

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE)
JUSTICE L. SHEARD)
.....)

FRIDAY, THE 14TH
DAY OF AUGUST, 2015

B E T W E E N:

(Court Seal)

COLLEGE OF TRADITIONAL CHINESE MEDICINE PRACTITIONERS AND
ACUPUNCTURISTS OF ONTARIO

Applicant

and

ALEXANDER TRAN

Respondent

APPLICATION UNDER Section 87 of the *Health Professions Procedural Code*, being Schedule
2 to the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18

ORDER

THIS APPLICATION, made by the Applicant, the College of Traditional Chinese
Medicine Practitioners and Acupuncturists of Ontario (the “College”), for declarations that
Alexander Tran (“Mr. Tran”) has violated the *Regulated Health Professions Act, 1991*, S.O. 1991,
c. 18 (the “RHPA”) and the *Traditional Chinese Medicine Act, 2006*, S.O. 2006, c. 27 (the
“TCMA”) and for an interim and interlocutory and permanent injunction against Mr. Tran, was
heard this day at the Court House, 161 Elgin Street, Ottawa, Ontario, K2P 2K1.

ON READING the Consent filed by the parties, the Applicant's Application Record, Supplementary Application Record, Factum, and Brief of Authorities, and on hearing the submissions of counsel for the College:

1. **THIS COURT ORDERS** that the Application be and hereby is adjourned to a date to be determined, pre-emptory on the Respondent, and upon the terms below.

2. **THIS COURT FURTHER ORDERS** that pursuant to section 87 of the Health Professions Procedural Code, being Schedule 2 to *the Regulated Health Professions Act, 1991*, S.O. 1991, c. 18, until the final adjudication of the Application, the Respondent be and hereby is enjoined from, and shall immediately cease and desist:

- (a) using the title "doctor", or any abbreviation thereto, contrary to section 33(1) of the *RHPA*;
- (b) using the titles "traditional Chinese medicine practitioner" or "acupuncturist", a variation or abbreviation or an equivalent in another language, in contravention of section 8(1) of the *TCMA*;
- (c) holding himself out as a person who is qualified to practice in Ontario as a traditional Chinese medicine practitioner or acupuncturist or in a specialty of traditional Chinese medicine, in contravention of section 8(2) of the *TCMA*;
- (d) performing controlled acts limited to members of the College, in contravention of sections 3 and 4 of the *TCMA* and section 27 of the *RHPA*, specifically:

- (i) Performing a procedure on tissue below the dermis and below the surface of a mucous membrane for the purpose of performing acupuncture; and
 - (ii) Communicating a traditional Chinese medicine diagnosis identifying a body system disorder as the cause of a person's symptoms using traditional Chinese medicine techniques; and
- (e) treating and advising persons with respect to their health in circumstances in which it is reasonably foreseeable that serious harm may result from treatment or advice or from an omission from them, in contravention of section 30(1) of the *RHPA*.

3. **THIS COURT ORDERS** that the Respondent shall pay costs to the Applicant in respect of today's appearance in the amount of \$2,500.00 within 30 days.

h. Sheard, J.

(Signature of Judge)

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PRACTITIONERS AND ACUPUNCTURISTS OF ONTARIO
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-and- ALEXANDER TRAN
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Court File No. CV-15-64567

**ONTARIO
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT OTTAWA

ORDER

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