

**ONTARIO
SUPERIOR COURT OF JUSTICE**

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

BETWEEN:

COLLEGE OF OPTICIANS OF ONTARIO

Applicant

- and -

ENVY EYEWEAR INC., ENVY EYEWEAR 2005 INC. and ARMAND ATTAR
Respondents



ORDER

THIS APPLICATION, made by the Applicant, the College of Opticians of Ontario (the "College"), was heard on this day at 361 University Avenue, Toronto, Ontario.

ON READING the Notice of Application dated February 2, 2017, the Affidavit of Suzie Rego sworn January 30, 2017, the Affidavit of Nitasha Nanda sworn January 27, 2017, the Affidavit of Cristina Gikov sworn February 1, 2017, the Certificate of the Registrar of the College dated January 27, 2017, 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 Envy Eyewear Inc., Envy Eyewear 2005 Inc. and Armand Attar comply with section 42 of the *Regulated Health Professions Act, 1991*

and, in particular, that Envy Eyewear Inc., Envy Eyewear 2005 Inc. and Armand Attar refrain from 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.

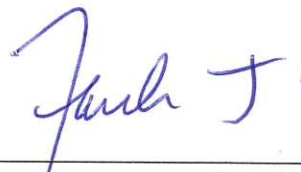
2. **THIS COURT ORDERS** that Armand Attar comply with sections 4 and 9(3) of the *Opticianry Act, 1991* and section 27 of the *Regulated Health Professions Act, 1991* and, in particular, that Armand Attar refrain from:
 - a. holding himself out as being qualified to practice in Ontario as an optician, and
 - b. performing the controlled act of dispensing, for vision or eye problems, subnormal vision devices, contact lenses or eye glasses.
3. **THIS COURT FURTHER ORDERS** that the requirement that the Applicant serve and file a factum be dispensed with, pursuant to subrule 38.09(4) of the *Rules of Civil Procedure*.
4. **THIS COURT FURTHER ORDERS** the Respondents, jointly and severally, to pay to the Applicant its costs of this application fixed in the amount of \$2,000.00 inclusive of HST and disbursements, within 30 days of the date of this Order.

THIS ORDER BEARS INTEREST at the rate of two percent (2%) per annum commencing on the date of this Order in accordance with the *Courts of Justice Act*.

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

MAR 28 2017

PER/PAR:



COLLEGE OF OPTICIANS OF ONTARIO
Applicant

- and -

ENVY EYEWEAR INC., ENVY EYEWEAR 2005 INC. and ARMAND ATTAR
Respondents

Court File No.: CV-17-568910

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SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Toronto, Ontario

ORDER

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