

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE) TUESDAY, THE 12th DAY OF
JUSTICE *Pollock*) JULY, 2011

BETWEEN:

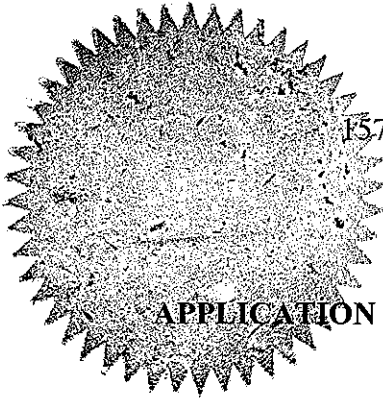
COLLEGE OF OPTICIANS OF ONTARIO

Applicant

- and -

1575190 ONTARIO INC. o/a OPTICAL CENTER
and MOHAMMED RAHEEM

Respondents



**APPLICATION UNDER SECTION 87 OF THE *HEALTH PROFESSIONS
PROCEDURAL CODE***

ORDER

THIS APPLICATION, made by the applicant, the College of Opticians of Ontario, for certain declaratory and other relief under the *Regulated Health Professions Act, 1991* was heard this day at 393 University Avenue, Toronto, Ontario.

ON READING the Application Record of the applicant, the Minutes of Settlement between the parties attached hereto as Schedule "A", and the consent of the parties, filed, and on hearing the submissions of counsel for the applicant:

1. **THIS COURT DECLARES** that the respondent, 1575190 Ontario Inc., violated s 42(1) of the *Regulated Health Professions Act, 1991* as it knowingly employed an

individual who performed the controlled act of dispensing in the course of his employment while not being authorized to do so;

2. **THIS COURT DELARES** that the respondent, Mohammed Raheem:
 - i. Violated s. 27(1) of the *Regulated Health Professions Act, 1991* by performing the controlled act of dispensing in the course of providing health care services; and
 - ii. Breached s. 9(3) of the *Opticianry Act, 1991* by holding himself out as a person who is qualified to practice in Ontario as an optician or in a specialty of opticianry;
3. **THIS COURT ORDERS** 1575190 Ontario Inc. and anyone employed by or otherwise acting on its behalf to comply with section 9 of the *Opticianry Act, 1991* and section 27 of the *Regulated Health Professions Act, 1991* and, in particular, that anyone employed by or otherwise acting on behalf of 1575190 Ontario Inc. refrain from:
 - i. Holding himself or herself out as a person who is qualified to practise in Ontario as an optician unless he or she is a member in good standing of the College of Opticians of Ontario; and
 - ii. Performing the controlled act of dispensing subnormal vision devices, contact lenses or eye glasses unless he or she is legally authorized to do so;
4. **THIS COURT ORDERS** Mohammed Raheem and anyone employed by or otherwise acting on his behalf to comply with section 9 of the *Opticianry Act, 1991* and section 27 of the *Regulated Health Professions Act, 1991* and, in particular, that Mohammed Raheem and anyone employed by or otherwise acting on his behalf refrain from:
 - i. Holding himself or herself out as a person who is qualified to practise in Ontario as an optician unless he or she is a member in good standing of the College of Opticians of Ontario; and

Schedule 'A'

COURT FILE NO.: CV-11-421757

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

COLLEGE OF OPTICIANS OF ONTARIO

Applicant

- and -

**1575190 ONTARIO INC. o/a OPTICAL CENTER
and MOHAMMED RAHEEM**

Respondents

**APPLICATION UNDER SECTION 87 OF THE HEALTH PROFESSIONS
PROCEDURAL CODE**

MINUTES OF SETTLEMENT

WHEREAS the College of Opticians of Ontario (the "College") brought an Application against 1575190 Ontario Inc. and Mohammed Raheem (the "Respondents") for the relief set out in the Notice of Application in Court File No. CV-11-421757 (the "Application");

AND WHEREAS the College and the respondents desire to resolve the issues raised in the application,

THE PARTIES AGREE THAT:

1. In Ontario, the dispensing of subnormal vision devices, including eyeglasses and contact lenses, ("Dispensing") is regulated by legislation;
2. Under the *Regulated Health Professions Act, 1991*, Dispensing is a controlled act;

