



Court File No.: CV-10-416954

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE *MADAM*)
JUSTICE *HAMEL*)
)
) TUESDAY, THE 1st DAY OF
MARCH, 2011

BETWEEN:

COLLEGE OF OPTICIANS OF ONTARIO

Applicant

- and -

MONICA CASSAN and MICHAEL DOJCSAK

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 Monica Cassan and anyone employed by or otherwise acting on her 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 Monica Cassan 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

- (iii) from aiding and abetting Mike Dojscak or anyone else from doing these acts.

and

- (b) an interim and final order directing Mike Dojscak 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 Mike Dojscak refrain from:
 - (i) holding themselves 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) 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:

1. **THIS COURT ORDERS** that the Respondents, Monica Cassan and Michael Dojesak, shall comply with the *Opticianry Act, 1991* and the *Regulated Health Professions Act, 1991*, and, in particular:
 - (i) Monica Cassan and anyone employed by her or otherwise acting on her 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; and

- (ii) Monica Cassan and anyone employed by her or otherwise acting on her 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) Monica Cassan shall not hold out any other person employed by her or otherwise acting on her behalf to be an optician except where such person is an optician member registered in good standing with the College of Opticians of Ontario; and

- (iv) Michael Dojscak shall not hold himself out as a person who is qualified to practise in Ontario as an Optician unless he is an Optician member registered in good standing with the College of Opticians; and

- (v) Michael Dojscak shall not perform the controlled act of dispensing unless he 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.

THIS COURT ORDERS that the Respondent, Monica Cassan, 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 COURT ORDERS, the amendment of the title of proceeding, to correct the spelling of the name of the respondent, Mike Dojscak to MICHAEL DOJCSAK.

THIS ORDER BEARS INTEREST at the rate of 2 percent per year commencing on the

date of this Order.

Kevin J

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

MAR - 1 2011

PER / PAR:

JOB

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Toronto, Ontario

ORDER

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