

## **(1) Ontario Superior Court of the Justice – Justice O’Marra – January 20th 2009**

The College of Opticians of Ontario – Applicants

Cherry Hill Optical, Richard Grant, Matthieu Hill, and Sarah Hill – Respondents

1. This application is allowed in accordance with the terms of this Order.
2. This Court declares that the Respondents, Cherry Hill Optical, Matthieu Hill, and Sara Hill violated s. 42 (1) of the Regulated Health Professions Act, 1991 (“RHPA”), as they employed an individual who performed Controlled Acts (as defined in the RHPA) while not a registered member of the College of Opticians of Ontario (the “College”), which Controlled Acts included: measuring the patient’s pupillary distance; adjusting an arm of the finished eye glasses; and releasing the eye glasses to the patient without a registered optician advising the patient regarding the use and care of the eye glasses.
3. This Court orders the Respondents, Cherry Hill Optical, Matthieu Hill, and Sara Hill, comply with s. 42 (1) of the RHPA and not employ individuals who perform Controlled Acts (as defined in the RHPA) while not registered members of the College.
4. This Court declares that the Respondent, Richard Grant violated s. 27(1) of the RHPA by performing a Controlled Act (as defined in the RHPA) in the course of providing health care services; which Controlled Acts included: measuring the patient’s pupillary distance; adjusting an arm of the finished eye glasses; and releasing the eye glasses to the patient without a registered optician advising the patient regarding the use and care of the eye glasses.
5. This Court orders that the Respondent, Richard Grant comply with s.27 (1) of the RHPA and not perform a Controlled Act (as defined in the RHPA) in the course of providing health care services.
6. This Court orders that Matthieu Hill, Sarah Hill, and Richard Grant will pay the College costs of this Application in the amount of \$3000.00.