

ONTARIO COLLEGE OF TEACHERS

DISCIPLINE COMMITTEE

BETWEEN:

ONTARIO COLLEGE OF TEACHERS

- and -

**JOHN PELLEGRINI
CERTIFICATE #402374**

**RULING ON MOTION FOR SEPARATE HEARINGS OF THE COMPLAINTS
PERTAINING TO RIESO I. PELLEGRINI AND JOHN PELLEGRINI**

The Committee received and reviewed the following documents from the firm of Cavalluzzo, Hayes, Shilton, McIntyre and Cornish representing John Pellegrini:

- 1) Motion Record of the Moving Party/John Pellegrini
- 2) Factum and Book of Authority for the Moving Party
- 3) Supplementary Book of Authority for the Moving Party

The Committee received and reviewed the following documents from the firm of McCarthy Tétrault on behalf of the Ontario College of Teachers:

- 4) Responding Motion on Behalf of the College
- 5) The Book of Authorities on Behalf of the College
- 6) Two additional case-law documents
 - Regina vs Agawa and Mallet, Ontario Court of Appeal
 - R vs Harder, Saskatchewan Court of Appeal (unedited)
- 7) Letter from H. Schorr re R. Pellegrini

The Committee has considered all the materials that were presented, both in written submission and in verbal presentation and find in favour of the appellant.

The Committee agreed that since the Rules of Procedure of the Discipline Committee of the Ontario College of Teachers (made under section 25.1 of the SPPA) are silent on the issue of joint hearings, the Committee is bound by the rules of the SPPA, in particular section 9.1 (1) If two or more proceedings before a tribunal involve the same or similar questions of fact, law or policy, the tribunal may,

- a) combine the proceedings or any part of them, with the consent of the parties;
- b) hear the proceedings at the same time, with the consent of the parties;
- c) hear the proceedings one immediately after the other; or
- d) stay one or more of the proceedings until after the determination of another one of them.

Counsel for the Moving Party on the advice of his client, has requested that there be separate hearings. A letter received from H. Shore, representing R. Pellegrini, requested separate hearings.

In addition, the Committee noted the argument in the document, the Responding Motion Record on behalf of the College of Teachers, that it is an accepted principal of administrative law that a statutory tribunal “is master of its own procedures subject to the requirements of natural justice”.

Further, in the same document the point is made that it has been held in other contexts, that it is an accepted practice for administrative tribunals to initiate a single proceeding versus a group of persons who have acted together in an improper activity. Having reviewed the Notice of Hearing provided to John Pellegrini and Rieso Pellegrini setting out the allegations and providing particulars of those allegations, the Committee notes that not all of the 24 allegations apply to both respondents. In the interests of fairness and natural justice, the Committee orders that separate Hearings shall be held.

Donna Marie Kennedy, Chair

Larry Capstick

Solette N. Gelberg

Dated: July 19, 2000