

In the Court of Appeal of Alberta

Citation: Alberta Veterinary Medical Association v. Pequin, 2004 ABCA 89

Date: 20040303

Docket: 0203-0408-AC

Registry: Edmonton

Between:

Alberta Veterinary Medical Association

Appellant (Applicant)

- and -

Louis Pequin

Respondent (Respondent)

The Court:

**The Honourable Mr. Justice McClung
The Honourable Madam Justice Conrad
The Honourable Mr. Justice Berger**

**Memorandum of Judgment
Delivered from the Bench**

Appeal from the Judgment of
The Honourable Madam Justice M.B. Bielby
Dated the 25th day of September, 2002
(2002 ABQB 848, Docket No. 0103 06934)

**Memorandum of Judgment
Delivered from the Bench**

Berger J.A. (For the Court):

[1] The Legislature of Alberta must be taken to have been alive to the impugned practice of equine dentistry of the kind performed by the Respondent and others. The legislative intent is informed by the extensive list of exemptions set out in s. 2 of the *Veterinary Profession Act*, S.A. 1984, c. V-3.1. Those must be considered in the light of the Supreme Court of Canada's pronouncement in *Pauze v. Gauvin*, [1954] S.C.R. 15, confirmed by that court in *Laporte v. College Des Pharmaciens de Quebec* (1976), 58 D.L.R. (3d) 555 (S.C.C.), and the absence of an express legislative prohibition of the activity complained of. It will be recalled that the Supreme Court of Canada stated as follows (at p. 556):

“The statutes creating these professional monopolies, sanctioned by law, access to which is controlled and which protect their members in good standing who meet the required conditions against any competition, must however be strictly applied. Anything which is not clearly prohibited may be done with impunity by anyone not a member of these closed associations.”

[2] We are, in the result, in substantial agreement with the comprehensive reasons for judgment in the court below.

[3] The appeal must be dismissed.

Appeal heard on January 28, 2004

Memorandum filed at Edmonton, Alberta
this 3rd day of March, 2004

Berger J.A.

Appearances:

K.A. Smith

D.C. Rolf

for the Appellant (Applicant)

J.A.H. Moffat

for the Respondent (Respondent)