

**ONTARIO
SUPERIOR COURT OF JUSTICE**

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

BETWEEN:

COLLEGE OF OPTICIANS OF ONTARIO

Applicant

- and -

WILLIAM DUNCAN, DON DOE and SHERRY 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 William Duncan 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 William Duncan 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 Don Doe and/or Sherry Doe or anyone else from doing these acts.

and

- (b) an interim and final order directing Don Doe and/or Sherry 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 Don Doe and/or Sherry Doe 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) an interim and final order requiring William Duncan to disclose to the applicant the:
 - (i) full name and known contact information for Don Doe and Sherry Doe; and
 - (ii) the personal address of Don Doe and Sherry Doe.

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.

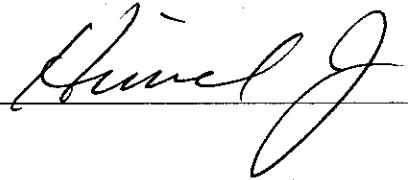
ON READING the Application Record of the Applicant and the Consent of the parties,

filed, and on hearing the submissions of counsel:

1. **THIS COURT ORDERS THAT** William Duncan, and anyone employed by or otherwise acting on his behalf, comply with the *Opticianry Act, 1991* and the *Regulated Health Professions Act, 1991* and, in particular, that William Duncan, and anyone employed by or otherwise acting on his behalf, refrain from:
 - (a) Holding himself 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
 - (b) Performing the controlled act of dispensing subnormal vision devices, contact lenses or eye glasses 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.
2. **THIS COURT ORDERS THAT** William Duncan shall not hold out any other person employed by him or otherwise acting on his behalf to be an optician except where such person is an optician member registered in good standing with the College of Opticians of Ontario.
3. **THIS COURT ORDERS, if necessary,** that the time for service of the Application Record, Factum and Brief of Authorities, be and is hereby abridged so that this application is properly returnable today.
4. **THIS COURT ORDERS,** the amendment of the title of proceeding to include the correct spelling of the name(s) of the respondent(s), namely, Don Doe is to become DON BACKWELL and Sherry Doe is to become SHARAI ROSS.

5. **THIS COURT ORDERS** that the Respondent, William Duncan, 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.

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



ENTERED AT / INSCRIT A TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO.:

MAR - 1 2011

PER / PAR:



Applicant

Respondents

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Toronto, Ontario

ORDER

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