



Colin Johnston

COLIN JOHNSTON
is a partner at Lenczner Slaght.

Colin's litigation practice focuses on healthcare litigation and administrative law. He has appeared as counsel before all levels of court in Ontario and in hearings before various administrative tribunals. Colin regularly represents professionals in civil and regulatory proceedings. He is a trusted advisor on issues in healthcare law, including medical assistance in dying, mental health law, hospital governance, medical malpractice, and professional regulation.

From 2009 to 2014, Colin was counsel to the College of Physicians and Surgeons of Ontario, where he appeared as lead counsel in numerous hearings before the College's Discipline and Fitness to Practise Committees. He previously practiced litigation at a large national law firm in Toronto, representing clients in complex commercial and regulatory disputes.

Education

University College London (2016)
LLM (Distinction)
Dalhousie University (2002) LLB
Dalhousie University (1999) MA
(Philosophy)
Trent University (1997) BA
(Philosophy) (Honours)

Bar Admissions

Ontario (2003)

Practice Areas

Professional Liability and Regulation
Public Law

Contact

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RECOGNITION

- ▶ Best Lawyers in Canada (2019-2024)
Health Care Law, Medical Negligence
- ▶ Canadian Legal Lexpert® Directory (2021-2024)
Medical Negligence, Professional Liability

SELECT CASES

- ▶ **Songbird Life Science Inc v Hyris Limited** – Counsel to Hyris Limited, resisting an application before the Superior Court of Justice seeking injunctive relief. The application related to Canadian distribution of Hyris's proprietary, COVID-19-specific diagnostic technology, which permitted users to conduct accurate COVID-19 testing "on site", without the need for a medical laboratory.
- ▶ **Edem v Kantor** – Counsel to the successful Respondent physician in a *Mental Health Act* appeal concerning findings of incapacity and the issuance of a Community Treatment Order.
- ▶ **Dhawan v Shails et al** – Successful appeal on behalf of two defendant shareholders from an order holding them liable for the debts of a company pursuant to a personal guarantee. Summary judgment was overturned on appeal. The Court dismissed the plaintiff's claim under the guarantee.
- ▶ **Bozzo v Giampaolo** – Counsel for the successful Respondent in an appeal concerning the dissolution of a real estate investment joint venture. Significant trial judgment upheld. (*Prior to joining Lenczner Slaght*)
- ▶ **Ontario (College of Physicians and Surgeons of Ontario) v Kitakufe** –

Lead CPSO prosecutor in a professional discipline case pertaining to OHIP fraud and drug trafficking. (*Prior to joining Lenczner Slaght*)

- **McCarthy Corporation PLC v KPMG LLP** – Represented the Defendant in a complex auditor liability case, including five successful motions striking out the Statement of Claim as failing to disclose a reasonable cause of action. (*Prior to joining Lenczner Slaght*)
- **Rudinkas v College of Physicians and Surgeons of Ontario** – Lead counsel for the Respondent regulator in a judicial review/appeal proceeding concerning the application of jurisdictional error and doctrine of prematurity in appeals under the *Regulated Health Professions Act*. (*Prior to joining Lenczner Slaght*)
- **Great Atlantic & Pacific Company of Canada v Topostar (Aurora) Inc** – Counsel for the successful landlord Respondent in a leasing dispute concerning the interpretation of expansion provisions in a commercial lease. (*Prior to joining Lenczner Slaght*)

SELECT PUBLICATIONS AND PRESENTATIONS

- **The Discipline Hearing** – Colin Johnston was invited to share his expertise at OsgoodePD's certificate program on Professional Regulation and Discipline in the Ontario Health Care Sector. Colin presented on *Module 4: The Discipline Hearing*.
- **21st Annual Current Issues in Employment Law** – Colin Johnston will present at the OBA's 21st Annual Current Issues in Employment Law, an essential program for staying up to date on the latest developments in employment law. Colin will share his expertise on the panel *Best Practices for Conducting Workplace Investigations*.
- **Prosecuting and Defending Professional Discipline Cases 2023** – Jaan Lilles and Colin Johnston will be sharing their expertise at OsgoodePD's annual program on professional discipline hearings. Jaan will discuss *Assessing Duties and Powers* while Colin presents on *Examinations, Interviews, Inquiries*.
- **Mental Health and the Regulation of Health Professionals** – Colin Johnston co-chaired an OBA Health Law program on how health regulators and employers manage mental health issues.
- **Medical Assistance in Dying: What's New & What's Coming** – Colin Johnston led a CBA Health Law Section program on how the law of MAiD has developed, what has changed with Bill C-7, and what's potentially coming next.
- **Legal Intricacies of Physician Investigations** – Colin Johnston co-chaired an OBA Health Law program on physician investigations, in particular, a physician's procedural rights at the investigatory stage, what physicians are entitled to, and what is required of them both in the workplace and with the College.
- **Professional Regulation and Discipline of Health Professionals – How the Landscape has Changed** – Colin Johnston shared his expertise at the OBA Health Law program *Professional Regulation and Discipline of Health Professionals – How the Landscape has Changed*.
- **Key Constitutional and Human Rights in Health Law & Practice** – Colin Johnston shared his expertise at the Ontario Bar Association's Institute on the program *Key Constitutional and Human Rights in Health Law & Practice*. Colin discussed the Charter and the current laws surrounding medical assistance in dying.
- **Ontario Medical Association Advisory Board Meeting** – Colin Johnston presented at the Ontario Medical Association's Advisory Board

Meeting. His panel discussed regulatory issues in the medical field.

