Court File No.: CV-17-567637

ONTARIO SUPERIOR COURT OF JUSTICE

THE HONOURABLE)	TUESDAY, THE 28 TH
Sn)	
JUSTICE MCCARTHY)	DAY OF MARCH, 2017



COLLEGE OF OPTICIANS OF ONTARIO

Applicant

- and -

9349405 CANADA CORP. carrying on business as BEAUTYHOLIC, CARMEN NG, HANGQIAN (OR MICHELLE) LU, LESLIE SEN YEN CHOI, and YUJIAO (OR RAINIE) CAI

Respondents

APPLICATION UNDER Section 87 of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18

ORDER

THIS APPLICATION, made by the Applicant, the College of Opticians of Ontario (the "College"), was heard on this day at 393 University Avenue, 8th Floor, Toronto, Ontario.

ON READING the Amended Notice of Application dated March 3, 2017, the Affidavit of Audrey Chen sworn December 23, 2016, the Affidavit of Brian Moffatt sworn January 4, 2017, the Affidavit of Deidre Brooks sworn November 25, 2016, the Certificate of the Registrar of the College dated November 24, 2016, and the Factum and Book of Authorities of the Applicant, the consent filed by the parties, and upon hearing submissions of counsel for the Applicant, appearing on behalf of both parties:

- 1. **THIS COURT ORDERS** that 9349405 Canada Corp. carrying on business as Beautyholic ("Beautyholic") and Carmen Ng comply with section 42 of the *Regulated Health Professions Act*, 1991 and, in particular, that Beautyholic and Carmen Ng cease and desist employing any person who performs the controlled act of dispensing, for vision or eye problems, subnormal vision devices, contact lenses or eye glasses unless the person is a member authorized by a health profession Act to perform the controlled act or the performance of the controlled act has been properly delegated to that person.
- 2. THIS COURT FURTHER ORDERS that Hangqian (or Michelle) Lu, Leslie Sen Yen Choi, and Yujiao (or Rainie) Cai comply with sections 4 and 9(3) of the *Opticianry Act*, 1991 and section 27 of the *Regulated Health Professions Act*, 1991 and, in particular, that Hangqian (or Michelle) Lu, Leslie Sen Yen Choi, and Yujiao (or Rainie) Cai cease and desist holding themselves out as being qualified to practise in Ontario as an optician, and performing the controlled act of dispensing, for vision or eye problems, subnormal vision devices, contact lenses or eye glasses.
- 3. **THIS COURT FURTHER ORDERS** the Respondents, jointly and severally, to pay to the Applicant its costs of this application fixed in the amount of \$5,000.00 inclusive of HST and disbursements.

THIS ORDER BEARS INTEREST at the rate of two percent (2%) per annum commencing on March 28, 2017 in accordance with the *Courts of Justice Act*.

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

MAR 2 8 2017

PER / PAR:

9349405 CANADA CORP. (c.o.b. as BEAUTYHOLIC) *et al.* Respondents

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ONTARIO SUPERIOR COURT OF JUSTICE

Proceeding commenced at Toronto, Ontario

ORDER

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