in New Brunswick, I am most certainly good enough to be a Paramedic in Nova Scotia.

[54] On July 10, 2024, the Registrar replied with an email to Ms. Hogg. The email included:

If you wish to apply for registration and licensure based on your status as a paramedic in New Brunswick, please refer to Nicole Webb's emails of December 15, 2023.

For clarity, we must receive an application from you to process your request. Information regarding the process for applying from another Canadian jurisdiction is available here:

<https://www.cpns.ca/licensing/cfta>.

The application that you started on April 12, 2024, but did not complete or submit is below:

<https://public.flowforma.com/?>

Token=tb1SnWineiUHCX8Bv2Wq9vaVezDWFzM5Ui2By6PhEccjfP6zmM%20
&ID=bbc4f22f-2f16-4168-99a8-6e40fab1b2de

The Registrar's email then quoted paras. 20, 25 and 26 of Justice Boudreau's Decision (above, para. 48) and concluded:

We will process your application once it is complete and all required information is received. Please let me know if you have any questions regarding the application process.

[55] On July 10, 2024, Ms. Hogg sent to the Registrar another email that reiterated her email of July 4, 2024.

[56] The Registrar replied with an email of July 11, 2024:

Please note that I have not made any decision regarding your application for registration and licensure based on your status as a paramedic in New Brunswick because you have not submitted any such application. Your initial application is before the Registration Appeal Committee.

If you submit a new application for registration and licensure based on your status as a paramedic in New Brunswick, the regulator will process it accordingly.

In consideration of Justice Boudreau's decision and the fact that you have not submitted an application based on your status as a paramedic in New Brunswick, the Regulator believes any application for judicial review would be premature. For full transparency, if the Regulator is again successful on any judicial review application you bring, it will request for the court to award costs.

The Decision Under Appeal

[57] On July 19, 2024, Ms. Hogg filed a Notice of Application for Judicial Review with the Supreme Court of Nova Scotia. The Notice named the Registrar of the College as the Respondent and requested both a declaration that the Registrar had misinterpreted the *Patient Access to Care Act* and an order that the Registrar "cease and desist from requiring the Applicant to submit a second application for licensure and registration under section 5(1) of the Patient Access to Care Act".

[58] On October 4, 2024, the Registrar filed with the Supreme Court motions to dismiss Ms. Hogg's Notice of Application for Judicial Review and to have Ms. Hogg declared a vexatious litigant.

[59] Justice Ann Smith heard the Registrar's motions on September 22, 2024, and issued an oral Decision on October 31, 2024. The motions judge allowed the Registrar's motions, dismissed Ms. Hogg's Notice of Application for Judicial

Review and declared Ms. Hogg to be a vexatious litigant, with costs [later quantified at \$3,000: 2025 NSSC 66]. As Justice Smith's Decision is unreported, we will quote her transcribed reasons.

[60] As to whether the Registrar erred in his interpretation of the *Patient Access to Care Act* and wrongly denied Ms. Hogg registration and licensing as an interprovincial registrant from New Brunswick, Justice Smith said:

... She has an application that was made in 2021 that was denied, that, her appeal is before the Registration Appeal Committee. That appeal has not been scheduled or heard. It's clear there are two different pathways for registration. There is a pathway for her to apply as a paramedic in New Brunswick, although she has started that application process in April of 2024, it's not been completed.

I note here that **PACA** [*Patient Access to Care Act*] is not retroactive, it was passed and given Royal assent in 2023, it does not apply retroactively to an application that she made in 2021. She has not completed, Ms. Hogg, her application for registration based on her status in New Brunswick. When she completes that application, I-I'm confident, if she chooses to do so, that the Registrar will make a decision. That process has yet to unfold as an internal process before the, within the College, before she can access any rights she may have to this court. If she chooses, if she is denied registration, and we don't know, maybe she will be granted registration, if she's denied registration than [*sic then*] she can appeal that to the Registration Appeal Committee. She can make whatever argument she wants to make concerning **PACA**, and the Free Trade Agreement and regulations made thereunder but none of that has unfolded. The, as I said, the College has also said that this was a duplicative process, and I find that it was. The matter before Justice Boudreau was, was, the, as I've already described it, was that Ms. Hogg sought an order for immediate issuance of a paramedic license and it was based on **PACA** and, and really those are the same arguments that, that she raises, has raised before this court on judicial review. It's clear to the court that the evidentiary basis for the relief sought by Ms. Hogg in this judicial review is essentially the same as it was before Justice Boudreau.

So, I find, as I've said, that the College has not received a completed application for Ms. Hogg, for registration in Nova Scotia as a paramedic. The, the, the Act and the Reg-, and the Regulations do give the College statutory authority to set what the regulations, sorry, what the process and requirements for registration are, so there's a statutory basis for that. So the Registrar has not interpreted, let alone misinterpreted, **PACA** because there's never been a completed registration or application for registration in New Brunswick submitted to him.

...

... Now I understand Ms. Hogg says that she's never been employed in New Brunswick as a paramedic but there's still a process to go through, there's still a resume to prepare and presumably if there's not experience, the resume can, can state that, but the point is that Ms. Hogg has not completed her application for licensure and registration for a paramedic coming from another province. Once she does so, it is clear to this court as I've said, that the Registrar will consider her application. It's not for this court to wade into that process and there's a process that Ms. Hogg must exhaust. So, the third point that counsel for the Registrar raised is that the judicial review is premature, and this court agrees. The, it's a fundamental principle of administrative law that someone must exhaust internal remedies before they come to the court seeking judicial review.

So, her, Ms. Hogg's motion to the extend [*sic* extent] it relies on a, on her wish to apply for licensure and resignation, registration given her status as a licensed and registered paramedic in New Brunswick is simply premature. The court cannot insert itself into that process at this juncture, so Ms. Hogg is free, if she wishes, to provide a completed application, if the Registrar hasn't received that, he hasn't, as I said, misinterpreted **PACA** because he hasn't, doesn't have a complete application in his hands, nor has he misinterpreted the Can-Canada-Canadian Free Trade Agreement, again he doesn't have an application before him. I say this despite the key part of this decision is that there is no decision for him to, that he has made in this matter, that is a reviewable decision.

So, the motion of the Registrar is allowed, the judicial review which was scheduled to be heard by this court in December is dismissed. ...

[61] As to whether Ms. Hogg was a vexatious litigant, Justice Smith said:

The second motion that was, that is before the court is the motion to have Ms. Hogg declared a vexatious lit-litigant and to thereby prevent her from initiating further proceedings in this court of a certain, of a certain nature with respect to her licensure as a paramedic.

...

... [I]t's clear from the caselaw that the vexatious litigant's orders should be reserved for clear cases and should be used only to prevent ongoing abuse. So there has to be a pattern, and this w-has been decid-decided in a number of cases before this court, I won't read them all, but **Tupper and Nova Scotia Attorney General**, Chief Justice MacDonald as he then was, that's 2015 decision of the Nova Scotia Court of Appeal. There's also an oft quoted decision of an Ontario court in **Lang Michener and Fabian**, 1987 decision. There's also a recent decision of the Nova Scotia Court of Appeal from 2024, this year, where Justice Farrar cited a number of principles regarding vexatious litigants and when they are rightfully ordered. He identified certain criteria, additional criteria. He says, those include, they are not limited to, seeking a remedy the court does not have the power to grant, seeking a remedy that the litigant does not have the status to

pursue, raising grounds that could have been raised in a previous proceeding, bringing proceedings to delay another proceeding, and so on, oh and one of those is filing proceedings with extreme and unsubstantiated allegations.

In this case I've gone through the proceedings that Ms. Hogg has advanced. They've all been unsuccessful. I do exempt out of that her current appeal of Justice Keith's decision, which hasn't been heard yet, I'm not even sure where that stands in terms of the appeal, the Court of Appeal, but I am aware a Notice of Appeal has been filed. And of course, she has her proceeding before the Registration Appeal Committee that just has been adjourned and never heard yet or scheduled to be heard. The, I am concerned that certain of the pleadings and submissions to the court contain certain extreme and unsubstantiated allegations against the respondents and defendants. In her brief of August 28, 2023, responding to the College's motion to dismiss the appeal of the pre-hearing decision, Ms. Hogg stated that the College was intentionally distorting the matter before the court. She says:

The purported absence of bad faith as alleged by the College of Paramedics of Nova Scotia is demonstratively unfounded, in fact it becomes evident from the aforementioned context that the College of Paramedics of Nova Scotia is intentionally distorting the matter before the honourable court.

