

## FORM 4 - NOTICE OF HEARING

### ONTARIO PHYSICIANS AND SURGEONS DISCIPLINE TRIBUNAL

College of Physicians and Surgeons of Ontario

**College**

- and -

Peter Michael Dziak

**Member**

### NOTICE OF HEARING

On January 31, 2024 a panel of the Inquiries, Complaints and Reports Committee of the College referred specified allegations of Dr. Dziak's professional misconduct to the Tribunal.

#### **The specified allegation(s) are:**

1. That Dr. Dziak has committed an act of professional misconduct:
  - a. under clause 51(1)(a) of the Health Professions Procedural Code which is Schedule 2 to the *Regulated Health Professions Act, 1991*, S.O. 1991, c.18 (the "Code"), in that the member has been found guilty of an offence that is relevant to his suitability to practise;
  - b. under paragraph 1(1)33 of Ontario Regulation 856/93 made under the *Medicine Act, 1991* ("O. Reg. 856/93"), in that the member has engaged in an act or omission relevant to the practice of medicine that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional; and
  - c. under paragraph 1(1)34 of O. Reg. 856/93 in that the member engaged in conduct unbecoming a physician.

Further information about the allegations is contained in Schedule "A" to this notice of hearing.

The Tribunal will hold a hearing under sections 38 to 56 of the Health Professions Procedural Code (Code) and the *Statutory Powers Procedure Act*, on a date or dates to be set at a case management conference, to decide whether the member has committed an act or acts of professional misconduct.

The College will file this Notice with the Tribunal. The Tribunal will then set a date for the first case management conference and send it to the parties with more information about the Tribunal's process.

**If the member or their representative does not attend the case management conference or the hearing, the Tribunal may proceed in the member's absence and the member is not entitled to any further notice in the proceeding.**

If the Tribunal finds the member committed an act or acts of professional misconduct, it may make one or more of the following orders under subsections 51(2) of the Code.

- direct the Registrar to revoke the member's certificate of registration.
- direct the Registrar to suspend the member's certificate of registration for a specified period of time.
- direct the Registrar to impose specified terms, conditions and limitations on the member's certificate of registration for a specified or indefinite period of time.
- require the member to appear before the Tribunal to be reprimanded.
- require the member to pay a fine of not more than \$35,000 to the Minister of Finance.
- if the act of professional misconduct was the sexual abuse of a patient, require the member to reimburse the College for funding provided for that patient under the program and/or require the member to post security acceptable to the College to guarantee this payment.

The Tribunal may, under subsection 53.1 of the Code, require the member to pay all or part of the College's costs and expenses.

The Tribunal's website ([www.opsdt.ca](http://www.opsdt.ca)) includes the Tribunal's Rules of Procedure, Practice Directions and guides to the process.

Date: 2024-01-31

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**TO:** Dr. Peter Michael Dziak

**SCHEDULE “A”**

1. Dr. Peter Michael Dziak (“Dr. Dziak”) is a family and emergency medicine physician. At the relevant times, he practiced in a hospital in Northern Ontario.
2. On March 23, 2021, following a guilty plea in the Ontario Court of Justice, Dr. Dziak was found guilty of committing the following offences against complainant “X”, contrary to ss. 264(1) and 145(5.1) of the Criminal Code of Canada, respectively:
  - a. criminal harassment; and
  - b. fail to comply with an undertaking.
3. These offences are relevant to Dr. Dziak’s suitability to practice.
4. Dr. Dziak’s conduct underlying the criminal charges and findings of guilt is conduct unbecoming a physician and/or conduct relevant to the practice of medicine that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional. This conduct includes but is not limited to the following:
  - a. Engaging in repeated, unwanted communications with X;
  - b. Repeatedly threatening to carry out extreme physical and sexual violence against X and other individuals;
  - c. Making threats of violence and racist comments toward X’s partner; and
  - d. Repeatedly stalking the residence of X and her partner.

ADDITIONAL INFORMATION ABOUT THE ALLEGATIONS AGAINST THE MEMBER WILL BE PROVIDED IN ADVANCE OF THE HEARING.