

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE JUSTICE)
)
LEE AKAZAKI)

**FRIDAY, THE 8th DAY
OF AUGUST, 2025**

B E T W E E N:

COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO

Moving Party/Applicant

and

MARK BENTUM

Responding Party/Respondent



JUDGMENT

THIS MOTION, brought by the Moving Party, the College of Physicians and Surgeons of Ontario (the “College” or “CPSO”), for a finding of contempt and for the orders set out in the amended Notice of Motion dated January 28, 2025, was heard on April 24, 2025 and August 8, 2025 at the courthouse, 330 University Avenue, Toronto, Ontario, M5G 1R7.

ON READING the amended Notice of Motion, the Motion Record of the College (Volumes 1 to 5) (Merits), the Supplemental Motion Record of the College (Merits), the Motion Record of the College (Sentencing), and the Supplementary Motion Record of the College (Sentencing), and on hearing the submissions of the lawyer of the College and Mr. Bentum appearing in person,

1. **THIS COURT DECLARES AND ADJUDGES** that, for reasons released June 9, 2025, Mr. Bentum is in contempt of the order of the Honourable Justice John Callaghan dated

November 27, 2023 (the “order of Justice Callaghan”) in that Mr. Bentum failed to comply with the order requiring him to comply with section 33 of the *Regulated Health Professions Act, 1991*, S.O. 1991, c.18 (“RHPA”) and with section 9 of the *Medicine Act, 1991*, S.O. 1991, c. 30 (“*Medicine Act*”), and in particular that he failed to:

- (a) permanently refrain from:
 - (i) using the title “doctor” and any variation or abbreviation thereof in the course of providing or offering to provide, in Ontario, health care to individuals;
 - (ii) using the titles “physician”, “surgeon” or “plastic surgeon”, “medical resident” or any variation or abbreviation thereof;
 - (iii) holding himself out as a person qualified to practice in Ontario as a physician, surgeon, or plastic surgeon;
- (b) immediately remove, and permanently refrain from displaying or permitting to be displayed on any website, social media account, or other document connected to or associated with his provision of any health care service in Ontario:
 - (i) all references to the titles “doctor”, “physician”, “surgeon”, “plastic surgeon” and “medical resident” as applied to Mr. Bentum;
 - (ii) all references to Mr. Bentum indicating that he is a “physician”, “doctor”, “surgeon”, “plastic surgeon”, or “medical resident”; and
 - (iii) all references or claims that Mr. Bentum performs or is permitted to perform controlled acts as defined under Ontario statute.

2. **THIS COURT ORDERS** that Mr. Bentum comply with the order of Justice Callaghan.
3. **THIS COURT ORDERS** that Mr. Bentum comply with section 33 of the RHPA, and

section 9 of the *Medicine Act*, and in particular, that he:

- (a) permanently refrain from:
 - (i) using the title “doctor” and any variations or abbreviations thereof, including but not limited to “Dr.”, “aesthetic doctor”, and “cosmetic doctor”, in the course of providing or offering to provide, in Ontario, health care to individuals;
 - (ii) using the titles “physician”, “surgeon”, “plastic surgeon”, “cosmetic surgeon”, “reconstructive surgeon”, “resident”, and any variations or abbreviations thereof;
 - (iii) purporting to be a member of the College, including but not limited to by:
 - 1. referring to himself as “Mark Raphael”, “Dr. Mark Raphael”, and any variations thereof, including “Dr. Mark”;
 - 2. claiming to have a CPSO registration number, and using any actual or purported CPSO registration number in reference to himself, including but not limited to “104177”;
 - (iv) purporting to practice, or purporting have privileges to practice, as physician, surgeon, or in a specialty of medicine at any hospitals, clinics, offices, Out-of-Hospital Premises, or Independent Health Facilities in Ontario, including but not limited to St. Michael’s Hospital (a.k.a “St. Mike’s”), the Hospital for Sick Children (“SickKids”), and Princess Margaret Cancer Centre (“Princess Margaret”);
 - (v) offering to perform or purporting to be permitted to perform any controlled act, including but not limited to:

1. communicating to an individual or his or her personal 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;
 2. administering a substance by injection, including but not limited to Botox, dermal fillers, and injectable anesthetics;
 3. performing a procedure below the dermis, including but not limited to thread lifting procedures, eyelid surgery, mole excision, and liposuction; and
 4. prescribing, dispensing, or selling a drug, including but not limited to Botox, dermal fillers, injectable anesthetics, and antibiotics;
- (vi) 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 the treatment or advice;
- (b) immediately remove, and permanently refrain from displaying or permitting to be displayed on any website, social media account, diploma, certificate, email address, advertisement, brochure, business card, receipt, letterhead, piece of clothing, lanyard, or any other document or thing connected to or associated with his provision of any health care service in Ontario:
- (i) all references to Mr. Bentum using the title “doctor” and any variations or abbreviations thereof, including but not limited to “Dr.”, “Dr. Mark”,