In a letter to Justice Keith dated August 23, 2024, Ms. Hogg states:

Throughout this entire appeal process CPNS and its legal counsel have made concerted efforts to undermine the truth, justice, my rights and the integrity of the paramedic profession for their self preservation. Even now to conceal their actions CPNS and its legal counsel are attempting [*sic*] deprive me of my constitutionally protected rights to judicial review through further deceptive tactics and outright falsehoods.

This court finds that through the various proceedings that Ms. Hogg has initiated in this court, she has conducted herself in a vexatious manner to attempt to reframe and relitigate the denial of her licensure as a paramedic, as I say, as I've said many times, that application in 2021 is not complete, it sits before the Registration Appeal Committee for determination. However, that committee may be reconstituted with new members. And in terms of the, her application for registration and application as a paramedic from another jurisdiction, no application has been completed.

So, I'm declaring Ms. Hogg, that you have, that you are a vexatious in the sense, in the following limited sense, in-in-in the sense that I am denying you the right to file the following proceedings without leave of the court, so it's not an outright denial. It's a denial without a court having a chance to look at what it is you're proposing by way of proceedings, and these proceedings include a motion in chambers, an application in chambers, an application in court, judicial review or an originating action and Statement of Claim without leave of this court, and a

Case Management Court, I will be the judge that reviews those. So, if you have, Ms. Hogg, some type of proceeding that falls outside this order, then I may allow it, I will allow it to go ahead. If it doesn't, then I may say it cannot given my authority to do so. For clarity, your civil, Ms. Hogg's civil action continues, that litigation will proceed, but its pretty much stayed at this point because no defences have been filed, but any other proceedings however framed as I've discussed and outlined must come before this court if you initiate them for review before they will be allowed to continue. ...

[62] Justice Smith's Order of November 26, 2024, dismissed Ms. Hogg's Notice for Judicial Review of July 19, 2024, declared Ms. Hogg a vexatious litigant and said:

5. Sybil Hogg is prohibited from initiating any further proceedings in the Supreme Court of Nova Scotia that deal with or are connected to any application to the College of Paramedics of Nova Scotia or the Nova Scotia Regulator of Paramedicine for registration or licensing without leave of the Court, including motions in chambers, applications in chambers, applications in court, judicial reviews, actions, or any other originating proceedings, until or unless she exhausts all internal administrative processes and proceedings with the College of Paramedics of Nova Scotia or the Nova Scotia Regulator of Paramedicine;

Issues on Appeal

[63] On December 6, 2024, Ms. Hogg appealed to the Court of Appeal from Justice Smith's rulings. We heard the appeal on November 13, 2025.

[64] There are two issues.

[65] First is whether the motions judge erred by dismissing Ms. Hogg's Notice of Application for Judicial Review dated July 19, 2024. The issue encompasses the parties' ancillary submissions. Ms. Hogg's submitted:

- the judge misinterpreted the *Patient Access to Care Act* and Chapter Seven of the *Canadian Free Trade Agreement*,
- the Court should direct the College to implement the guarantees of labour mobility in those instruments, and
- her 2021 application should suffice for registration and licensure.

The Registrar submitted:

- in the absence of a “completed application” by Ms. Hogg to the College for interprovincial registration, the Registrar had made no “decision” respecting Ms. Hogg’s status as a New Brunswick applicant, meaning Ms. Hogg’s application to the court was premature, and
- Ms. Hogg’s application to Justice Smith was an abuse of process as it duplicated her earlier application that Justice Boudreau had dismissed.

[66] Second is whether the judge erred by declaring Ms. Hogg to be a vexatious litigant.

Standard of Review

[67] The Registrar did not move for summary judgment. His Notice cited several *Civil Procedure Rules* that do not authorize an interlocutory dismissal. However, the Registrar cited Rule 88 – Abuse of Process, which includes:

Remedies for abuse

88.02(1) A judge who is satisfied that a process of the court is abused may provide a remedy that is likely to control the abuse, including any of the following:

- (a) an order for dismissal or judgment;

The Registrar says Ms. Hogg’s attempt to re-litigate the matter determined by Justice Boudreau was an abuse of process. The motions judge’s decision on that issue, including the ancillary points we have mentioned, is reviewable under this Court’s normal appellate standard.

