

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE *MR.*)
JUSTICE *PERKINS*)

THURSDAY, THE 8th
DAY OF OCTOBER, 2009

BETWEEN:

(Court Seal)

THE COLLEGE OF OPTICIANS OF ONTARIO

Applicant

and

DONALD OPTICAL INC., DONALD HON CHU WONG, JASMINE DONG
and XIANG LIU

Respondents

ORDER

THIS APPLICATION, made by the Applicant, The College of Opticians of Ontario,
was heard this day at 130 Queen Street West, Toronto, Ontario, M5H 2N5.

ON READING the Notice of Application dated July 17, 2009, the affidavits of Glenn Benard sworn July 20, 2009 and of Veronika Lenzo sworn July 22, 2009, the consent of the parties, filed, and on hearing the submissions of the lawyers for the Applicant, no one appearing on behalf of the Respondents,

1. **THIS APPLICATION IS ALLOWED** in accordance with the terms of this Order.
2. **THIS COURT DELCARES** that the Respondent, Jasmine Dong:

- (a) violated ss. 27(1) and 30(1) of the *Regulated Health Professions Act, 1991* ("*RHPA*") by performing a Controlled Act (as defined in the *RHPA*) in the course of providing health care services; and
- (b) 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 the Respondent, Jasmine Dong:

- (a) 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 of Opticians of Ontario (the "College") and is not authorized to perform Controlled Acts; and
- (b) cease and desist holding herself out as a person who is qualified to practice in Ontario as an optician or in a speciality of opticians, as she is not a member of the College.

4. **THIS COURT DECLARES** that the Respondent, Donald Optical Inc. ("Donald Optical") violated ss. 42(1) of the *RHPA* as it employed an individual who performed Controlled Acts (as defined in the *RHPA*) while not a registered member of the College.

5. **THIS COURT ORDERS** that the Respondent, Donald Optical, cease and desist employing individuals who perform Controlled Acts while not registered persons, contrary to ss. 42(1) of the *RHPA*.

6. **THIS COURT DECLARES** that the Respondent, Xiang Liu, violated ss. 42(2) of the *RHPA* as he employed an individual who performed Controlled Acts (as defined in the *RHPA*) while not a registered member of the College.

7. **THIS COURT ORDERS** that the Respondent, Xiang Liu, cease and desist employing individuals who perform Controlled Acts while not registered persons, contrary to ss. 42(2) of the *RHPA*.

8. **THIS COURT DECLARES** that the Respondent, Donald Hon Chu Wong, violated ss. 42(2) of the *RHPA* as he employed an individual who performed Controlled Acts (as defined in the *RHPA*) while not a registered member of the College.

9. **THIS COURT ORDERS** that the Respondent, Donald Hon Chu Wong, cease and desist employing individuals who perform Controlled Acts while not registered persons, contrary to ss. 42(2) of the *RHPA*.

10. **THIS COURT ORDERS** that the Respondent, Donald Optical, pay the Applicant's costs in the amount of \$2,000 inclusive of GST and disbursements, within thirty (30) days of the date of this Order.


THIS ORDER bears interest at the rate 2% per annum.

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

OCT - 8 2009

AS DOCUMENT NO.:
À TITRE DE DOCUMENT NO.:

PER / PAR:


(Signature of Judge)