

Court File No.: CV-10-416952

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE *MADAM*)
JUSTICE *H. MEL*) TUESDAY, THE 1st DAY OF
MARCH, 2011

BETWEEN:

COLLEGE OF OPTICIANS OF ONTARIO

Applicant

- and -

MICHAEL CAIRNS and HOLLY DOE

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:

- (a) an interim and final order directing Michael Cairns and anyone employed by or otherwise acting on his behalf to comply with sections 4 and 9 of the *Opticianry Act, 1991* and section 27 of the *Regulated Health Professions Act, 1991* and, in particular, that Michael Cairns refrain from:
- (i) holding himself out as a person who is qualified to practise in Ontario as an optician, and
 - (ii) performing any controlled acts including dispensing subnormal vision devices, contact lenses or eye glasses and

(iii) from aiding and abetting Holly Doe or anyone else from doing these acts.

and

(b) an interim and final order directing Holly Doe to comply with sections 4 and 9 of the *Opticianry Act, 1991* and section 27 of the *Regulated Health Professions Act, 1991* and, in particular, that Holly Doe refrain from:

- (i) holding herself out as a person who is qualified to practise in Ontario as an optician, and
- (ii) performing any controlled acts including dispensing subnormal vision devices, contact lenses or eye glasses.

and

(c) an interim and final order requiring Michael Cairns to disclose to the applicant the:

- (d) full name and known contact information for Holly Doe; and
- (e) her personal address.

and

(d) its costs on a substantial indemnity basis together with applicable Harmonized Sales Tax.

was heard this day at 393 University Avenue, Toronto, Ontario.

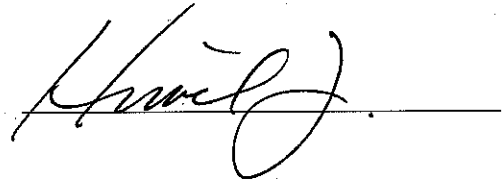
ON READING the Application Record of the Applicant and the Consent of the parties, filed, and on hearing the submissions of counsel for the College of Opticians:

(1.) **THIS COURT ORDERS** that the Respondent, Michael Cairns, and anyone employed by him or otherwise acting on his behalf shall comply with the *Opticianry Act, 1991* and the *Regulated Health Professions Act, 1991*, and, in particular:

- (i) Michael Cairns and anyone employed by him or otherwise acting on his behalf shall not hold him or herself out as a person who is qualified to practise in Ontario as an optician unless he or she is an optician member registered in good standing with the College of Opticians of Ontario;
- (ii) Michael Cairns and anyone employed by him or otherwise acting on his behalf shall not perform the controlled act of dispensing unless he or she is a member registered in good standing with the College of Opticians of Ontario, College of Optometrists of Ontario or College of Physicians and Surgeons of Ontario or the act of dispensing has been lawfully delegated in writing to that person by a member of one of those Colleges, and
- (iii) Michael Cairns shall not hold out any person employed by him or otherwise acting on his behalf as an optician except where such person is an optician member registered in good standing with the College of Opticians of Ontario.

THIS COURT ORDERS that the Respondent, Michael Cairns, pay to the Applicant, the College of Opticians of Ontario, the costs of this application fixed in the amount of \$2,000.00 payable in four installments of \$500 each due on April 1, May 1, June 1, and July 1, 2011.

THIS ORDER BEARS INTEREST at the rate of 2 percent per year commencing on the date of this Order.



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ON / BOOK NO:
LE / DANS LE REGISTRE NO.:

MAR - 1 2011

PER / PAR:



**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Toronto, Ontario

ORDER

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