

**DISCIPLINE COMMITTEE OF
THE COLLEGE OF CHIROPODISTS OF ONTARIO**

B E T W E E N:

COLLEGE OF CHIROPODISTS OF ONTARIO

(“College”)

- and -

ÉLIE BÉLANGER

(“Member”)

NOTICE OF HEARING

THE INQUIRIES, COMPLAINTS AND REPORTS COMMITTEE of the College of Chiropractors of Ontario (the “**College**”) has referred specified allegations against you, **Élie Bélanger** (Registration # 190002), to the Discipline Committee of the College. The allegations were referred to the Discipline Committee in accordance with paragraph 26(1)1 of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991*.

Further information about the allegations is contained in the Statement of Allegations attached to this Notice of Hearing. A discipline panel will hold a hearing, on a date to be fixed by the Chair of the Discipline Committee, at the offices of the College of Chiropractors of Ontario at 180 Dundas Street West, Suite 1901, Toronto, ON M5G 1Z8 or electronically via Zoom or other electronic means, under the authority of sections 38 to 56 of the *Health Professions Procedural Code* for the purposes of deciding whether the allegations are true.

IF YOU DO NOT ATTEND AT THE DISCIPLINE HEARING IN ACCORDANCE WITH THE PRECEDING PARAGRAPH, THE DISCIPLINE PANEL MAY PROCEED IN YOUR ABSENCE AND YOU WILL NOT BE ENTITLED TO ANY FURTHER NOTICE IN THESE PROCEEDINGS.

If the discipline panel finds that you have engaged in professional misconduct, it may make one or more of the following orders:

1. Direct the Registrar to revoke your certificate of registration.
2. Direct the Registrar to suspend your certificate of registration for a specified period of time.
3. Direct the Registrar to impose specified terms, conditions and limitations on your certificate of registration for a specified or indefinite period of time.
4. Require you to appear before the panel to be reprimanded.
5. Require you to pay a fine of not more than \$35,000 to the Minister of Finance.

The discipline panel may, in an appropriate case, make an order requiring you to pay all or part of the College's costs and expenses pursuant to section 53.1 of the *Health Professions Procedural Code*.

You are entitled to disclosure of the evidence against you in accordance with section 42(1) of the *Health Professions Procedural Code*, as amended. You, or your representative, may contact the lawyer for the College in this matter:

Debra McKenna
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At the hearing, the College intends to introduce as business records, under section 35 and/or 52 of the *Evidence Act*, any writings or records that were made in the usual and ordinary course of business. Without limiting the generality of the foregoing, the College intends to introduce as business records the patient records, financial records, or other records that relate to the subject matter of the allegations.

You must also make disclosure in accordance with section 42.1 of the *Health Professions Procedural Code*, which states:

Evidence of an expert led by a person other than the College is not admissible unless the person gives the College, at least ten days before the hearing, the identity of the expert and a copy of the expert's written report or, if there is no written report, a written summary of the evidence.



Date: April 12, 2023

Nicole Zwiars, Registrar and CEO
College of Chiropodists of Ontario
180 Dundas Street West
Toronto, ON M5G 1Z8

TO: ÉLIE BÉLANGER

STATEMENT OF ALLEGATIONS

1. On or about June 11, 2019, Élie Bélanger (the “**Member**”) was first registered, in the chiropodist classification, as a member of the College.

2. It is alleged that, during the period from approximately March 18, 2018 to June 21, 2022, (the “**Relevant Period**”), the Member engaged in conduct that constitutes professional misconduct pursuant to the following:
 - (a) Clause 51(1)(b) of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991*, in that the governing body of a health profession in a jurisdiction other than Ontario, has found that the Member committed an act of professional misconduct that would, in the opinion of the panel, be an act of professional misconduct under this section or an act of professional misconduct as defined in the regulations;

 - (b) Clause 51(1)(c) of the *Health Professions Procedural Code*, being Schedule 2 to the *Regulated Health Professions Act, 1991*, and as defined in one or more of the following paragraphs of section 1 of the Professional Misconduct Regulation (O. Reg. 750/93) under the *Chiropody Act, 1991*:
 - (i) paragraph 1 – contravening a term, condition or limitation imposed on the member’s certificate of registration;