“aesthetic doctor”, and “cosmetic doctor”, as it relates to providing or offering to provide, in Ontario, health care service to individuals;

- (ii) all references to the titles “physician”, “surgeon”, “plastic surgeon”, “cosmetic surgeon”, “reconstructive surgeon”, “resident”, and any variations or abbreviations thereof, as applied to Mr. Bentum;
- (iii) all references to “Mark Raphael”, “Dr. Mark Raphael”, and variations thereof as applied to Mr. Bentum;
- (iv) all references that Mr. Bentum performs, offers to perform, is permitted to perform, or is involved in the performance of, controlled acts as defined under Ontario statute; and
- (v) any other references, claims or assertions that fail to comply with the RHPA, and the *Medicine Act*.

4. **THIS COURT ORDERS** that Mr. Bentum be confined to his home address, namely, 236 Albion Road, Etobicoke, Ontario, M9W 6A6, for a period of thirty (30) days (“house arrest”), and that he only be permitted to leave his home during this period for the following reasons:

- (a) to work at an occupation or in employment that does not violate any court orders, the RHPA, the *Medicine Act*, and as approved by the court and the College;
- (b) for necessary medical and/or dental treatment for himself or his immediate family;
- (c) for household shopping for no more than four (4) hours per week;
- (d) for the purposes of fulfilling any other conditions of his sentence.

5. **THIS COURT ORDERS** that while he is under house arrest, Mr. Bentum:

- (a) remain within Ontario unless he obtains written permission from the court to leave

Ontario, on notice to the College;

- (b) appear before the court when required to do so; and
 - (c) notify the court and the College, in advance, of any proposed change to his home address or to his employment.
6. **THIS COURT ORDERS** that within six (6) months after the end of the period of his house arrest, Mr. Bentum complete one hundred (100) hours of community service, at a place and in a capacity approved by the College.
7. **THIS COURT ORDERS** that if Mr. Bentum fails to comply with any of the terms of paragraphs 4, 5, and 6 above, a warrant may be issued for his arrest, upon which he shall be imprisoned, and he will serve out the balance of his term in prison, including any period of time for failure to complete his hours of community service (converted to days).
8. **THIS COURT ORDERS** that Mr. Bentum provide a copy of the order of Justice Callaghan, this order, and any reasons for the finding of contempt, to the municipal police facility closest to his home, within five (5) calendar days of the Court's order.
9. **THIS COURT ORDERS** that Mr. Bentum provide to the College, within five (5) calendar days of this order, all of his home addresses, work addresses, places of employment, personal telephone numbers (landline and mobile), work telephone numbers (landline and mobile), personal email addresses, and work email addresses.
10. **THIS COURT ORDERS** that Mr. Bentum notify the College of any changes to any of his home addresses, work addresses, places of employment, personal telephone numbers (landline and mobile), work telephone numbers (landline and mobile), personal email addresses, and work email addresses, within five (5) calendar days of any such change.
11. **THIS COURT ORDERS** that Mr. Bentum co-operate with the College to satisfy the

College he is complying with and fulfilling the order of Justice Callaghan, and this judgment, including by responding to any inquiries made of him by the College for this purpose within twenty-four (24) hours of any such inquiry.

12. **THIS COURT ORDERS** that the College be granted leave to issue a writ of sequestration directing a sheriff to take possession of and hold Mr. Bentum's property located anywhere in Ontario that consists of any of the following:

- (a) needles and/or syringes, unless they are for Mr. Bentum's own personal medical use;
- (b) injectable cosmetic drugs and substances, including but not limited to Botox, dermal fillers such as hyaluronic acid, and injectable anaesthetics;
- (c) non-injectable numbing or anaesthetic agents;
- (d) antibiotics, unless they are for Mr. Bentum's own personal medical use;
- (e) suture threads, of any type or description;
- (f) cannulas;
- (g) scalpels;
- (h) equipment, devices, machines, tools, and materials used to perform liposuction;
- (i) medical or surgical scrubs and scrub caps;
- (j) any items of clothing, including lanyards, on which "St. Michael's Hospital" and/or any variation(s) thereof is written; and
- (k) any certificates, diplomas or other documents in the name of or bearing the name "Mark Raphael" or "Dr. Mark Raphael".

13. **THIS COURT ORDERS** that Mr. Bentum pay costs to the College together with applicable Harmonized Sales Tax, in the amount of \$45,961.45 within thirty (30) days of

the date of this order.

THIS ORDER BEARS INTEREST at the rate of 4.0% per year commencing from the date of this order.



Akazaki J.
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COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO -and-
Moving Party/Applicant

MARK BENTUM
Responding Party/Respondent
Court File No. CV-23-00698482-0000

ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT TORONTO

JUDGMENT

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