3. Only members of the College of Opticians of Ontario, the College of Optometrists of Ontario and the College of Physicians and Surgeons of Ontario are permitted to Dispense;
4. Under the *Opticianry Act, 1991*, only members of the College of Opticians of Ontario are permitted to hold themselves out as persons who are qualified to practise in Ontario as opticians or in a specialty of opticianry;
5. On or about October 16, 2009 and December 18, 2009, Mohammed Raheem performed the controlled act of dispensing subnormal vision devices, contact lenses or eye glasses;
6. On or about October 16, 2009 and December 18, 2009, Mohammed Raheem held himself out as a person who is qualified to practise in Ontario as an optician;
7. Mohammed Raheem is not now and has never been registered to practise as an optician, optometrist or physician in the province of Ontario;
8. 1575190 Ontario Inc. is a corporation registered in the Province of Ontario;
9. Mohammed Raheem is a Director and Officer of 1575190 Ontario Inc.;
10. 1575190 Ontario Inc. was the employer of Mr. Raheem at all material times;
11. 1575190 Ontario Inc. permitted Mr. Raheem to perform the controlled act of dispensing even though it knew or should have known that Mr. Raheem was not permitted to do so;
12. The Respondents agree and acknowledge that the facts set out in paragraphs 5-11 above are true and that such events constitute a violation of sections 27(1) and 42(1) of the *Regulated Health Professions Act, 1991* and section 9(3) of the *Opticianry Act, 1991*.
13. The Respondents agree that they will immediately cease and desist the dispensing of eyeglasses and contact lenses unless the dispensing is done by a registered optician, optometrist or ophthalmologist.

14. The Respondents agree to a court order as follows:

- a) A declaration that the respondent, 1575190 Ontario Inc., violated s 42(1) of the *Regulated Health Professions Act, 1991* as it knowingly employed an individual who performed the controlled act of dispensing in the course of his employment while not being authorized to do so;
 - b) A declaration that the respondent, Mohammed Raheem:
 - i. Violated s. 27(1) of the *Regulated Health Professions Act, 1991* by performing the controlled act of dispensing without being authorized to do so; and
 - ii. Breached s. 9(3) of the *Opticianry Act, 1991* by holding himself out as a person who is qualified to practice in Ontario as an optician or in a specialty of opticianry;
 - c) An interim and final order directing 1575190 Ontario Inc. and anyone employed by or otherwise acting on its behalf to comply with section 9 of the *Opticianry Act, 1991* and section 27 of the *Regulated Health Professions Act, 1991* and, in particular, that anyone employed by or otherwise acting on behalf of 1575190 Ontario Inc. refrain from:
 - i. Holding himself or herself out as a person who is qualified to practise in Ontario as an optician unless he or she is a member in good standing of the College of Opticians of Ontario; and
 - ii. Performing the controlled act of dispensing subnormal vision devices, contact lenses or eye glasses unless he or she is legally authorized to do so;
- And,
- d) An interim and final order directing Mohammed Raheem and anyone employed by or otherwise acting on his behalf to comply with section 9 of the *Opticianry Act, 1991* and section 27 of the *Regulated Health Professions Act, 1991* and, in

particular, that Mohammed Raheem and anyone employed by or otherwise acting on his behalf refrain from:

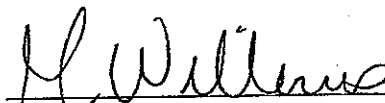
- i. Holding himself or herself out as a person who is qualified to practise in Ontario as an optician unless he or she is a member in good standing of the College of Opticians of Ontario; and
- ii. Performing the controlled act of dispensing subnormal vision devices, contact lenses or eye glasses unless he or she is legally authorized to do so.

15. The Respondents agree that they will pay costs to the College of \$3,000, payable in three installments of \$1000 each due on August 1, September 1 and October 1, 2011.

16. The Respondents agree, acknowledge and undertake that the court order referred to above and these Minutes of Settlement may be used in any subsequent court or regulatory proceedings.

17. The Respondents have been provided with an opportunity to consult with independent legal counsel and understand the meaning and consequence of entering into these Minutes of Settlement.

SIGNED AT TORONTO, ONTARIO, THIS 5th DAY OF JULY, 2011



Melisse L. Willems

COLLEGE OF OPTICIANS OF ONTARIO
85 Richmond Street West
Suite 902
Toronto, ON M5H 2C9

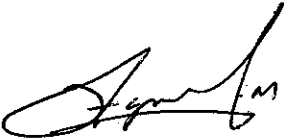
Counsel for the Applicant, the College of Opticians
of Ontario

SIGNED AT STONEY CREEK, ONTARIO, THIS 7 DAY OF JULY, 2011

WITNESS:

1575190 ONTARIO INC.

Per:



Raquib Mohammed

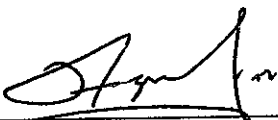
MOHAMMED RAHEEM

Name:

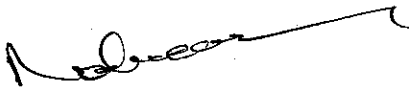
I have authority to bind the corporation

SIGNED AT STONEY CREEK, ONTARIO, THIS 7 DAY OF JULY, 2011

WITNESS:



Raquib Mohammed.



Mohammed Raheem

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Applicant

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Respondents

COURT FILE NO.: CV-11-421757

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceedings commenced at Toronto, Ontario

MINUTES OF SETTLEMENT

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Counsel for the Applicant, the College
of Opticians of Ontario

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