

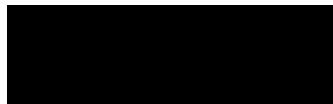
NOTICE OF DECISION AND REASONS

IN THE MATTER OF: *THE VETERINARY MEDICAL ACT, S.M. 1999, C. 32 (the "Act")*

AND IN THE MATTER OF: DR. JENNIFER NYHOF, A MEMBER OF THE MANITOBA
VETERINARY MEDICAL ASSOCIATION ("MVMA")

AND IN THE MATTER OF: A HEARING BEFORE AN INQUIRY PANEL OF THE PEER
REVIEW COMMITTEE OF THE MVMA

Panel of the Inquiry Panel:



TO: Dr. Jennifer Nyhof

TO: Registrar

The Member was unrepresented

Legal Counsel for the Peer Review Complaints Committee:

William Haight

Legal Counsel for the Inquiry Panel:

Stuart J. Blake, K.C.

Date: 10 July 2026

1. This decision is in respect of the sanction to be imposed on Dr. Jennifer Nyhof, a suspended member of the Manitoba Veterinary Medical Association (the “MVMA”) (the “Sanctions Decision” or this “Decision”). The allegations against Dr. Nyhof are set out in the Notice of Hearing and the findings with respect to those allegations, and accompanying reasons, are set out in the Notice of Decision and Reasons of this panel dated July 22, 2025. The specifics of the Notice of Hearing and Notice of Decision and Reasons need not be revisited here.

Preliminary Matter: Service

2. As a preliminary matter, Counsel for the Complaints Committee of the MVMA advised the panel that Dr. Nyhof, having apparently sought to avoid service of the Notice of Decision and Reasons, was served with that document and the Record of the Inquiry Panel by alternative means. Affidavit material presented to the panel for the purposes of the Sanctions Decision, specifically the affidavit of Hudson Garden sworn August 21, 2025, and also the affidavit of Barb Kryzanowski affirmed October 3, 2025, provided a descriptive account of the efforts the MVMA undertook to serve Dr. Nyhof as described above. The panel is satisfied that these efforts were reasonable, proportionate, and necessary in the circumstances.
3. The aforementioned affidavits, and an accompanying written submission, were received and accepted by this panel from Counsel for the Complaints Committee of the MVMA. No submissions were received from Dr. Nyhof, nor has any attempt been made by Dr. Nyhof, to the knowledge of this panel, to provide any such submissions.
4. The panel is satisfied, having reviewed the evidence presented by Counsel for the Complaints Committee of the MVMA and in the absence of any evidence to the contrary, that Dr. Nyhof has had ample opportunity to make submissions to this panel in respect of this Decision.

5. The Complaints Committee of the MVMA has requested that the panel order (1) that service of the Notice of Decision and Reasons and the Record of the Inquiry Panel be validated; (2) that the Complaints Committee is permitted to serve the brief filed by the Complaints Committee in respect of this Decision by attempting to serve Dr. Nyhof at 409-701 Sterling Lyon Parkway in Winnipeg, and also attempting to courier the said documents to 40 Nelson Road and 148 Riverside Drive, both in Thompson. The Complaints Committee relies on sections 31 and 51 of the *Veterinary Medical Act* (the “Act”) to ground the panel’s jurisdiction to grant such orders.
6. The panel accepts that it has jurisdiction in the Act to make such orders, and by this decision makes such orders.
 - a. Service of the Notice of Decision and Reasons and the Record of the Inquiry Panel are hereby deemed effective and validated.
 - b. Service of the aforementioned brief is ordered to be permitted at the addresses described above, and to the extent such service or attempts at service have been undertaken, such service is deemed to be effective and validated.
7. Considering the totality of the evidence presented to the panel on the subject of service, and with regard to the history of Dr. Nyhof’s conduct with respect to the hearing of this matter, the panel is satisfied that Dr. Nyhof’s opportunity to participate in the making of this Decision has not been prejudiced. The panel is disappointed that Dr. Nyhof did not take the ample opportunity afforded to her to address the allegations in the Notice of Hearing or make submissions on the appropriate sanction. Even a much delayed submission by Dr. Nyhof would possibly have been considered. Participation in the regulatory process is part and parcel of the professional responsibility of all members of the MVMA, as is the case with every other regulated profession.

