

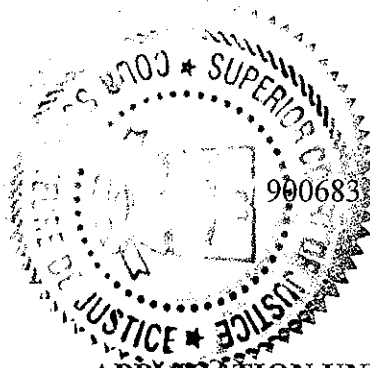
ONTARIO  
SUPERIOR COURT OF JUSTICE

THE HONOURABLE ) THURSDAY, THE 24<sup>th</sup> DAY OF  
JUSTICE ~~ROLLACK~~ )  
POLLOCK ) MAY, 2012  
BETWEEN:

COLLEGE OF OPTICIANS OF ONTARIO

Applicant

- and -



900683 ONTARIO INC. c.o.b. FAMOUS OPTICAL  
and DIWA BENAWA

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:

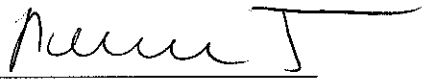
1. **THIS COURT DECLARES** that the respondent, 900683 Ontario Inc., violated s 42(1) of the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18 (the "RHPA") as it knowingly employed an individual who performed the controlled

act of dispensing in the course of her employment while not being authorized to do so;

2. **THIS COURT DECLARES THAT** the respondent, Diwa Benawa:
  - i. Violated ss. 27(1) of the RHPA by performing the controlled act of dispensing in the course of providing health care services to an individual while not being authorized to do so; and
  - ii. Breached s. 9(3) of the *Opticianry Act, 1991*, S.O. 1991, c. 34 by holding herself out as a person who is qualified to practice in Ontario as an optician or in a specialty of opticianry while not being a member of the College of Opticians of Ontario;
  
3. **THIS COURT ORDERS** 900683 Ontario Inc. and anyone employed by or otherwise acting on its behalf to comply with the *Opticianry Act, 1991* and the RHPA, including that anyone employed by or otherwise acting on behalf of 900683 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** Diwa Benawa to comply with the *Opticianry Act, 1991* and the RHPA, including that Diwa Benawa refrain from:
  - i. Holding herself out as a person who is qualified to practise in Ontario as an optician; and
  - ii. performing the controlled act of dispensing subnormal vision devices, contact lenses or eye glasses;

5. **THIS COURT ORDERS** 900683 Ontario Inc. pay to the applicant, the College of Opticians of Ontario, the costs of this application fixed in the amount of \$1,500.00 within 14 days of the date of this order.

**THIS ORDER BEARS INTEREST** at the rate of 3 per cent per year commencing on the date of this order.

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

JUN 1 2012

AS DOCUMENT NO.:  
À TITRE DE DOCUMENT NO.:

PER / PAR:



COLLEGE OF OPTICIANS OF ONTARIO  
Applicant

- and -

900683 ONTARIO INC. et al.  
Respondents

COURT FILE NO.: CV-11-438519

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Toronto, Ontario

**ORDER**

**COLLEGE OF OPTICIANS OF ONTARIO**

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