

**ONTARIO
SUPERIOR COURT OF JUSTICE**

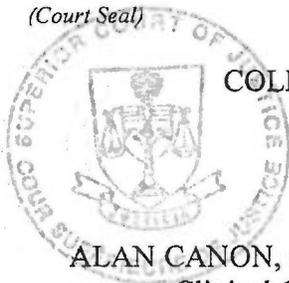
THE HONOURABLE
JUSTICE PERELL

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THURSDAY, THE 9TH
DAY OF AUGUST, 2018

B E T W E E N:

(Court Seal)



COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO

Applicant

and

ALAN CANON, a.k.a. Oleg Kanaykhin, Oleg Konanykhin, 2183615 ONTARIO INC., o/a
Clinical Cranial Osteopathy Inc. and o/a Alan Canon Enterprise Corp. and
2454920 ONTARIO INC., o/a Ozone Clinic Inc.

Respondents

APPLICATION UNDER Rules 3, 14 and 40 of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194, s. 101 of the *Courts of Justice Act*, R.S.O. 1990, c. C. 43, s. 27, 30, and 33 of the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18, s. 87 of the Health Professions Procedural Code, which is Schedule 2 to the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18, s. 4 and 9 of the *Medicine Act, 1991*, S.O. 1991, c. 30, and s. 4 and 12 of the *Traditional Chinese Medicine Act, 2006*, S.O. 2006, c. 27 and Professional Misconduct, O. Reg. 318/12 under *Traditional Chinese Medicine Act, 2006*

ORDER

THIS APPLICATION, made by the Applicant, the College of Physicians and Surgeons of Ontario (the "College"), was heard this day at the court house, Osgoode Hall, 130 Queen Street West, Toronto, Ontario, M5H 2N6.

ON READING the Amended Notice of Application, Application Record, Factum and Book of Authorities of the College, and on hearing the submissions of the lawyer for the College,

no one appearing for the Respondents although properly served, and the Application having been abandoned as against the Respondent, 2454920 Ontario Inc. o/a Ozone Clinic Inc.,

1. THIS COURT ORDERS that Alan Canon a.k.a. Oleg Kanaykhin, Oleg Konanykhin (“Canon”), his employees, servants, agents or any person acting in association with his or under his instructions, comply with sections 27 and 30 of the *Regulated Health Professions Act, 1991*, S.O. 1991, c.18, and in particular to permanently refrain from:

- (a) performing controlled acts in the course of providing health care services to any individual including, but not limited to:
 - i. communicating to the individual or his or her representative a diagnosis identifying a disease or disorder as the cause of symptoms of the individual in circumstances in which it is reasonably foreseeable that the individual or his or her personal representative will rely on the diagnosis;
 - ii. inserting needles below the skin in a manner that does not constitute acupuncture;
 - iii. administering a substance by injection or inhalation; and
 - iv. performing spinal manipulations.

- (b) treating or advising a person with respect to his or her health in circumstances in which it is reasonably foreseeable that serious bodily harm may result from the treatment or advice or from an omission from them; and

- (c) possessing acupuncture needles, syringes, needles, or other injection paraphernalia that may be used to perform a procedure on tissue below the dermis at any office, clinic, or worksite where Canon provides services to clients, except where Canon practices with a member of a regulated health college who is licensed to perform procedures on tissue below the dermis;

2. THIS COURT FURTHER ORDERS that Canon, his employees, servants, agents or any person acting in association with his or under his instructions, comply with section 33 of the *Regulated Health Professions Act, 1991*, S.O. 1991, c.18 and s. 9 of the *Medicine Act*, and in particular to permanently refrain from:

- (a) using the title “doctor” and any variation or abbreviation thereof, or equivalent in another language, including “Dr.”, in the course of providing or offering to provide health care services to individuals in Ontario;
- (b) using the restricted titles “physician”, “surgeon”, or “osteopath” and any variation or abbreviation thereof, or equivalent in another language; and
- (c) holding himself out as a person who is qualified to practice in Ontario as a physician, surgeon, or osteopath;

3. THIS COURT FURTHER ORDERS that 2183615 Ontario Inc. o/a Clinical Cranial Osteopathy Inc. and/or Alan Canon Enterprise Corp. (“**Clinical Cranial Osteopathy**”) permanently refrain from holding Canon out as a person who is qualified to practice in Ontario as a physician, surgeon, or osteopath; and

4. THIS COURT FURTHER ORDERS that costs are payable by Canon and Clinical Cranial Osteopathy to the College in the amount of \$ 24,934.60 inclusive of HST and disbursements, within 30 days of the date of this Order.

THIS ORDER BEARS INTEREST at the rate of 3.0 percent per year commencing 30 days from the date of this Order.

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

AUG 10 2018

Paul J.

PER / PAR: C.D.

COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO
Applicant

-and-

ALAN CANON, a.k.a. Oleg Kanaykhin, Oleg Konanykhin et al.
Respondents

Court File No. CV-17-588458

ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT
TORONTO

ORDER

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