Sanction

8. In summary, the panel upheld allegations in the Notice of Hearing that Dr. Nyhof repeatedly failed to cooperate with the investigation initiated by the MVMA. The panel made a further determination that Dr. Nyhof's record keeping practices were deficient. The failure to cooperate with the investigation was determined to be a breach of the MVMA's Code of Conduct.
9. The Notice of Hearing advanced further allegations with respect to Dr. Nyhof's fitness to practice. The panel did not accept these allegations, on the basis that the evidence presented was insufficient to establish a fitness to practice issue. A number of other allegations generally related to quality-of-care concerns were dropped by the Complaints Committee, as advised to the panel by its counsel, at or immediately prior to the commencement of the hearing. As such, a subset of the allegations levied at Dr. Nyhof, either before or during the hearing, were accepted by the panel. Although the Complaints Committee was not entirely successful in establishing the basis for each and every allegation levied at Dr. Nyhof, those allegations which were accepted by the panel are meritorious of sanction.
10. Submissions from the Complaints Committee helpfully direct this panel to the decision of the Manitoba Court of Appeal in *Kuny v. College of Registered Nurses of Manitoba*¹ and *Law Society of Upper Canada v. Aguirre*² for guidance on the factors which inform the appropriate sanction in cases where a member of a regulated profession has failed to cooperate with their regulator. The panel has also had regard to the decision of the Alberta Court of Appeal in *Alsaadi v. Alberta College of Pharmacy* in respect of the same subject matter.³ The jurisdiction of the panel to make such an order, or any order of sanction, is circumscribed by s. 41(1) of the Act, having a regard to the MVMA's primary mandate as set out in s. 5(1.1) of the Act.

¹ 2017 MBCA 111

² [2007] L.S.D.D. No. 33, followed in *Law Society of Canada v. Silver*, 2015 ONLSTH 50.

³ 2021 ABCA 313

11. In its submissions, the Complaints Committee alleged that the evidence proffered by its in the hearing of this matter as to the unproven allegations was nevertheless material to the determination before the panel in this Decision, noting that the panel did not doubt the veracity, honesty, or *bona fides* of the witnesses offering such evidence (Carswell, Wachniak, and Reykdal). As a general proposition, the panel accepts that the evidence offered by such witnesses may be useful in determining the sanction against Dr. Nyhof, but the panel notes that it did its findings as to the veracity – the truthfulness and good faith – of the evidence offered by such witnesses should not be confused with a finding of the utility of such evidence. Care must be taken by the panel not to impose a sanction now, on the strength of such evidence, which would be tantamount to having accepted the merits of the allegations which were not in fact accepted.
12. However, the overall statutory responsibility of this panel is the protection of the public interest. Even without resort to the evidence proffered by the Complaints Committee in support of the unproven allegations, the panel has grave concerns that Dr. Nyhof's return to practice, without conditions, would be in the public interest. Long-term avoidance of her professional regulator, combined with the panel's findings as to the deficiency of Dr. Nyhof's record-keeping, are behaviors which are not conducive to public trust in the veterinary medicine profession. The panel recognizes that Dr. Nyhof has no positive legal obligation to mount a substantive response to the allegations in the Notice of Hearing, but active avoidance of service of materials from the MVMA, as has been established in the Kryzanowski and Garden affidavits is not appropriate conduct for a regulated professional and speaks to a pattern of avoidance and want of diligence which is, plainly, not in the public interest to perpetuate.
13. The panel notes that Dr. Nyhof's status in the MVMA is, at present, as a suspended member. The panel has no information as to whether Dr. Nyhof intends to return to practice. The panel also notes that Dr. Nyhof has not practiced veterinary medicine for a period of approximately four years.
14. The Complaints Committee submits that:

- a. A suspension of three months is an appropriate sanction for Dr. Nyhof's failure to cooperate with the MVMA as described in this Decision and in the Notice of Decision and Reasons.
 - b. As Dr. Nyhof is currently suspended from practice, any attempt to return to practice by Dr. Nyhof will inevitably be communicated to the registrar of the MVMA. Should such an event occur, an appropriate condition of such a return to practice should be that Dr. Nyhof be required to report to the Complaints Committee regarding her health. The Complaints Committee would then be directed to seek an independent and objective assessment of whatever report Dr. Nyhof would have provided, and that the Complaints Committee's hands to otherwise untied by this panel now to make determinations as to whether Dr. Nyhof is able to return to practice, and if so, whether her practice should be limited, supervised, prevented from being a sole practice, inspected periodically, or otherwise monitored.
15. The Complaints Committee submits that any particular restriction or imposition now imposed by the panel on the Complaints Committee to be charged with considering Dr. Nyhof's application, beyond what is described above, would be speculative and not serve the public interest of considering the circumstances as they present themselves if and when Dr. Nyhof does so re-apply.
16. The panel is unwilling to foreclose, by this decision, a potential path for Dr. Nyhof to return to practice in the future, should this be her desire and should the circumstances of that time warrant it. The Complaints Committee is not seeking a permanent bar from Dr. Nyhof's return to practice, and this forbearance is appreciated by the panel.
17. The panel also accepts the proposition advanced by the Complaints Committee that impositions on the committee of the future who might be charged with considering an application by Dr. Nyhof to return to active practice would be speculative. The panel, today, is not tasked with considering what conditions, if any, might be necessary and appropriate to impose on Dr. Nyhof's return to

practice now. That question is not before us. The public interest is served by that question being answered in the context of the time and circumstances of when it is asked.

