

CITATION: Tucci v. Human Resources Professionals Association 2026 ONSC 2785
DIVISIONAL COURT FILE NO.: DC-25-00000044-00JR
DATE: 20260512

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

RE: DAVID TUCCI, Applicant

AND:

HUMAN RESOURCES PROFESSIONALS ASSOCIATION, Respondent

BEFORE: S. Shore J.

COUNSEL: David Tucci, on his own behalf

Anastasia-Maria Hountalas, for the Respondent

HEARD: In Writing

ENDORSEMENT

[1] On January 19, 2026, the following direction was sent to the parties:

Mr. Tucci is a teacher, who was found to have breached the rules of professional conduct. He was suspended for 10 days without pay. Mr. Lorez was the person assigned to investigate the allegations of professional misconduct.

Mr. Tucci filed a complaint against Mr. Lorez with the Human Resources Professional Association. On December 24, 2025, the Complaints Committee declined to refer the complaint to the Discipline Committee.

Mr. Tucci is seeking judicial review of the Complaint Committee’s decision not to refer the matter to the Discipline Committee. He alleges that there are issues of procedural unfairness. There is a very low threshold for the duty of care or procedural fairness owed to the complainant in this type of case. Mr. Tucci alleges that Mr. Lorez did not conduct a proper investigation. He is asking the Court to make an order sending the matter to the Discipline Committee. But this is not a remedy available to the Court in this case.

The Registrar is directed to serve Mr. Tucci with a form 21A. The Court is considering dismissing the application because:

- 1) The Court does not have jurisdiction to grant the relief requested; and
- 2) There is no merit to the case.

As set out in the for 21A notice, the applicant has 15 days to provide their submissions. The respondent is not required to serve submissions, but they are relying on a number of cases that may be submitted to the Court within the same 15 days. The cases were already provided to the applicant.

If the application is not dismissed, then a schedule will be arranged for the exchange of material and a hearing date will be set.

Accordingly, as directed, please find attached notice issued by the Registrar pursuant to Rule 2.1.

[2] Mr. Tucci provided submissions to the Court. On the issue of whether the Court has jurisdiction to grant the relief requested, the Applicant clarified that he is not asking the Court to order that the matter be referred to the Discipline Committee. The Court does not have jurisdiction to grant this relief. The Applicant clarified that that he now “seeks the ordinary judicial review remedy of setting aside the December 20, 2024 decision and remitting the complaint for reconsideration by the Complaints Committee, by a differently constituted panel, with directions as the Court considers appropriate”.

[3] The applicant did not amend the application to reflect the revised relief being requested. But even if I were to permit the amendment, I would still dismiss the application because the applicant does not have standing to seek judicial review of the decision.

The applicant has no standing to bring the application:

[4] In *Fuchigami v. Ontario College of Teachers*, 2024 ONSC 106 (Div. Ct.), this Court held as follows:

[14] The Applicant was the Complainant. Unless a statute expressly provides otherwise, a complainant in a professional discipline case has no standing to challenge the substantive reasonableness of a decision not to refer a complaint to a discipline hearing. The Applicant does have limited standing to challenge this kind of discipline decision on grounds of procedural fairness:

The Act makes it clear that the disciplinary process is a matter between the Association and the individual member whose conduct has been questioned. The Act is directed solely to the Association and its members; the rights, duties and responsibilities contained in the

Act relate only to them. Under the investigative process contained in Part 5, a complainant is not made a party either to the investigation or the disciplinary process itself. The only parties are the Association and the member whose conduct is under investigation. Council's decision to terminate the investigation of the Engineers could have no detrimental impact on either FOR or Opron. It did not affect their personal or economic rights or obligations. They have no more interest in the conduct of the Engineers than any other member of the public. There is no *lis inter partes* between FOR and Opron, on the one hand, and the Association or the Engineers, on the other. Judicial review is not available in these circumstances. (*Friends of the Old Man River Society v. Association of Professional Engineers, Geologists and Geophysicists of Alberta*, 2001 ABCA 107, para. 41; leave to appeal refused [2001] SCCA No 366).

[15] As found by the Nova Scotia Court of Appeal, this principle has been widely recognized in Canadian jurisdictions:

The issue of whether a complainant in a professional disciplinary matter has standing to apply for judicial review has been considered in a number of cases: *Friends of the Old Man River Society v. Association of Professional Engineers, Geologists and Geophysicists of Alberta*, 2001 ABCA 107, leave to appeal refused [2001] SCCA No 366; *Berg v. British Columbia (Police Complaint Commissioner)*, [2006] B.C.J. No. 1027 (BCCA), leave to appeal refused [2006] SCCA No 300; *M.H. v. College of Physicians and Surgeons of Alberta*, 2006 ABQB 395; *Pound v. Lunney*, 2007 BCSC 85; *Allen v. College of Dental Surgeons of British Columbia*, 2007 BCCA 75; *Metropolitan Centre Inc. v. Abugov Kaspar Architecture, Engineering, Interior Design*, 2007 ABQB 419; *Emerman v. Assn. of Professional Engineers and Geoscientists of British Columbia*, 2008 BCSC 1186; *Mitten v. College of Alberta Psychologists*, 2010 ABCA 159; *Robichaud v. College of Registered Nurses of Nova Scotia*, 2011 NSSC 379. These authorities appear to be in agreement that a non-party does not have standing to seek judicial review of the merits of a disciplinary body's decision. Where judicial review has been found to be available, it has been limited to issues relating to procedural fairness. (*Tupper v. Nova Scotia Barristers' Society*, 2013 NSSC 290, para. 31)

[5] The applicant submits that the Complaint Committee's decision is unreasonable because it "made a finding of fact that is otherwise unreasonable in light of all of the evidence": see para. 2 of the application.

[6] The applicant submits that his application raises the issue of procedural fairness, but the applicant fails to provide any specifics, other than a complaint about the adequacy and intelligibility of reasons.

[7] As set out in paragraph 14 of Fuchigami, “[u]nless a statute expressly provides otherwise, a complainant in a professional discipline case **has no standing to challenge the substantive reasonableness of a decision**” (emphasis added).

[8] I find that the application fails to raise any issues of procedural fairness.

[9] I find that the applicant lacks standing to bring the application for judicial review. Without standing to bring the application, the application must be dismissed.

Sharon Shore, J.

Released: May 12, 2026