[68] Similarly, the motions judge’s ruling that Ms. Hogg was a vexatious litigant is reviewable under the normal standard.

[69] The normal standard is:

- An issue of law, including one extracted from issues of mixed fact and law, is reviewed for correctness.
- An issue of fact or mixed fact and law with no extractable legal issue is reviewed for palpable and overriding error, meaning a clear error that affected the outcome.

- The exercise of discretion is reviewed for whether it causes a patent injustice. The law presumes a judge will not use discretion to cause an avoidable patent injustice. Consequently, the “patent injustice” standard is a subset of legal error.

For example: *Bay Ferries Limited v. Houston*, 2019 NSCA 84, para. 26, among other authorities of this Court.

First Issue: Ms. Hogg’s Application for Judicial Review

[70] Ms. Hogg’s submission is:

- She filed an “application” which the College acknowledges was “completed” on December 21, 2021. At the time, she was new to practice. She says that is the only application she needs to file. She rejects the proposition that she must file a second application at this point merely because she has since been registered in New Brunswick. She says, once the Nova Scotia College has evidence of her New Brunswick registration, which the record shows the College has received, the College should register and license her forthwith.
- Her application was made under the former *Paramedics Act*, which was replaced by the *Regulated Health Professions Act*, enacted in 2023 and in force June 3, 2024. However, the replacement of statutes does not mean she must file a new application. Rather, the processing of her 2021 application would be governed by the transitional provisions, *i.e.* ss. 168-70, of the *Regulated Health Professions Act*.
- The *Patient Access to Care Act*, which received Royal Assent on April 12, 2023, s. 5(1) says, after the College “receives an application”, the authority “shall waive any requirement for registration, licensing ... in accordance with ... the *Canadian Free Trade Agreement Implementation Act*”.
- The *Canadian Free Trade Agreement Implementation Act*, s. 11 obligates the College to comply with Chapter Seven [“Labour Mobility”] of the *Canadian Free Trade Agreement* of 2017.
- The *Canadian Free Trade Agreement*, Chapter Seven, Article 705, says “Subject to paragraphs 2, 3, 4, and 6, and Article 707, any worker

certified for an occupation by a regulatory authority of a Party shall, upon application, be certified for that occupation by each other Party ...”

- Returning to the *Patient Access to Care Act*, s. 5(3) says, “where an applicant is eligible for a waiver under subsection (1) or (2), the authority shall issue a license ... within five business days following receipt by the authority of a completed application”.
- These provisions, according to Ms. Hogg, obligate Nova Scotia’s College to register and license her within five business days after receipt of notice that she was registered by New Brunswick’s College. She says there need be no further hearing or assessment of criteria by the Registrar or any Registration Committee, Appeal Committee or Review Committee.

[71] To Ms. Hogg, the reasoning is ineluctable. She cannot grasp why the regulator and courts have failed to embrace it.

[72] However, in our view, her submission is flawed in two respects.

[73] **First:** Ms. Hogg’s 2021 application does not trigger Chapter Seven of the *Canadian Free Trade Agreement*. She must file a new application as an inter-provincial registrant. We say this for the following reasons:

- Ms. Hogg’s 2021 “application” merged into the resulting “decision”: *i.e.* the Registration Committee’s eleven-page ruling of May 16, 2022, that dismissed her application [above, paras. 13-14]. Her 2021 application is spent. The active ingredient is the decision. The issue is not how the legislation addresses her 2021 application, but how it addresses the decision.
- Regulations 41-53 under the former *Paramedics Act* said an appeal from the Registration Committee’s decision “must be conducted by the Registration Appeal Committee” [above, para. 9].
- The Registration Appeal Committee has yet to conduct the appeal hearing. That is because: (1) Ms. Hogg disputes the Appeal Committee’s procedural ruling of May 25, 2023, despite the dismissal of her attempted appeal and judicial review by judges of the Court of Appeal and Supreme Court [above, paras. 17-22], (2) at Ms. Hogg’s request, the Registration Appeal Committee adjourned the hearing [above, para. 20], and (3) Ms. Hogg sued the panelists of the Registration Appeal Committee, after which

the panelists felt compelled to resile because of an apparent conflict of interest [above, paras. 23-25].

- The *Regulated Health Professions Act*, s. 169(5) says a “decision” under the *Paramedics Act* “remains in effect under this Act under the same terms and conditions”. Sections 50, 52-59 of the *Regulated Health Professions Act* say a “decision” of a registration and licensing committee is to be reviewed by a “licensing review committee”, instead of the former Registration Appeal Committee under the *Paramedics Act*, and the licensing review committee’s determination is “final”. [above, para. 26].
- The *Patient Access to Care Act*, s. 5(1), sets out the process when the authority “receives an application from a practitioner licensed in another province of Canada”. Section 5(1) governs an “application” from someone who was licensed in another province *at the time of the application in Nova Scotia*. Nothing in the *Act* overturns a “decision” made before the enactment of the *Patient Access to Care Act*, respecting someone who was not a licensee in another province when either the decision was made or the application leading to that decision was filed [above, paras. 28-33].
- Similarly, the *Canadian Free Trade Agreement Implementation Act* and Chapter Seven of the *Canadian Free Trade Agreement* apply to an application by a person who is registered in another province, e.g. New Brunswick, at the time of her application to Nova Scotia’s College. Nothing in those instruments overturns a past “decision” in Nova Scotia respecting the registration or licensing of someone who was unregistered in New Brunswick at the time of either the decision or her application leading to that decision.

[74] Ms. Hogg’s new application must be “complete”, and it is not:

- All the statutes in the legislative narrative require a complete application: (1) Regulation 16(1) under the *Paramedics Act*; (2) sections 34 and 35(1) of the *Regulated Health Professions Act* and regulations 10(1)(a) and 11(1)(a) under the *Regulated Health Professions Act*; ss. 5(1) and 5(3) of the *Patient Access to Care Act* and Regulation 3(1) of the *Patient Access to Care Definitions Regulations* under the *Patient Access to Care Act*; Article 705.1 I Chapter Seven of the *Canadian Free Trade Agreement*. [above, paras. 9, 26, 27, 30, 31, 40].

- On December 15, 2024, the College’s Administrative Coordinator emailed Ms. Hogg with a link to the College’s checklist for an application from another Canadian jurisdiction. On July 10, 2024, the College’s Registrar emailed her the link with the information and process needed to apply from another Canadian jurisdiction. [above, paras. 44-45, 54].
- The record shows Ms. Hogg filed with the Nova Scotia’s College proof of her New Brunswick registration. The Nova Scotia College’s list of requirements for inter-provincial registration and licensing is not in evidence. Neither is it clear that we have the full particulars of Ms. Hogg’s filings in that respect. However, the affidavit of October 4, 2024, by the College’s Registrar, Mr. Kowalczyk, says:

63. ... As of today’s date, Ms. Hogg has not completed or submitted this application.
- Ms. Hogg does not suggest she has filed a new application. Her email of July 10, 2024, to the Registrar says: “In no way have I sought or intended to submit a second application for registration and licensure ...” [above, para. 51].
- Justice Smith found Ms. Hogg had not filed a “completed application” as a New Brunswick registrant [above, para. 60]. The finding is supported by Mr. Kowalczyk’s affidavit and reflects no palpable and overriding error.

[75] Ms. Hogg’s new completed application will not escape the “character” criterion that the Registrar and Registration Committee applied to dismiss her 2021 application under the *Paramedics Act*. All the instruments in the legislative narrative and Chapter Seven of the *Canadian Free Trade Agreement* allow the College to assess “character”. See:

- Regulations 16(2)(a) and 17(2) of the *Paramedics Regulations* under the former *Paramedics Act* [above, para. 9];
- Sections 34 and 35(1) of the *Regulated Health Professions Act* with Regulations 10(1)(b)(vii) and 11(1)(b)(i) of the *Paramedicine Regulations* under that *Act* [above, paras. 26 and 27];
- Article 705.3(e) of the *Canadian Free Trade Agreement* which is adopted by the *Canadian Free Trade Agreement Implementation Act*, s. 11 and by s. 5(1) of the *Patient Access to Care Act* [above, paras. 30, 36-37, 40-42].

[76] **Second:** Ms. Hogg’s Notice of Application for Judicial Review of July 19, 2024, is barred by issue estoppel.

