

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE

) FRIDAY, THE 24<sup>TH</sup> DAY OF  
) FEBRUARY, 2012  
)



COLLEGE OF OPTICIANS OF ONTARIO

Applicant

- and -

HENRY IP c.o.b. KIDULT,  
JANE DOE 1 and JANE DOE 2

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, 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, Henry Ip, violated s. 42(1) of the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18 (the "RHPA") as he

knowingly employed individuals who performed the controlled act of dispensing in the course of their employment while not being authorized to do so.

2. **THIS COURT DECLARES** that the respondent, Queeny Li (named as “Jane Doe 1” in the title of proceedings):
  - i. Violated s. 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** the respondent, Henry Ip, and anyone employed by or otherwise acting on his behalf to comply with the *Opticianry Act, 1991* and the RHPA, including that 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.
  
4. **THIS COURT ORDERS** the respondent, Queeny Li, to comply with the *Opticianry Act, 1991* and the RHPA, including that she 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** that this matter be and is hereby dismissed against Jane Doe 2, without costs.
  
6. **THIS COURT ORDERS** the respondent, Henry Ip, to pay costs to the applicant in the amount of \$2,500.00, payable on or before February 25, 2012.

*Rm. Ittleman* MAR 15 2012  
R. Ittleman, Registrar  
Superior Court of Justice

**THIS ORDER / JUDGMENT  
BEARS INTEREST AT THE RATE  
OF 3.0 PERCENT PER  
YEAR FROM ITS DATE.**

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

MAR 21 2012

**PER / PAR:**



SCHEDULE "A"

COURT FILE NO.: CV-11-438511

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

BETWEEN:

COLLEGE OF OPTICIANS OF ONTARIO

Applicant

- and -

HENRY IP c.o.b. KIDULT,  
JANE DOE 1 and JANE DOE 2

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 Henry Ip c.o.b. Kidult, Jane Doe 1 and Jane Doe 2 (the "Respondents") for the relief set out in the Notice of Application in Court File No. CV-11-438511 (the "Application"),

**AND WHEREAS** the Respondent Jane Doe 1 has been identified as Queeny Li,

**AND WHEREAS** the College has agreed to a dismissal of the application against the Respondent, Jane Doe 2, without costs, on the basis that she is no longer an employee of the respondent, Henry Ip,

**AND WHEREAS** the College and the Respondents, Henry Ip and Queeny Li, desire to resolve the issues raised in the application,

**THE PARTIES AGREE THAT:**

1. In Ontario, the dispensing, for vision or eye problems, subnormal vision devices, contact lenses or eye glasses other than simple magnifiers ("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 September 17, 2010 and October 21, 2010, Queeny Li and Jane Doe 2 performed the controlled act of Dispensing;
6. On or about September 17, 2010 and October 21, 2010, Queeny Li and Jane Doe 2 held themselves out as persons who are qualified to practise in Ontario as opticians;
7. Neither Queeny Li nor Jane Doe 2 are now or have ever been registered to practise as opticians, optometrists or physicians in the province of Ontario;
8. The business carrying on under the name "Kidult" is operated as a sole proprietorship and is the registered business name of the respondent, Henry Ip;
9. Henry Ip was the employer of Queeny Li and Jane Doe 2 at all material times;

10. Henry Ip permitted Queeny Li and Jane Doe 2 to perform the controlled act of Dispensing even though he knew or should have known that Queeny Li and Jane Doe 2 were not permitted to do so;

11. The Respondents, Henry Ip and Queeny Li, agree and acknowledge that the facts set out in paragraphs 5-10 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*.

12. The Respondents, Henry Ip and Queeny Li, agree that they will immediately cease and desist Dispensing unless the Dispensing is done by a registered optician, optometrist or ophthalmologist.

13. The Respondents, Henry Ip and Queeny Li, agree that they will not permit Dispensing unless the Dispensing is done by a registered optician, optometrist or ophthalmologist.

14. The Respondents, Henry Ip and Queeny Li, agree to a court order as follows:

1. A declaration that the respondent, Henry Ip violated s. 42(1) of the Regulated Health Professions Act, 1991, S.O. 1991, c. 18 (the "RHPA") as he knowingly employed individuals who performed the controlled act of dispensing in the course of their employment while not being authorized to do so.
2. A declaration that the respondent, Queeny Li (named as "Jane Doe 1" in the title of proceedings):
  - i. Violated s. 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. An order directing Henry Ip and anyone employed by or otherwise acting on his behalf to comply with the *Opticianry Act, 1991* and the RHPA, including that 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.
  
4. An order directing Queeny Li to comply with the *Opticianry Act, 1991* and the RHPA, including that she 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. An order dismissing the application against Jane Doe 2, without costs.
  
6. An order that the Respondent, Henry Ip, will pay costs to the College in the amount of \$2,500.00, payable on or before February 25, 2012.
  
15. The Respondents, Henry Ip and Queeny Li, 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.

16. The Respondents, Henry Ip and Queeny Li, acknowledge that they have been given the opportunity to consult with independent legal counsel and that they understand the meaning and consequence of entering into these Minutes of Settlement.

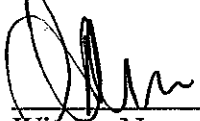
SIGNED AT TORONTO, ONTARIO, THIS 22<sup>nd</sup> DAY OF FEBRUARY, 2012



Melisse L. Willems  
**COLLEGE OF OPTICIANS OF ONTARIO**  
85 Richmond Street West  
Suite 902  
Toronto, ON M5H 2C9

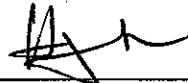
Counsel for the Applicant, the College of Opticians of Ontario

SIGNED AT MARKHAM, ONTARIO, THIS 18 DAY OF FEBRUARY, 2012



Helen Au

Witness Name:



Henry Ip  
c/o Kidult  
4300 Steeles Avenue East, Unit A18  
Markham, Ontario  
L3R 0Y5

SIGNED AT MARKHAM, ONTARIO, THIS 18 DAY OF FEBRUARY, 2012



Helen Au

Witness Name:



Queeny Li  
96 Milliken Meadows Dr  
Markham, Ontario  
L3R 0V5



COLLEGE OF OPTICIANS OF ONTARIO - and -  
Applicant

HENRY IP et al.  
Respondents

COURT FILE NO.: CV-11-438511

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

Proceedings commenced at Toronto, Ontario

**ORDER**

*WSP*

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

Melisse L. Willems, LSUC #47972L  
Telephone: (416) 368-3616  
Facsimile: (416) 368-2713

Counsel for the Applicant, the College  
of Opticians of Ontario