

Court File No.: CV-24-00096601-0000

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

**IN THE MATTER OF AN APPLICATION UNDER** Rules 14.05(3) (h) of the Rules of Civil Procedure and Section 288(4) of the Canada Not-for-profit Corporations Act, SC 2009, c 23)

BETWEEN:

**THE COLLEGE OF FAMILY PHYSICIANS OF CANADA**

Applicant

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**RECORD OF THE RESPONDENT  
RESIDENT DOCTORS OF CANADA**

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**AFFIDAVIT OF DR. SANTANNA HERNANDEZ  
(SWORN NOVEMBER 15, 2024)**

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I, **DR. SANTANNA HERNANDEZ** of the City of Calgary in the Province of Alberta, **SWEAR:**

1. I am a Family Medicine Resident Doctor in my first year of a Rural Family Medicine Residency Program through the University of Calgary. I am presently on rotation in Medicine Hat Alberta.
2. I am also an active volunteer with the Resident Doctors of Canada (RDoC) having served on a number of RDoC committees, where I have contributed my expertise as a Family Medicine Resident and/or Indigenous Health advocate.
3. I am also a former President of the Canadian Federation of Medicine Students (CFMS). In this role, I also worked closely with RDOC on a variety of initiatives.
4. I have personal knowledge of the matters to which I herein depose or have received the information from others, in which case I believe it to be true.
5. RDoC is the unified, national voice for Resident Doctors in the country. Established in 1972, RDOC is Canada's only fully independent, non-profit organization that represents the

interests of all Resident Doctors in training outside of Quebec. It collaborates with other national health organizations to foster excellence in training, wellness, and patient care.

6. RDoC's members are the provincial housestaff organizations or regional resident associations.<sup>1</sup> Each member organization of RDoC in turn contractually represents the individual Resident Doctors in their respective provinces. Through this membership structure, RDoC represents over 14,000 Resident Doctors nationally. Of these, at present, approximately 2800 are Family Medicine Residents. Thus, through their advocacy work on its members' behalf, RDoC is the only independent voice for Family Medicine Residents in Canada. This includes advocacy on national issues related to their medical education.

7. Since June of 2024, I have also been a member of the College of Family Physicians of Canada ("CFPC"). Family medicine residents, such as myself, typically register with the CFPC in June or July at the start of their residency.

8. One of the roles of the CFPC is to establish the standards for and accredit postgraduate family medicine training in Canada's 17 medical schools. As the licensing body, it oversees the examinations that Family Medicine Residents complete at the end of residency to practice as a physician. In other words, CFPC has the power to determine if I become a practicing family physician.

9. As a result, the CFPC plays the key role in setting the requirements for family medicine residency training in Canada and their decisions have a direct impact on myself and my Family Medicine Resident Doctor colleagues.

10. I have reviewed the Application Record and Factum of the CFPC in this matter. As set out in those materials, when the CFPC was under the *Canada Corporations Act*, RSC 1985, c. C-44, it had a "Resident Members" class of members, which had voting rights.

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<sup>1</sup> RDoC member associations do not include Professional Association of Resident Physicians of Alberta (PARA). While PARA is not a member of RDoC, RDoC still represent their family medicine residents in our advocacy.

11. In 2013, when the CFPC was continued under the *Canada Not-for-profit Corporations Act*, SC 2009, c 23 (the “CNCA”), Resident Members were continued as a separate class of members with voting rights.

12. Resident members of the CFPC continued to have voting rights up until 2022 when the CFPC voted to overhaul its membership structure. These changes included eliminating the Resident Class of members with voting rights and creating a new “Learner Class” of members, composed of Students, Resident Doctors, and International Medical Graduates. This new Learner Class of members did not have voting rights and did not have to pay CFPC fees. Previously Resident Class members of the CFPC paid fees.

13. As a result of this change, Resident Class members lost their voting rights at the CFPC. Contrary to s. 199 of the CNCA, no class vote of Resident Class members was held to confirm this change.

