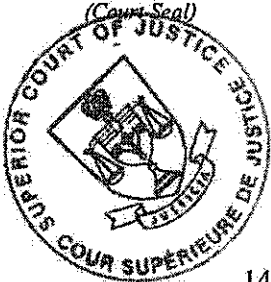


**ONTARIO
SUPERIOR COURT OF JUSTICE**

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.

THE HONOURABLE
JUSTICE *Low*
BETWEEN:

Monday..., THE *3RD*
DAY OF *MAY*..., 2010



COLLEGE OF OPTICIANS OF ONTARIO

Applicant

and

1419036 ONTARIO INC. O/A EYE GUY VISION CENTRE, BRIAN
DOUGLAS SPENCER, DEBBIE MCINTYRE and MILES BREARLEY

Respondents

ORDER

THIS MOTION, made by the Applicant, was heard this day at the court house, 393
University Avenue, 10th Floor, Toronto, Ontario, M5G 1E6.

ON READING the Application Record and the Minutes of Settlement between the
College of Opticians of Ontario and (a) Miles Brearley, (b) Debbie McIntyre, and (c) 1419036
Ontario Inc. o/a Eye Guy Vision Centre ("Eye Guy Vision Centre") and Brian Douglas Spencer,
attached hereto and marked respectively as Schedules "A", "B" and "C", and on hearing the
submissions of the lawyer(s) for the Applicant,

1. THIS COURT ORDERS the action herein be and the same is hereby dismissed as against the Respondent, Miles Brearley.

2. THIS COURT DECLARES that Debbie McIntyre:

- (i) violated ss. 27(1) and 30(1) of the *Regulated Health Professions Act* ("*RHPA*") by performing a Controlled Act in the course of providing health care services; and
- (ii) breached ss. 9(3) of the *Opticianry Act, 1991* by holding herself out as a person who is qualified to practise in Ontario as an optician or in a speciality of opticians.

3. THIS COURT ORDERS that Debbie McIntyre:

- (i) cease and desist performing a Controlled Act in the course of providing health care services as she is not registered as a member of the College and is not authorized to perform Controlled Acts;
- (ii) cease and desist holding herself out as a person who is qualified to practise in Ontario as an optician or in a speciality of opticians, as she is not a member of the College of Opticians of Ontario; and
- (iii) comply with ss. 27(1) and 30(1) of the *RHPA*, and s. 9(3) of the *Opticianry Act, 1991*.

4. THIS COURT DECLARES that 1419036 Ontario Inc., operating as Eye Guy Vision Centre ("Eye Guy Vision"), violated ss. 42(1) of the *RHPA* as it knowingly employed an

individual who performed Controlled Acts while not a registered member of the College in the course of her employment.

5. THIS COURT ORDERS that Eye Guy Vision cease and desist employing or permitting individuals to perform Controlled Acts while not registered persons, contrary to ss. 42(1) of the *RHPA*.

6. THIS COURT DELCARES that Brian Douglas Spencer violated ss. 42(2) of the *RHPA* as he is a director and officer of Eye Guy Vision, and he approved of, permitted and/or acquiesced in Debbie McIntyre's violation of ss. 27(1) and 30(1) of the *RHPA* and in the violation by Eye Guy Vision of s. 42(1) of the *RHPA*.

7. THIS COURT ORDERS that Brian Douglas Spencer, cease and desist his conduct in violation of s. 42(2), as set out in paragraph 6 above.

8. THIS COURT ORDERS that Brian Douglas Spencer and Eye Guy Vision Centre shall pay the Applicant's costs in the amount of \$2,000.00 within 30 days of the date of this Order.


(Signature of Judge)

C. CHIBA
DEPUTY REGISTRAR, SUPERIOR COURT OF JUSTICE
GREFFIER ADJOINT, COUR SUPÉRIEURE DE JUSTICE

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

MAY 11 2010

AS DOCUMENT NO.:
À TITRE DE DOCUMENT NO.:
PER / PAR:

