

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE)
) WEDNESDAY, THE 10TH DAY
)
JUSTICE J.E. FERGUSON)
) OF MARCH, 2021
)

B E T W E E N:

ROYAL COLLEGE OF DENTAL SURGEONS OF ONTARIO

Applicant

and

INA NAVITSKAYA

Respondent

ORDER

THIS APPLICATION, made by the Applicant for an Order finding the Respondent in contempt of the Order of Justice Lederer, dated January 3, 2017, was heard this day at Toronto, Ontario.

ON READING the Application Record, the Affidavit of the Respondent, the Agreed Statement of Facts and the Joint Submission on Remedy, filed and upon finding the Respondent in contempt of the Order of Justice Lederer:

1. **THIS COURT ORDERS** that the Respondent, Ina Navitskaya, (hereafter “Navitskaya”), comply with section 9 of the *Dentistry Act* and sections 27 and 33 of the *Regulated Health Professions Act*, and in particular, that the Respondent be and is hereby prohibited, unless or until such time as the Respondent is permitted to practice dentistry in the Province of Ontario, or otherwise as legally permitted:
 - (i) from using the title “dentist” or “dental surgeon” or a variation, abbreviation or equivalent in English or any other language, in Ontario;
 - (ii) from holding herself out as a person who is qualified to practice in Ontario as a dentist or in a speciality of dentistry;

- (iii) from performing any controlled acts in Ontario, in relation to dentistry including but not limited to:
 - (a) performing procedures on tissues below the dermis, below the surface of a mucus membrane, in or below the surfaces of teeth, including the scaling of teeth;
 - (b) administering substances by injection or inhalation;
 - (c) communicating to individuals or their personal representatives a diagnosis identifying any disease or disorder as a cause of symptoms of the individual and circumstances in which it is reasonably foreseeable that the individual or his or her personal representative will rely on the diagnosis; and
 - (d) dispensing any medication or drugs or any nature or kind.

2. THIS COURT FURTHER ORDERS THAT:

LENGTH OF CONDITIONAL SENTENCE

Navitskaya shall:

- (a) within 48 hours become enrolled in the Electronic Surveillance Program or such other similar Electronic Monitoring Program as is acceptable to the parties (the "Program"), for a period of 90 days, and comply with the terms and conditions of this Order;
- (b) as soon as is reasonably possible upon her enrollment with the Program, provide confirmation of her enrollment in that Program to the Applicant; and
- (c) comply with the terms and conditions set out in this Order, until the expiration of the 90 day sentence, as specified in this Order.

MANDATORY TERMS OF THE ORDER

Navitskaya shall:

- (a) Appear before the Court when required to do so by the Court
- (b) Remain within the Province of Ontario unless prior written permission to go outside the Province is obtained from the Court or her Supervisor; and

- (c) Notify the Court or her Supervisor in advance of any change of name, address or telephone number and promptly notify the Court or her Supervisor of any change in employment or occupation.

RESTRICTION ON LIBERTY

House Arrest

- (d) Navitskaya shall reside at 32 Boyne Highlands Court, Vaughan, Ontario (the "Residence") and Navitskaya shall not change that Residence without the written approval of her Supervisor.
- (e) During the duration of the 90 day sentence, Navitskaya shall remain at her Residence 24 hours per day and shall not be absent from her Residence except where specifically permitted by the terms set out in this Order.
- (f) Navitskaya will cooperate at all times with her Supervisor and/or any representative of the Program and the terms of the Program.
- (g) The Program includes Navitskaya, at her own expense, being subject to GPS monitoring by Recovery Science Corporation (RSC) which shall include:
 - 1) entering into RSC's Participation Agreement and complying with its terms;
 - 2) wearing RSC's monitoring device at all times;
 - 3) permitting RSC to install supplementary equipment, if required, at her Residence and to inspect, replace and maintain equipment as it deems necessary;
 - 4) complying with RSC leave notification and battery charging requirements; and
 - 5) cooperating with RSC staff.

Verification

- (h) During the period of time that Navitskaya is required to be in her Residence, while under house arrest, Navitskaya:
- 1) shall physically present herself to her Supervisor who attends at her Residence; and
 - 2) shall speak to her Supervisor on the telephone whenever her Supervisor telephones her Residence. This telephone number must not utilize a call transfer service so that her Supervisor can speak with Navitskaya directly by telephone as needed no fewer than 40 minutes after her Supervisor's first unsuccessful attempt at given instance, except in such exceptional circumstances as set out in this Order.

Exception to House Arrest

- (i) Navitskaya may be absent from her residence during any period of house arrest for the following reasons only:
- 1) to attend appointments with her lawyer, or attend Court as required by law;
 - 2) to shop for, or otherwise attend to, the necessities of Navitskaya's life, or the lives of those who reside at her Residence, which is permitted only during the hours of 9:00 a.m. to 1:00 p.m. on Saturdays;
 - 3) for religious services;
 - 4) to report to her Supervisor;
 - 5) to vote in a Municipal, Provincial, or Federal Election;
 - 6) to walk her dog, no more than twice a day, up to 30 minutes each time; or
 - 7) for any other reason deemed suitable by her Supervisor.

Exception:

Prior approval is not required if Navitskaya requires emergency medical or dental treatment.

In the event of such emergency, Navitskaya shall go directly to the medical facility appropriate to the emergency and Navitskaya shall return to her residence as soon as possible and notify her Supervisor of: her absence; the location Navitskaya attended; and the specific reasons for the absence.

Upon request, Navitskaya shall provide to her Supervisor proof that is satisfactory to her Supervisor of the need for her absence from the Residence for the emergency treatment.

At all times when Navitskaya is absent from her residence, Navitskaya shall carry a legible copy of this Order, including any amendments and any written approvals signed by her Supervisor.

Navitskaya shall produce these documents to any Peace Officer or person responsible for the enforcement or supervision of this Order upon request.

EXEMPTION

Where appropriate, her Supervisor may grant temporary written exemption from any of the terms of this Order, provided that the exemption is for the purposes of addressing an immediate need with respect to her rehabilitation and/or for humanitarian purpose.

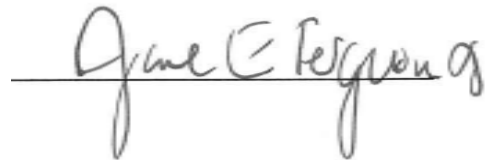
DEFINITIONS

In this Order:

- (a) "Residence" means that residence which has been designated by the Court or approved by her Supervisor from time to time;
- (b) "house arrest" means that period of time which Navitskaya is required to remain at her Residence as set out in this Order; and
- (c) "Supervisor" means a person designated by the Attorney General, either by name or by title of office, as a Supervisor for the purposes of section 742.1-742.7, of the *Criminal Code* (as amended) and includes that Supervisor's designate or agent, or such other person who shall act on behalf of the Program.

- 3. **AND THIS COURT FURTHER ORDERS** that Navitskaya shall forfeit all materials and equipment seized by the Applicant in connection with its investigation of this matter.

4. **AND THIS COURT FURTHER ORDERS**, on Order of the parties, that Navitskaya shall pay costs to the Applicant in the amount of \$2,500, plus HST, within 90 days of the date of this Order.
5. This Order is effective from the date it is made and enforceable without the need for entry and filing.

A handwritten signature in cursive script, reading "June E Ferguson", is written over a horizontal line.

ROYAL COLLEGE OF DENTAL SURGEONS OF ONTARIO

- and -

INA NAVITSKAYA

Applicant

Respondent

ONTARIO

SUPERIOR COURT OF JUSTICE

Proceeding commenced at Toronto

ORDER

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