14. Given the important role that the CFPC plays in determining the standards for postgraduate training in Canada that directly impact and affect Canadian Family Medicine Residents, I am gravely concerned about the loss of voting rights at CFPC for Resident Doctors.

15. I am advised by Leslie Cuthbertson, the Chief Executive Officer (CEO) of RDoC, that the RDoC Board of Directors, which includes Family Medicine Resident Doctors, shares this grave concern. As well, RDOC has consulted with Family Medicine Residents who are elected leaders on the boards of the provincial associations that comprise RDOC’s membership, and who contractually represent all Family Medicine Resident Doctors in Canada outside of Quebec, and they are also very concerned about the loss of voting rights for Residents at the CFPC.

16. Resident Doctors have interests that are distinct and different from those of Family Medicine Doctors. Resident Doctors are qualified physicians but are practicing under the direct or indirect supervision of a senior medical clinician while completing their postgraduate training. For Family Medicine Residents this training is two years. There is a significant power imbalance between Resident Doctors and Practicing Licensed Physicians, who may have

the power to make decisions about where Resident Doctors may practice, placement opportunities and job offers.

17. As well, Resident Doctors interests are also very distinct and different from those of students. Unlike Resident Doctors, who have elected to practice family medicine and who have been formally matched to a family medicine residency placement and who are qualified to practice medicine, medical students may be interested in a broad array of practice areas and are not yet qualified to practice medicine.

18. My concern about the loss of voting rights for Resident Doctors at the CFPC is heightened by the fact that the CFPC makes decisions that directly impact the lives and training of Resident Doctors.

19. For example, in 2023, the Board of the CFPC recommended extending the length of Family Medicine Residency Training from what has historically been two years to three years. This change, if implemented, would have extended the time before Residents can enter practice, directly impacting their financial and professional trajectories.

20. At the Annual General Meeting of the CFPC in November 2023 this proposed change was put to a non-binding vote of members. Because of the 2022 changes to the CFPC membership structure, no Resident Doctors were able to vote on the proposed change, even though it was roundly opposed by RDoC and most Resident Doctors.

21. I was not yet a Family Medicine Resident Doctor or member of CFPC at the time of this vote but in my then role as CFMS president, I was consulted and informed the CFPC that students did not support the proposed change. Had the change from two to three-year family medicine residency been made, I would have elected to practice in an area other than family medicine.

22. Other examples of areas where the CFPC can make decisions affecting Resident Doctors include exam fees. Future financial burdens may be placed on Residents if exam fees are to increase. At present the exam fee for practice-eligible candidates is \$5,826.

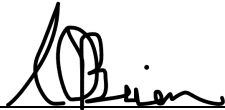
23. As a Family Medicine Resident Doctor who does not have the right to vote at the CFPC I feel like I have been disempowered and lack representation and that I do not have a direct voice when decisions are made affecting my interests at the CFPC.

24. As a Family Medicine Resident Doctor and a member of the CFPC, I would like to have my voting rights returned to me, as was the case for Family Medicine Resident Doctors in 2022. I am willing to pay the CFPC membership fees for Resident Class Members as they were in 2022 if my voting rights are returned to me.

25. I make this affidavit in support of the relief sought by RDoC in the present application, and for no other or improper purpose.

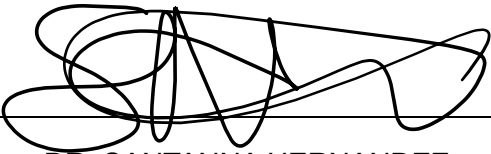
SWORN remotely by SANTANNA  
HERNANDEZ stated as being located in the  
City of Lethbridge, before me at the City of  
Ottawa, on November 15, 2024 in

accordance with O. Reg 431/20,  
Administering Oath or Declaration Remotely.



*A commissioner for taking Affidavits etc.*

Amanda Marie O'Brien, a Commissioner etc.  
Province of Ontario, for Goldblatt  
Partners LLP, Barristers & Solicitors  
Expires November 15, 2027

  
DR. SANTANNA HERNANDEZ



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