18. This logic applies with equal force to the condition that the Complaints Committee does seek to have imposed now – being that Dr. Nyhof's health be the subject of a report to the Complaints Committee of the future day when and if this issue ripens. The panel cannot say today that Dr. Nyhof's health will, or will not, be germane to the question of her readmission to practice at a future time.
19. The request for the imposition of such a condition is predicated on the evidence presented at the hearing as to Dr. Nyhof's fitness, being the very same evidence that was determined to be insufficient for grounding a finding, in response to the allegations, that Dr. Nyhof was unfit to practice veterinary medicine. That the panel accepted such evidence as being honestly provided by the witnesses who provided it does not establish such evidence as being suitable for any observation by this panel of the state of Dr. Nyhof's health. That evidence has been established as insufficient for that purpose. That finding applies to this Decision.
20. The panel therefore declines to impose any specific conditions in respect of Dr. Nyhof's return to practice, other than that the registrar shall refer the matter to a complaints committee, or its functional equivalent should the current professional regulatory and disciplinary structure of the MVMA not be in place at the relevant time. Such committee or its functional equivalent is expected to use its full powers of discretion to permit Dr. Nyhof's return to practice on whatever conditions it may deem appropriate and as are within its remit, taking into account the findings of this panel in this matter.
21. The panel declines to order a suspension of Dr. Nyhof. Dr. Nyhof is not currently in practice; such a suspension would be redundant. Instead, the panel orders a reprimand of Dr. Nyhof pursuant to its power under s. 41(1)(a) of the Act. By its decisions in this matter, the panel states unequivocally

that Dr. Nyhof's repeated failure to observe the Code of Ethics is disreputable conduct worthy of sanction.

Costs

22. The Complaints Committee seeks costs in the amount of \$40,000.00 to be paid by Dr. Nyhof to the MVMA. The Complaints Committee's submissions point to the decision in *Charkhandeh v. The College of Dental Surgeons of Alberta*⁴ as authority on factors to consider in respect of costs. The panel has had regard to the factors identified in that decision.
23. The panel notes that the Complaints Committee was not successful with respect to a number of significant allegations in the Notice of Hearing, and resiled from many other allegations related to quality of care on the eve of the hearing. With the *Charkhandeh* decision in mind, a costs award as against Dr. Nyhof is nevertheless appropriate. The panel orders costs in the amount of \$15,000.00 to be paid by Dr. Nyhof to the MVMA.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

⁴ 2025 ABCA 258

THE MANITOBA VETERINARY MEDICAL ASSOCIATION

IN THE MATTER OF:

The Veterinary Medical Act, CCSM c V30

AND IN THE MATTER OF:

DR. JENNIFER NYHOF, A MEMBER OF THE MANITOBA
VETERINARY MEDICAL ASSOCIATION

AND IN THE MATTER OF:

A HEARING BEFORE AN INQUIRY PANEL OF THE PEER
REVIEW COMMITTEE OF THE MVMA IN RESPECT OF THE
NOTICE OF DECISION AND REASONS ISSUED 10 JULY 2026

ORDER

IN THE MATTER OF: *The Veterinary Medical Act*, CCSM c V30 (the “**Act**”)

AND IN THE MATTER OF: DR. JENNIFER NYHOF, A MEMBER OF THE MANITOBA
VETERINARY MEDICAL ASSOCIATION (the “**MVMA**”)

AND IN THE MATTER OF: A HEARING BEFORE AN INQUIRY PANEL OF THE PEER
REVIEW COMMITTEE OF THE MVMA IN RESPECT OF THE
NOTICE OF DECISION AND REASONS ISSUED 10 JULY 2026

ORDER

WHEREAS:

- a) Dr. Jennifer Nyhof, a veterinarian registered with but suspended from the MVMA, is the subject of allegations submitted to the MVMA (the “**Allegations**”);
- b) A hearing held by an Inquiry Panel of the Peer Review Committee in respect of the Allegations produced findings and accompanying reasons regarding the Allegations dated July 22, 2025 (the “**Notice of Decision**”);
- c) On hearing the submissions of counsel to the Peer Review Complaints Committee and upon reviewing the testimony and documents tendered at the hearing, the Inquiry Panel found that Dr. Nyhof failed to cooperate with the investigation initiated by the MVMA in violation of the MVMA’s Code of Conduct and that her record keeping practices were deficient, conduct which the Panel found to be disreputable conduct worthy of sanction; and
- d) A hearing held by the Inquiry Panel produced a decision in respect of the sanction to be imposed on Dr. Nyhof pursuant to the Notice of Decision (the “**Sanction Decision**”).

NOW THEREFORE, pursuant to sections 41(1) and 42(1) of the Act and in accordance with the Sanction Decision, the Inquiry Panel orders that:

1. **Reprimand:** Dr. Nyhof is reprimanded with respect to her repeated failure to observe the Code of Ethics, as set out in the Notice of Decision and the Sanction Decision.
2. **Conditions on returning to practice:** Should Dr. Nyhof attempt to return to practice, the Registrar of the MVMA shall refer the matter to a complaints committee or its functional equivalent. The committee or equivalent shall use its discretion to permit Dr. Nyhof to return to practice on whatever conditions it may deem appropriate and as are within its remit, taking into account the findings of this Panel.
3. **Contribution to costs:** Dr. Nyhof is to pay \$15,000.00 in costs.

DATED this 10th day of July, 2026.