- (ii) paragraph 2 – failing to meet or contravening a standard of practice of the profession, including the College’s written standards relating to:
 - (a) Assessment and Management;
 - (b) Patient Relations; and/or
 - (c) Competence;
- (iii) paragraph 14 – providing treatment to a patient where the member knows or ought to know that the provision of the treatment is ineffective, unnecessary or deleterious to the patient or is inappropriate to meet the needs of the patient;
- (iv) paragraph 20 – signing or issuing, in the member’s professional capacity, a document that contains a false or misleading statement;
- (v) paragraph 30 – contravening the Act, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts and, in particular, Ontario Regulation 830/93; and/or
- (vi) paragraph 33 – engaging in conduct or performing an act, in the course of practising the profession that, having regard to all the

circumstances, would reasonably be regarded by members as disgraceful, dishonourable, or unprofessional.

PARTICULARS OF THE ALLEGATIONS

1. On or about June 11, 2019, Élie Bélanger (the “**Member**”) was first registered, in the chiropodist classification, as a member of the College.
2. Since his registration with the College, the Member has practised at the Ottawa Foot Clinic, located at 28 Deakin Street, in Ottawa, Ontario (the “**Clinic**”).
3. At the time of the Member’s application for registration with the College, which occurred on or about March 18, 2018, the Member also practised in Quebec. He was a registered member of the Ordre des Podiatres du Quebec (the “**Ordre**”) and had been registered with the Ordre since approximately 2015.

A. The Investigation

4. At the time of Member’s application for registration with the College, the Member was the subject of an investigation related to his practice in Quebec. The Member was informed that the Office of the Syndic (the “**Syndic**”) was conducting an investigation by letter dated on or about July 27, 2017.
5. As part of his application process to the College, the Member failed to disclose to the College that he was the subject of an investigation in Quebec. The Member did not disclose that fact to the College at any time prior to his registration with the College on June 11, 2019.
6. It was a non-exemptible registration requirement that the Member be in “good standing” as a chiropodist or podiatrist in every jurisdiction where he held an out-of-province certificate.

7. As set out in the registration requirements, the term “good standing” means that the applicant for registration is not the subject of “any discipline or fitness to practise order or of any proceeding or ongoing investigation or of any interim order or agreement as a result of a complaint, investigation or proceeding.”
8. The Member was not in “good standing” in Quebec and he failed to disclose that fact to the College.
9. Furthermore, following his registration with the College, the Member did not file a self-report and/or disclose the investigation to the College as part of his annual registration renewals from 2019 to 2021, or otherwise report the investigation to the College.

B. The Discipline Proceedings

10. Subsequently, the investigation by the Syndic resulted in discipline proceedings being commenced against the Member, which occurred on or about October 25, 2021. The Member was notified by the Syndic that the complaint had been referred for a hearing, but again the Member failed to report the discipline proceedings to the College at that time.
11. Several months later, in or about February 2022, the Member disclosed his discipline matter to the College for the first time – almost four years after he first sought registration with the College.
12. On or about May 5, 2022, the Quebec discipline hearing proceeded against the Member, at which time the Member was found guilty by the Disciplinary Council of the Ordre of having breached various sections of the Code of Ethics of Podiatrists, the Professional Code, and related regulations with respect to the Member’s treatment of a 12-year-old patient (the “**Patient**”).

13. The Disciplinary Council's written reasons for decision are dated June 21, 2022.

C. Civil Proceedings

14. The Member was also the subject of civil proceedings in Quebec, commenced by the Patient and his family in relation to the Member's treatment.
15. The action was commenced on or about February 14, 2020. The Member received notice of the proceedings in or about 2020. However, the Member did not disclose the proceedings to the College at that time and/or at any time.
16. The Court's decision related to those proceedings is dated February 25, 2022, in which the Court makes findings of liability against the Member. However, the Member failed to file a self-report or disclose the Quebec civil proceedings or the outcome of those proceedings to the College.
17. Notice of the proceedings only came to the College's attention in June 2022, upon reading the written decision of the Disciplinary Council of the Ordre, which refers to the Quebec court proceedings against the Member.

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- and -

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CHIROPODISTS OF ONTARIO**

NOTICE OF HEARING

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Lawyers for the College of
Chiropractors of Ontario
