

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE

)

THURSDAY, THE 22ND DAY OF
SEPTEMBER, 2011

)

JUSTICE POLLAK

)

BETWEEN:

COLLEGE OF OPTICIANS OF ONTARIO

Applicant

- and -

1262677 ONTARIO INC. and MOHAMED ELZINIE o/a LA OPTICAL GROUP and
MOHAMED ELZINIE in his personal capacity

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, Factum and Book of Authorities of the applicant, and on being advised of the consent of the parties:

1. **THIS COURT DECLARES** that the respondent, 1262677 Ontario Inc., violated s. 42(1) of the *Regulated Health Professions Act, 1991* as it knowingly employed an



individual who performed the controlled act of dispensing in the course of his employment while not authorized to do so.

2. **THIS COURT DECLARES** that the respondent, Mohamed Elzinie:

- i. Violated ss. 27(1) and 30(1) of the *Regulated Health Professions Act, 1991* by performing the controlled act of dispensing in the course of providing health care services; and
- ii. Breached s. 9(3) of the *Opticianry Act, 1991* by holding himself out as a person who is qualified to practice in Ontario as an optician or in a specialty of opticianry.

3. **THIS COURT ORDERS** 1262677 Ontario 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 1262677 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** Mohamed Elzinie and anyone employed by or otherwise acting on his 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 Mohamed Elzinie and 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

- i. Performing the controlled act of dispensing subnormal vision devices, contact lenses or eye glasses unless he or she is legally authorized to do so.
5. **THIS COURT ORDERS** that the respondent, Mohamed Elzinie, shall provide in writing the name(s) of the optician(s) working in his store, LA Optical, 9325 Yonge Street, Unit 13, Richmond Hill, to counsel for the applicant on or before September 30, 2011.
6. **THIS COURT ORDERS** the respondents to pay costs to the applicant in the amount of \$2,000.00, jointly and severally, \$1000.00 payable on or before September 26, 2011 and \$1000.00 payable on or before October 26, 2011.

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

FEB 29 2012

PER / PAR:



G. Argyropoulos, Registrar
Superior Court of Justice

COLLEGE OF OPTICIANS OF ONTARIO - and -
Applicant

1262677 ONTARIO INC et al.
Respondents

COURT FILE NO.: CV-11-421780

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceedings commenced at Toronto, Ontario

ORDER

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