[77] Ms. Hogg’s application to Justice Boudreau essentially was an application for an order in the nature of *mandamus* to compel the College to register and license her forthwith.

[78] Ms. Hogg’s application to Justice Smith was substantially the same. At the hearing in the Court of Appeal, Ms. Hogg’s agent said “the heart” of Ms. Hogg’s submission was that the *Patient Access to Care Act* together with Chapter Seven of the *Canadian Free Trade Act* entitled Ms. Hogg to immediate registration and licensing without any further assessment of criteria by the College, its Registrar and committees.

[79] Ms. Hogg’s Reply brief of October 18, 2024, to Justice Smith contained a passage titled “The Honourable Justice Boudreau’s Decision Can be Set Aside”. This was after the Court of Appeal had dismissed her appeal from Justice Boudreau’s decision for missing the filing deadlines [above, para. 49]. Ms. Hogg assumed a justice of the Supreme Court could overturn another Supreme Court justice’s decision, from which an appeal had been dismissed.

[80] Justice Smith correctly held:

... the College has also said that this was a duplicative process, and I find that it was. The matter before Justice Boudreau was, was, the, as I’ve already described it, was that Ms. Hogg sought an order for immediate issuance of a paramedic license and it was based on **PACA** and, and really those are the same arguments that, that she raises, has raised before this court on judicial review. It’s clear to the court that the evidentiary basis for the relief sought by Ms. Hogg in this judicial review is essentially the same as it was before Justice Boudreau.

[81] Justice Boudreau’s decision generated an issue estoppel.

[82] Ms. Hogg’s Notice of Application for Judicial Review filed in July 2024, attempted to relitigate the matter determined by Justice Boudreau in February 2024. Such attempted re-litigation is an abuse of process: *Toronto (City) v. C.U.P.E., Local 79*, [2003] 3 S.C.R. 77, 2003 SCC 63, para. 37; *BCE Inc. v. Gillis*, 2015 NSCA 32, paras. 62 and 84; *Tupper v. Nova Scotia (Attorney General)*, 2015 NSCA 92, para. 17. Ms. Hogg’s Notice of Application for Judicial Review dated July 19, 2024, should be dismissed further to *Civil Procedure Rule 88.02(1)(a)*. The motions judge’s disposition was correct.

[83] **Summary:** We dismiss this ground of appeal.

Second Issue: Designation as a Vexatious Litigant

[84] The *Judicature Act*, R.S.N.S. 1989, c. 240 says:

45B(1) Where a court is satisfied that a person has habitually, persistently and without reasonable grounds, started a vexatious proceeding or conducted a proceeding in a vexatious manner in the court, the court may make an order restraining the person from:

(a) starting a further proceeding on the person’s own behalf or on behalf of another person;

(b) continuing to conduct a proceeding,

without leave of the court.

[85] In *Tupper*, Chief Justice MacDonald delivered a unanimous ruling for a five-judge panel. The panel, assisted by an *amicus curiae*, was constituted to establish the guiding principles for the management of vexatious litigation by the courts in this province. *Tupper* is not just another in a line of cases that add to a list of criteria for “vexation”. It is the seminal authority for the approach to be taken in Nova Scotia’s courts.

[86] In *Tupper*, the Chief Justice adopted an insightful passage from the factum of the *amicus curiae*, John Merrick, Q.C., and set out the four principles that govern an application under s. 45B:

The Basic Principles

[38] When considering s. 45B motions, we should keep several fundamental principles in mind.

[39] **First and foremost, s. 45B restraining orders should be reserved for the clearest of cases and used only where necessary to prevent ongoing abuse.**

Here I agree with Mr. Merrick in his factum:

30. Access to the courts is critically important in our society. In particular it is essential that such access be assured for those who espouse minority causes, unpopular issues or dubious claims. The proceedings of our courts must be open not only to college presidents but also those who we might view as being stupid or ignorant.

31. It is submitted there is a distinction between a litigant bringing a vexatious proceeding and a vexatious litigant. A vexatious proceeding can normally be controlled by the existing procedural provisions

dealing with summary judgment. An example is the motion for summary judgment which was granted by Justice Scaravelli.

