

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE
JUSTICE DIAMOND

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THURSDAY, THE 6TH
DAY OF APRIL, 2017

B E T W E E N:

COLLEGE OF OPTICIANS OF ONTARIO

Applicant

- and -

JIAYI CAO, MIN JIN YANG, and JANE DOE (ANGELA),
carrying on business as THREE SISTERS

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

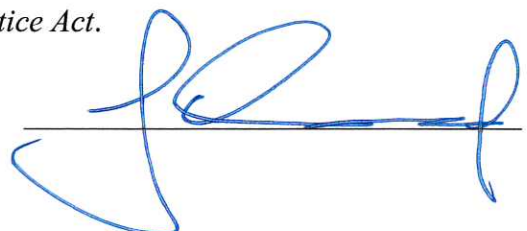
ORDER

THIS APPLICATION, made by the Applicant, the College of Opticians of Ontario (the "College"), was heard on this day at 130 Queen Street West, Toronto, Ontario.

ON READING the Notice of Application dated February 21, 2017, the Affidavit of Peter Ly sworn February 2, 2017, the Affidavit of Audrey Chen sworn January 26, 2017, the Affidavit of Brian Moffatt sworn February 6, 2017, the Affidavit of Nitasha Nanda sworn January 27, 2017, the Certificate of the Registrar of the College dated January 24, 2017, 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 Min Jin Yang carrying on business as Three Sisters comply with section 42 of the *Regulated Health Professions Act, 1991* and, in particular, that Min Jin Yang carrying on business as Three Sisters 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 Min Jin Yang 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 Min Jin Yang cease and desist holding herself 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** that Jiayi Cao comply with section 9(3) of the *Opticianry Act, 1991* and, in particular, that Jiayi Cao cease and desist holding herself out as being qualified to practise in Ontario as an optician.
4. **THIS COURT FURTHER ORDERS** the Respondents Min Jin Yang and Jiayi Cao, jointly and severally, to pay to the Applicant its costs of this application fixed in the amount of \$2,500.00 inclusive of HST and disbursements.

THIS ORDER BEARS INTEREST at the rate of two percent (2%) per annum commencing on April 6, 2017 in accordance with the *Courts of Justice Act*.



COLLEGE OF OPTICIANS OF ONTARIO
Applicant

- and -

JIAYI CAO, MIN JIN YANG *et al.*
Respondents

Court File No.: CV-17-570037

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding commenced at Toronto, Ontario

ORDER

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