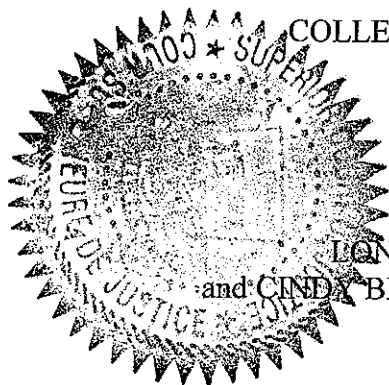


**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE)
)
JUSTICE Matlow)
)

WEDNESDAY, THE 11TH DAY
OF APRIL, 2012

BETWEEN:



COLLEGE OF OPTICIANS OF ONTARIO

Applicant

- and -

LONDON FAMILY OPTICAL INC.
and CINDY BLACKBURN a.k.a. CINDY OUELLETTE

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 ORDERS** London Family Optical Inc. and anyone employed by or otherwise acting on its 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 anyone employed by or otherwise acting on behalf of London Family Optical 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.
2. **THIS COURT ORDERS** Cindy Blackburn 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 Cindy Blackburn 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.
3. **THIS COURT ORDERS** that the respondents, jointly and severally, pay to the applicant, the College of Opticians of Ontario, the costs of this application fixed in the amount of \$2,000.00 payable as follows: \$1,000.00 on or before April 6, 2012 and \$1000.00 payable on or before May 6, 2012.

✓20-
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ENTERED AT/INSCRIT À TORONTO
ON/BOOK NO:
LE/DANS LE REGISTRE NO:

APR 20 2012

PER/PAR: mrs

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

COLLEGE OF OPTICIANS OF ONTARIO

Applicant

- and -

**LONDON FAMILY OPTICAL INC.
and CINDY BLACKBURN a.k.a. CINDY OUELLETTE**

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 London Family Optical Inc. and Cindy Blackburn a.k.a. Cindy Ouellette (the "Respondents") for the relief set out in the Notice of Application in Court File No. CV-11-421760 (the "Application");

AND WHEREAS the College and the Respondents desire to resolve the issues raised in the Application, as follows:

1. The Respondents agree that they will immediately cease and desist the Dispensing of eyeglasses and contact lenses unless the Dispensing is done by a registered optician, optometrist or ophthalmologist.

2. The Respondents confirm that they have closed the optical dispensary known as London Family Optical and will not own or operate another optical dispensary until such time as they have retained an optician, optometrist or ophthalmologist to perform the Dispensing.
3. The Respondents agree to a court order as follows:
 - a) An order directing London Family Optical Inc. and anyone employed by or otherwise acting on its behalf to comply with section 9 of the *Opticianry Act, 1991* and section 27 of the *Regulated Health Professions Act, 1991* and, in particular, that anyone employed by or otherwise acting on behalf of London Family Optical 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;
 - And,
 - b) An order directing Cindy Blackburn to comply with section 9 of the *Opticianry Act, 1991* and section 27 of the *Regulated Health Professions Act, 1991* and, in particular, that Cindy Blackburn refrain from:
 - i. Holding himself or herself out as a person who is qualified to practise in Ontario as an optician unless and until such time as 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 and until such time as she is a member in good standing of the College of Opticians of Ontario, College of Optometrists of Ontario or College of Physicians and Surgeons of Ontario.
4. The Respondents agree that they will pay costs to the College of \$2,000, with \$1,000.00 payable on or before April 6, 2012 and \$1,000.00 payable on or before May 6, 2012.

5. The Respondents 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.

6. The Respondents have consulted with independent legal counsel and understand the meaning and consequence of entering into these Minutes of Settlement.

Date: 10 April 2012

M. Willems

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

Date: April 10, 2012

Wade W. Sarasin

**Wade W. Sarasin
Siskinds LLP
680 Waterloo Street
London, ON N6A 3V8**

for: London Family Optical Inc. and Cindy
Blackburn a.k.a. Cindy Ouellette

COLLEGE OF OPTICIANS OF ONTARIO
Applicant

- and -

LONDON FAMILY OPTICAL INC. et al.
Respondents

COURT FILE NO.: CV-11-421760

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Toronto, Ontario

ORDER

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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