32. It is further submitted that there is a distinction between a vexatious litigant and a troublesome litigant who, because of the fervour of their belief in their cause, and/or lack of understanding of the Court processes, causes difficulty in a particular proceeding. It is often a fine line that separates those ... we consider troublesome but grudgingly permit access to the courts and those who we consider vexatious and deny access. When does a troublesome litigant become a vexatious litigant?

33. While some vexatious litigants are fully cognizant and aware of the significance of the actions they pursue, becoming “legal bullies”, others may, by reason of mental illness, lack of knowledge of the judicial process, or simply a zeal for what they truly perceive as the merits of their claim, do not see anything wrong with their actions. From their perspective there is nothing vexatious about their claim. Care has to be taken by the Court to ensure that underneath all the vexatious maneuvering there is no substance or merit to any aspect of the claims that is worthy of being considered by the Court.

...

[40] Therefore, not every zealous pursuit of a claim with questionable merit, is vexatious. Nor is every frivolous claim. As Mr. Merrick indicates, **there are avenues short of s. 45B motions to summarily deal with questionable claims.** Take, for example, the ability to dismiss a claim when the pleadings are unsustainable: [quoting *Civil Procedure Rules* 13.03 and 13.04 on summary judgments].

...

[42] Nor will an isolated example of abuse necessarily trigger s. 45B. For example ... claims can be struck (under Rule 88 quoted above) simply because they represent an abuse of process. ...

[43] Therefore, to engage s. 45B, there must be a pattern of abuse that demonstrates a blatant disregard or contempt for the process. By way of illustration only, The Law Reform Commission of Nova Scotia in its April 2006 Report on Vexatious Litigants highlighted these non-exhaustive features:

These summaries illustrate a number of common features involving vexatious litigants. Their claims are often manifestly without merit. They may ignore procedural setbacks, including awards of costs that are made against them. They may resort to multiple, unnecessary proceedings, often against the same person. They may sue anyone whom they perceive as an obstacle to their goals. Vexatious litigants also do not seem to care about

resources – on the part of themselves, other litigants or the public purse – depleted through their actions.

[44] **The second principle** is a corollary of the first. Courts should do everything reasonably possible to assist legitimate self-represented litigants navigate what for them can be a very intimidating process. ...

...

[48] From this emerges **a third related principle**: one that draws us back to the challenges with vexatious litigants. In our desire to help, Courts cannot accommodate to the point of tolerating abuse. As noted, in our adversarial system, abuse by one party directly prejudices the opposing party and erodes the public’s confidence in the system generally. So courts can simply not tolerate abuse by any party.

[49] Therefore, in the end, it all comes down to **this final principle**. Courts must strive to strike that appropriate balance between maximum accommodation for legitimate self-represented litigants and minimum prejudice to the opposing party and the system generally.

[bolding added]

[87] A court that considers an application under s. 45B should address *Tupper’s* first three principles before balancing under the “final” principle. Simply tabulating items on the “vexatious” list to a tipping point may overlook the “first and foremost” principle.

[88] Under the first principle, “s. 45B restraining orders should be ... used only where necessary to prevent ongoing abuse”. The principle recognizes the “distinction between a litigant bringing a vexatious proceeding and a vexatious litigant”, as the former often can be controlled by other procedures. Consequently, the court should consider whether the “vexatious proceeding” can be so constrained.

[89] We will turn to Ms. Hogg’s circumstances.

[90] Clearly, we have some criteria that characterize vexatious litigation: *e.g.* re-litigating Justice Boudreau’s ruling and suing the panelists of the Registration Appeal Committee, whose only activity was to make a procedural ruling from which Ms. Hogg’s appeal and application for judicial review were later dismissed. Standing alone, those factors would weigh materially in the balance under *Tupper’s* final principle, as the motions judge correctly determined.

[91] However, with respect, the motions judge erred in law by not squarely addressing *Tupper*'s first principle.

[92] We will do so.

[93] Ms. Hogg is not the classic vexatious litigant who uses the court's podium for indiscriminate harassment. She has an intrepid ambition to be a paramedic. Her only litigious activity has been to promote her objective to practice paramedicine in Nova Scotia. Toward that goal, she is hyper-focused.

[94] Ms. Hogg has studied a complex network of legislation and developed a theory [above, para. 70]. As we have explained, aspects of her theory are legally flawed. But that is standard fare, not evidence of vexation. Every case has an unsuccessful party, and we have courts to identify the strengths and flaws of legal theories.

