

SPORT DISPUTE RESOLUTION CENTRE OF CANADA No.: SDRCC 24-0739

CENTRE DE RÈGLEMENT DES DIFFÉRENDS SPORTIFS DU CANADA

IN THE MATTER OF AN ARBITRATION

BETWEEN: Helitha Rathnayake (Claimant)

AND

Karate Canada (KC) (Respondent)

AND

Teegan Tanahara (Affected Party)

ARBITRATOR: Professor Richard H. McLaren, O.C.

COUNSELS/REPRESENTATIVES

For the Claimant: Jasen Pratt & Chamith Rathnayake

For the Respondent: Rodney Hobson & Chris Bright

For the Affected Party: No appearance

ARBITRATION AWARD

1. The Claimant, Helitha Rathnayake is a karate athlete and a member of Karate Alberta (“KA”). He competed in the -55kg category in the 2023 Jr. Pan-American Championships and placed second. As a result he acquired 80 ranking points. He had the intent in entering the 2024 KC National Championship with the intent of being considered for selection in both the Junior -55kg and -61kg. His rationale was apparently to gain experience and “test the waters” in the upper weight category and determine in which weight category he might be more competitive. The KC National Championship is the entryway to the Canadian ‘Junior’ Team.
2. Karate Alberta (“KA”) is the Provincial/Territorial Sports Organization (“PTSO”) that has a membership with the Respondent, Karate Canada (“KC”). A PTSO registers its athlete who is its member to compete at the annual National Championships. The category division registration is determined by the PTSO. In so doing, the PTSO registers the athlete into the division for which they have qualified during the PTSO season events.
3. In 2024 KA registered the Claimant to compete in the -61kg category at the 2024 National Championships. The Claimant did not place in the top four positions of that division and does not hold valid ranking points in the -61kg division. Therefore, KC considered the Claimant ineligible for a position on the Junior National Team for the -61kg division. This point is not contested.
4. The Claimant appealed the non-selection decision of KC to be a member of the Junior National Team as a competitor in the -55kg division for the 2024 Jr. Pan-

American Championships based on his 80 ranking points acquired in 2023. As previously noted, the Claimant was successful in that category during the 2023 season.

5. The Affected Party who could be bumped from the team by this Decision is Teegan Tanahara in the -55kg division. While given notice of these proceedings, no timely application to be an affected party in the procedure was made.
6. KA had not registered the Claimant for the -55kg division in which he only competed during 2023. In the 2024 National Championships, the Claimant did not compete with athletes in the -55kg division, such as the named Affected Party. The Claimant is requesting by this arbitration to move down a weight division to one in which he has not competed in 2024. Moving down a weight division raises safety concerns for adolescents due of their rapid growth.
7. The Claimant has not competed in the -55kg category in the current season and cannot do so by order of the Arbitrator when KA has registered the athlete solely in the -61kg division. Much is made of the ranking points acquired in 2023. However, those points relate to a different category (-55kg) than that for which the Claimant was qualified/entered by KA. The rules of the sport clearly establish that points from the season previous are invalidated if the athlete is no longer competing in the same division in which they acquired the points. A review of all of the documents filed in this proceeding indicates that KC has acted in the same fashion with other athletes in similar circumstances.
8. The Respondent is the National Sport Organization (“NSO”) for the sport of karate in Canada. In that capacity, the Board of Directors approved, for the

2024-2025 season, the “*Junior National Team Criteria*” (“*For Kata and Kumite Athletes*”) {referred to as the “2024 Criteria”}, on 23 May 2024. A similar document was approved for the 2023-2024 season {referred to as the “2023 Criteria”}. The Respondent submitted multiple versions of the annual selection criteria documents {referred to collectively as the “Selection Criteria”}.

9. The 2024 Criteria were announced and published on the KC website on 18 June 2024. The Claimant submits that the announcement was not timely because his PTSO had a pre-registration deadline of 5 June 2024 to submit athlete registrations for the National Championships, the qualification event for the Junior Pan-American Games.
10. Although the 2024 Criteria were published after the deadline for registration to the National Championships, the rules concerning point validity have remained unchanged in the Selection Criteria since 2019-2020. The relevant rule governing points obtained from the 2023 Jr. Pan-American Games was available within the 2023 Criteria and earlier versions had not been altered for at least the past five years. In the circumstances, an earlier and timely publication of the 2024 Criteria would be a better governance procedure but it is not a basis on which the Arbitrator might override the 2024 Criteria.
11. The main issue in this appeal is the validity of the Claimant’s ranking points held in the -55kg division. The relevant statement on ranking point validity for points obtained from the 2023 Pan-American Championships was available to the Claimant in Part II of the 2023 Criteria. In this section, a statement relating to the points awarded from the 2023 Junior Pan-American Championships provides:

“[p]oints valid only until the beginning of the next season’s Junior Pan American Championships, so long as the athlete is still competing in the same division.” (Emphasis that of the Arbitrator)

This section states that the 80 points received by the Claimant from the 2023 Pan-American games will remain valid only if the athlete continues to compete in the same division (-55kg). While it does not say it in so many words the clear intent is that points remain for the upcoming season only if the athlete is competing in the same division. The Claimant was not doing so at the Canadian Nationals in 2024.

12. It is submitted by the Claimant that he is eligible for selection to the team in the -55kg division because of his 80 ranking points received in the 2023 Pan-American Championships. The Claimant bases the submission on Part 2.0 of the 2024 Criteria:

“Athletes who hold valid ranking points earned during the previous season and who take[n] part in the most recent National Championships will also be automatically named as members of the current seasons National Team Roster...”

13. Although the Selection Criteria do not define the term “competing” for the purposes of point validity statements, it is not reasonable to assume that KC would refer to the upcoming Pan-American Championships to determine an athlete’s competition division. Using the upcoming Pan-American Championships as the determination of an athlete’s competition division would deprive the word “competing” of its ordinary use, as the athletes have not yet competed in the future Pan-American Championships

14. KC is the NSO for karate and the organization that governs the qualifying event for the Junior National Team, the National Championships. In this context, and for the purposes which KC uses “competing” in the selection criteria, it is reasonable that KC refers to the division in which a PTSO registers their athlete with KC, and the division in which an athlete competes at the National Championship. These are the two registration and competition opportunities that fall under the scope and purpose of KC for Junior National Team selection criteria.
15. The Claimant has submitted a -55kg registration in the upcoming World Karate Foundation Youth League event in Mexico. This event is not contemplated in the Selection Criteria and should therefore not be considered. The Claimant’s registration with their PTSO and participation in the National Championships is contemplated in the Selection Criteria.
16. The Claimant has been actively competing in the -61kg division this season. For the purposes of the Junior National Team selection, the athlete is not competing in the same division as in which they previously obtained ranking points. Therefore, according to Part II of the 2023 Criteria, the Claimant’s 80 ranking points from the 2023 Pan-American Championships are no longer valid.
17. As the Claimant does not have valid ranking points and did not place in the top four positions in the -55kg division at National Championships, the Claimant is not eligible for placement to the Junior National Team as a -55kg athlete.

18. For all the foregoing reasons the appeal of the Claimant is dismissed.

DATED AT LONDON, ONTARIO CANADA THIS 30th DAY OF JULY 2024

A handwritten signature in black ink, appearing to read "Richard H. McLaren". The signature is written in a cursive, flowing style.

Professor Richard H. McLaren, O.C.

Arbitrator