

**CITATION:** Jackson v. College of Nurses, 2026 ONSC 697  
**DIVISIONAL COURT FILE NO.:** 590/25  
**DATE:** 20260205

**SUPERIOR COURT OF JUSTICE – ONTARIO  
DIVISIONAL COURT**

**RE:** VICTOR JACKSON, Appellant

**AND:**

COLLEGE OF NURSES OF ONTARIO, Respondent

**BEFORE:** Matheson, Schreck and Brownstone JJ.

**COUNSEL:** *Self-Represented Appellant*

*Denise Cooney and Shawna Leclair, for the Respondent*

**HEARD:** February 4, 2026

**ENDORSEMENT**

[1] The appellant Victor Jackson has appealed the discipline decision of the College of Nurses of Ontario (CNO) dated June 20, 2025. The decision arose from an agreed statement of fact, plea and joint submission on penalty, all of which were accepted. The appellant was represented by counsel.

[2] The appellant relies on his motion to admit fresh evidence, in which he attests that one of the members of the panel was asleep at some point in the hearing. This motion is contested by the CNO and, in the alternative, the CNO asks that the Court also admit an affidavit of an attendee of the hearing who attests that no tribunal member was asleep at any time.

[3] In his affidavit, the appellant also says that he raised the issue with his counsel on a break during the hearing and that his counsel “did not raise any concerns”. No objection was made during the hearing. In oral submissions, the appellant also clarified that he had intended to raise the issue at the end of the hearing but did not have the opportunity to do so.

[4] The appellant’s affidavit attaches some portions of emails with his counsel after the hearing that he relies on to submit that his counsel also observed that a panel member was asleep and called the end of the hearing abrupt. Those excerpts from emails are unclear and include hearsay. There is no affidavit from counsel. The transcript from the hearing shows that the panel invited submissions at each step, including asking counsel if they had any questions or needed anything clarified at the end of the hearing.

[5] The appellant has not met his burden to introduce his affidavit evidence on appeal under the well-established test to do so. The proposed evidence suggesting that his counsel agreed that a panel member was asleep during the hearing is contradictory and partly hearsay. Taking it as a whole and in view of the appeal record before this Court, the proposed fresh evidence is not sufficiently cogent and some of it is inadmissible.

[6] The motion to admit the affidavit is dismissed. There are no other grounds for this appeal, which is therefore also dismissed. Having regard for the appellant's submissions about the CNO's claim for costs, there shall be no order as to costs.

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Matheson J.

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Schreck J.

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Brownstone J.

**Date:** February 5, 2026