

JUSTICE PERELL'S JUDGMENT

The College of Opticians of Ontario was again successful in Court. The Honourable Justice Perell of the Ontario Superior Court has handed down a lengthy decision in which he dismissed a motion by fifteen Great Glasses franchisees to stay the Application by the College of Opticians for an injunction to require their compliance with the *Regulated Health Professions Act* and to stay the motion for an order that Great Glasses franchisees be found in contempt for breaching the interlocutory order of the Honourable Justice Spies. This means that the College may now proceed with contempt proceedings against Great Glasses franchisees who are not complying with the legal requirement that dispensing may only be performed by opticians, and only on the basis of a prescription from a physician or optometrist.

Great Glasses franchisees in Burlington, Toronto, Brampton, Brantford, Cambridge, Dundas, Milton, Oakville, Richmond Hill, St. Catharines, Stoney Creek, Thornhill and Mississauga had taken the position in Court that the injunction ordered by the Superior Court in Hamilton against Bruce Bergez and Great Glasses employees did not apply to them. As a result the College successfully took legal proceedings to obtain an interlocutory injunction against these Great Glasses franchisees. Justice Perell's order now enables the College to pursue legal action for contempt of Court against them. The College is seeking fines in the total amount of \$1.4 million. The College is also seeking an order that the stores not be allowed to operate unless there is an optician to perform the dispensing physically present in each store and that the opticians be required to report on a monthly basis to the College to confirm that dispensing is being carried out in accordance with the requirements of the *RHPA*.

The Great Glasses franchisees against whom contempt proceedings have been taken are attached.

THE OWNERS AND LOCATIONS OF THE GREAT GLASSES STORES AGAINST WHOM THE COLLEGE IS TAKING PROCEEDINGS FOR CONTEMPT OF COURT

Scott Arsenault
Great Glasses
2180 Itabashi Way
Burlington

Fran Osborne
Great Glasses
125 The Queensway
Etobicoke

Anna Mifsud
Great Glasses
26 - 17 Worthington Avenue
Brampton

Bill Duncan
Great Glasses
300 King George Road
Brantford

Kim Borgerink
Great Glasses
95 Saginaw Parkway
Unit 6
Cambridge

Ashtar Abdul-Quader
Great Glasses
119 Osler Drive
Unit #7
Dundas

Mike Kelly
Great Glasses
First Milton Optical
1250 Steeles Avenue East
Milton

Kevin Brittain
Great Glasses
1070 Major MacKenzie Drive East
Richmond Hill

Fabio Rogano
1655128 Ontario Limited carrying on business in Ontario as
Great Glasses
285 Geneva Street
St. Catharines

Glen Friday Great Glasses 135 Upper Centennial Parkway Stoney Creek
Lilian Ciccotti Great Glasses 483 Hwy#8 Stoney Creek
Kevin Brittain Great Glasses 20 - 9200 Bathurst Street Thornhill
Chelcia Pratt Great Glasses and York Mills Optical 808 York Mills Road Toronto
1695982 ON. Inc. Great Glasses 1865 Lakeshore Road Mississauga