[95] Ms. Hogg says she cannot afford a lawyer and developed her theory without the benefit of legal representation. This implicates *Tupper*'s second principle.

[96] In our view, Ms. Hogg's focus lends itself to the application of *Tupper*'s first principle. Existing procedures permit the control of Ms. Hogg's litigious excess without having to declare she is a vexatious litigant.

[97] The instruments of control start with a clear statement to Ms. Hogg of what she may and may not do toward achieving registration and licensing as a paramedic in Nova Scotia. Ms. Hogg has only two legal avenues:

- First, Ms. Hogg may reactivate her appeal from the Registration Committee's Decision of May 16, 2022. The process would involve the application of the transitional provisions, *i.e.* ss. 168-69 of the *Regulated Health Professions Act*. As this Court has heard no argument respecting the transitional provisions, we make no ruling on their interpretation and application to Ms. Hogg's appeal. Her appeal would proceed either to a re-constituted Registration Appeal Committee under the former *Paramedics Act* or to a registration and licensing review committee under the *Regulated Health Professions Act*. The Registration Appeal Committee's procedural ruling of May 23, 2023, would stand, despite Ms. Hogg's objection.
- Second, Ms. Hogg may file a "completed application" as a New Brunswick registrant. She has been given the links on the process [above, paras. 44-45, 54]. To be clear, as discussed above, her 2021 application as a

new to practice applicant is not a “completed application” as a New Brunswick registrant despite that her new filings may partially reproduce information she filed in 2021. Her newly filed completed application would be considered under the process in the *Regulated Health Professions Act* and its regulations. The application will be subject to the *Patient Access to Care Act*, the *Fair Registration Practices Act*, the *Canadian Free Trade Agreement Implementation Act* and Article Seven of the *Canadian Free Trade Agreement*.

[98] Ms. Hogg may follow both avenues insofar as they are not duplicative. The first option does not involve the *Patient Access to Care Act* and Chapter Seven of the *Canadian Free Trade Agreement* or her New Brunswick registration. The second does.

[99] However, as we have explained, neither avenue escapes the criterion of “character”. In whichever forum Ms. Hogg proceeds, she must address head-on the impact of her allegedly Islamophobic posts on the quality of care she would offer to Muslim patients. This Court’s reasons express no view on how the point should be determined by the appropriate hearing committee.

[100] Ms. Hogg does not have the legal option of starting a new proceeding in the Supreme Court of Nova Scotia to re-litigate the issues that have been determined by this Court or the rulings of Justices Boudreau or Smith.

[101] With these directions, Ms. Hogg’s ambition to be a registered and licensed paramedic should attain an expeditious outcome from the College as regulator. If Ms. Hogg disagrees with the outcome, then (and not before) she could apply for judicial review.

[102] The procedural instruments of control also include, as may be appropriate in the circumstances:

- a motion for summary judgment under *Civil Procedure Rule* 13;
- a motion for dismissal for abuse of process under *Rule* 88.02(1);
- an order for costs, including a lump sum award for causing unnecessary expense to the other party (e.g. see *Arbuckle v. Tanner*, 2025 NSCA 54, paras. 66-74);

- a motion for security for costs under *Rule 45*, as a pre-condition to attempted new litigation (e.g. if Ms. Hogg has not satisfied an earlier order for costs); and
- a re-scheduled application for a declaration that Ms. Hogg is a vexatious litigant under s. 45B(1) of the *Judicature Act*. In this respect, we do not dismiss the Registrar’s existing motion under s. 45B. Rather, we overturn the motions judge’s order that Ms. Hogg is a vexatious litigant and adjourn the Registrar’s motion without day.

Conclusion

[103] We allow Ms. Hogg’s appeal in part to overturn the provision in the Order that designates her as a vexatious litigant. We do not dismiss the Registrar’s motion under s. 45B(1) of the *Judicature Act*. Instead, we adjourn it without day.

[104] In all other respects we dismiss the appeal.

[105] We do not disturb the Supreme Court’s cost award. Ms. Hogg’s attempt to re-litigate was an abuse of process that supports a costs order. However, due to the mixed success in the Court of Appeal, the parties shall bear their own costs of the appeal.

Wood, C.J.N.S.

Fichaud, J.A.

Bryson, J.A.