- **Legal and Regulatory Issues in Disaster Psychiatry** – Colin Johnston spoke at the Inaugural Psychiatric Dimensions of Disasters Training Course hosted by the Ontario Medical Association. He spoke on the legal, ethical and regulatory issues in disaster psychology.
- **Emerging Risks in Health Law** – Colin Johnston was a faculty member at the 2018 Ontario Bar Association’s Institute. He has considerable experience in Professional Liability & Regulation and moderated the "Opioid Panel: Assessing Risks for Patients and Prescribing Physicians."
- **Law Practice Program Trial Advocacy Workshop** – Paul-Erik Veel and Colin Johnston acted as faculty advisors at the Law Practice Program Trial Advocacy Workshop on October 12, 2017.

BLOG POSTS

- **No Notice, No Dice: Divisional Court Reiterates Need for Proper Notice of Case Against** – A recent Divisional Court case involving the College of Physicians and Surgeons of Ontario reaffirms the importance of ensuring that findings of professional misconduct by the College’s Discipline Committee fairly arise from the allegations contained in the College’s Notice of Hearing.
- **Back from the future: Horri v CPSO affirms the need for consistency in professional discipline penalties** – In *Horri v The College of Physicians and Surgeons*, the Divisional Court reaffirms the importance of consistency and justification when a professional regulator sanctions one of its members. Penalties for misconduct should fall within the range established by previous case law, and regulators should exercise caution before departing from precedent on the basis of “changing social values.”
- **Rohringer v. RCDSO: revisiting the test for interim orders against health professionals** – Effective May 30, 2017, professional regulators under the *Regulated Health Professions Act* received a new power to temporarily restrict or suspend the licence of a health professional during the course of an investigation into allegations of misconduct or incompetence. Previously, regulators could impose such measures only after the conclusion of an investigation and commencement of a Discipline Committee proceeding. This raises the question, what is the appropriate threshold of risk that must be established in order to suspend or restrict the licence of a professional whose case is still under investigation? What evidence is required? What reasons must be given in order to justify such an order? These questions are considered in the recent decision of *Rohringer v Royal College of Dental Surgeons of Ontario* 2017 ONSC 6656.

SELECT NEWS ARTICLES

- **The 2024 Lexpert Directory Recognizes Lenczner Slaght’s Litigation Excellence** – Lenczner Slaght’s litigators continue to be recognized by their peers as the foremost practitioners in their fields.
- **Lenczner Slaght Litigators Recognized as Best Lawyers in Canada** – In the latest edition of *Best Lawyers in Canada*, 41 of our expert litigators are recognized for their expertise across 24 practice areas. The following lawyers have also been recognized as “Lawyer of the Year” for receiving the highest overall peer-feedback in their practice areas in Toronto.
- **Lenczner Slaght’s Litigation Excellence Recognized in 2023 Lexpert Directory** –

Following comprehensive peer review surveys and interviews with senior members in the legal profession, the *2023 Canadian Legal Lexpert Directory* has recognized 31 of the firm's expert litigators for their experience, knowledge, and precision, with 108 rankings spanning 17 practice areas.

- **Lenczner Slaght Congratulates New Partners Colin Johnston and Sarah Millar** – Canada's leading litigation firm is proud to welcome two of our exceptional lawyers, Colin Johnston and Sarah Millar, to the partnership. Both are committed to the same excellence in advocacy that has made us Canada's leading litigation firm.
- **Lenczner Slaght Litigators Recognized Among the Best Lawyers in Canada** – In the latest edition of *Best Lawyers in Canada*, 39 of our expert litigators are recognized by their peers for their expertise across 24 practice areas.
- **The 2022 Lexpert Directory Recognizes Lenczner Slaght's Litigation Excellence** – 31 of our expert litigators are recognized by their peers as the foremost practitioners across 18 fields.
- **Lenczner Slaght Litigators Ranked Among Best Lawyers in Canada** – In the latest edition of *Best Lawyers in Canada*, 37 of our expert litigators are recognized for their expertise across 25 practice areas.
- **The 2021 Lexpert Directory Recognizes 30 Lenczner Slaght Lawyers** – An increasing number of our expert litigators are recognized by their peers as the foremost practitioners in their fields.
- **Best Lawyers in Canada Recognizes Lenczner Slaght's Litigation Expertise** – Lenczner Slaght is proud to announce that 33 of our expert litigators are recognized in *Best Lawyers in Canada 2021*. Our lawyers received a total of 128 rankings, up from 100 in 2020.
- **Best Lawyers in Canada Recognizes Lenczner Slaght with 100 Rankings** – In the latest edition of *Best Lawyers in Canada*, 28 Lenczner Slaght lawyers earned a total of 100 rankings, up from 86 in 2019.
- **Lenczner Slaght Litigators Ranked in Best Lawyers in Canada** – Canada's leading litigation firm is proud to announce that 25 of the firm's 58 lawyers have been recognized in the *Best Lawyers in Canada 2019* publication across multiple categories.
- **Lenczner Slaght Raises over \$17,000 for Covenant House Toronto** – On February 7, 2018, our lawyers participated in the Covenant House Guts + Glory Obstacle Challenge and fundraised over \$17,000 which will go to providing health care, food, shelter, and clean clothes to at-risk, homeless and trafficked youth.

PROFESSIONAL ACTIVITIES

- Canadian Bar Association
- Ontario Bar Association
Member-At-Large of the Health Law Executive
- The Advocates' Society