

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE  
JUSTICE ROGER

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)

THE 5<sup>th</sup> DAY  
OF JUNE, 2017

**B E T W E E N:**

**COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO**

Moving Party

- and -

**EVE STEWART**

Respondent

**ORDER**

**THIS MOTION**, made by the Moving Party, College of Physicians and Surgeons of Ontario, for an Order under Rules 60.05 and 60.11 of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194 that the Respondent, Eve Stewart, is in contempt of an order of this Court, was heard this day at 161 Elgin Street, Ottawa, Ontario.

**ON READING** the Notice of Motion, Motion Record, Supplementary Motion Record, Factum, and the Brief of Authorities of the Moving Party, filed, and the Affidavit and Factum of the Respondent, filed,

**ON HEARING** the evidence of the Respondent, and the submissions of the parties, at the hearing of this motion,

1. **THIS COURT ORDERS** that:

i) Eve Stewart is in contempt of the Order of Justice Hackland dated May 22, 2014 (the “2014 Order”) for performing the following prohibited acts at her home-based esthetics clinic, Eve’s Laser Clinic:

a. Selling a drug, as defined in the *Drug and Pharmacies Regulation Act*, a controlled act as set out in section 27(2) of the *RHPA* and section 4 of the *Medicine Act, 1991*; and

b. Administering a substance by injection without receiving written confirmation from the College of Physicians and Surgeons of Ontario that she is in compliance with Section 27(1) of the *RHPA*, having regard to any College policies and/or applicable regulations in effect at the relevant time with respect to delegation of controlled acts.

ii) Eve Stewart shall:

a. pay a fine in the amount of \$2,500.00, \$500.00 of which shall be paid within 45 days of the date of this order, and the remaining \$2000.00 shall be paid at the rate of no less than \$25.00 per month thereafter. This fine shall be payable by cheque to the Ministry of Finance, 161 Elgin Street, OTTAWA ON K2P 2P1 and the Respondent is to provide proof to the College upon request confirming these payments, including copies of receipts. The College may contact the Ministry of Finance to confirm payment has been received and processed;

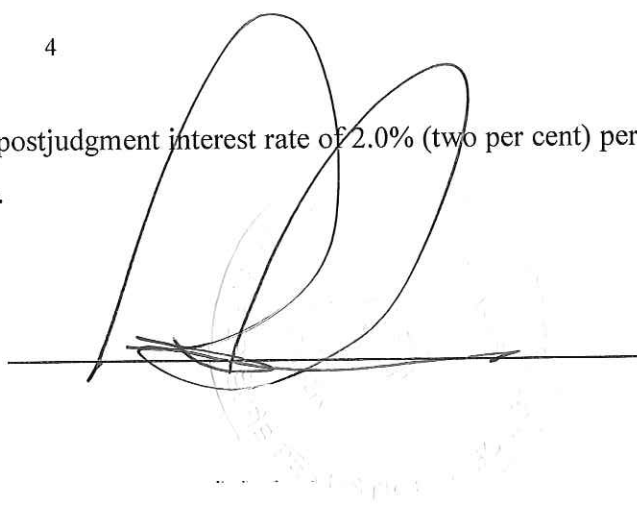
b. immediately and permanently post a prominent sign in the procedure rooms and the waiting rooms in each and every location where she provides esthetic services,

including Eve's Laser Clinic, in a form attached hereto as Schedule "A", notifying the public of the conditions of the 2014 Order;

- c. run a prominent notice in the Ottawa Citizen online to be at least once a week for four weeks, starting the month that this order is made, in a form attached hereto as Schedule "A";
- d. immediately and permanently refrain from advertising or communicating in any form to the public in such a way as to lead the public to believe that she can offer services that contravene the 2014 Order and any advertisement shall contain a specific prominent statement regarding the conditions of the 2014 Order;
- e. permanently advise the College of each and every location and new location in Canada where she provides esthetic services within one week of commencing her provision of such services at each and every new location;
- f. permanently advise the College on an annual basis commencing from the date of this order of all services offered or conducted at each and every location in Canada where she provides esthetic services;
- g. permanently grant the College access to unannounced visits at every location in Canada where she provides esthetic services up to four times annually per location, commencing from the date of this order, for the purpose of the College ascertaining her compliance with the 2014 Order and the present order;

2. **THIS COURT FURTHER ORDERS** that this Motion is otherwise dismissed with costs payable to the Moving Party in the amount of \$10,391.48 including HST, which shall be paid at the rate of no less than \$50.00 per month.

3. **THIS ORDER** bears interest at the postjudgment interest rate of 2.0% (two per cent) per annum, effective from the date of this Order.



A handwritten signature in black ink is written over a horizontal line. Below the signature, there is a faint, circular stamp that is partially obscured by the signature. The stamp appears to contain some text, but it is illegible due to its lightness and the overlapping signature.

ENTERED AT OTTAWA  
INSCRIT A OTTAWA  
ON/LE    JUN 13 2017  
          JUN  
DOCUMENT # 19411  
IN BOOK NO. 73-13  
AU REGISTRE NO. 73-13

**Schedule "A"**  
**ATTENTION**

By Court Order, as of May 2014, Eve Stewart and anyone providing services with her or in association with her shall not perform controlled acts under the *Regulated Health Professions Act*, and the *Medicine Act*, including but not limited to:

- a. communicating a diagnosis regarding a disease or disorder;
- b. performing a procedure underneath the skin;
- c. administering any substance by injection, unless she receives approval from the College of Physicians and Surgeons of Ontario; and,
- d. selling a drug as defined in the *Drug and Pharmacies Regulation Act*.

By Court Order, as of May 2014, Eve Stewart and anyone providing services with her or in association with her shall not treat or advise anyone regarding his or her health where serious bodily harm may result from an omission or the treatment or advice.

For more information, contact the College of Physicians and Surgeons of Ontario, Toll Free: 1-800-268-7096 ([www.cpsso.on.ca](http://www.cpsso.on.ca))