

IN THE MATTER OF THE *HEALTH PROFESSIONS ACT* RSBC 1996 c. 183

AND IN THE MATTER OF

**THE COLLEGE OF MASSAGE THERAPISTS
OF BRITISH COLUMBIA (“CMTBC”)**

AND

**GILLES-PHILIPPE (PHIL) LAVOIE
(the “Registrant”)**

CONSENT ORDER AND REASONS
Under s. 37.1 of the *Health Professions Act*

The Inquiry Committee of the CMTBC considered the Consent Order Proposal (the “Proposal”) submitted by the Registrant on December 19, 2022, concerning a complaint made to CMTBC. A copy of the Proposal is attached to this Order.

The Inquiry Committee noted the Registrant’s admissions as set out in the Proposal that:

12. ...

- a. On or about August 10, 2020, at the clinic at which he practiced massage therapy, he intentionally and secretly video recorded a female patient, [REDACTED] (the “Patient”), while she disrobed at the beginning of her massage therapy appointment with him. Specifically, he positioned his mobile phone in a place in the treatment room such that its camera was facing toward the area that he anticipated the Patient would disrobe, turned the mobile phone record function on, and exited the treatment room. The mobile phone captured the Patient disrobing at the beginning of the massage therapy appointment.
- b. On or about June 11, 2021, he was convicted in the British Columbia Provincial Court on the following charge: that between March 20, 2020 and August 10, 2020, at or near Saanich, British Columbia, he did commit the offence of secretly observing/recording nudity in a private place, contrary to section 162(1)(a) of the *Criminal Code*.
- c. The charge referred to in paragraph 12(b), above, related to his secret video recording, on his mobile phone, of the Patient and three other women (one of whom was also his patient).

The Registrant admitted that the conduct set out in paragraphs 12(a), (b) and (c) above amounts to separate acts of professional misconduct.

The Inquiry Committee noted that the Registrant agrees to cancel his registration and will not be eligible to apply for reinstatement of registration for a period of 25 years.

The Inquiry Committee noted that if the Registrant applies for registration after 25 years, his

application will be addressed by the Registration Committee in accordance with section 20 of the *Health Professions Act* (or the applicable provision of successor legislation) and the Bylaws of CMTBC, including as they may be amended. He will not have an automatic right to registration and will be required to meet all legislative and bylaw requirements relating to registration, including those relating to good character, in effect at that time.

Having reviewed the Proposal and based upon the considerations set out above, the Inquiry Committee makes the following orders pursuant to s. 37.1 and s. 39 of the *Health Professions Act*:

- 1. the Registrant's registration with CMTBC is cancelled effective January 11, 2023;**
- 2. the Registrant is not eligible to apply for reinstatement of registration with CMTBC for a period of 25 years from the date of this Order, that is, until January 11, 2048; and**
- 3. the Registrant shall pay costs of \$2,500 to CMTBC with respect to its investigation of the Registrant in this matter.**

This Consent Order is made this 11th day of January, 2023 by the Inquiry Committee:



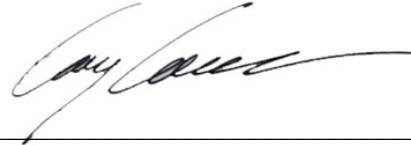
Signature of Teresa Budd, Chair



Signature of Pamela Nonis, RMT, Vice Chair



Signature of Wendy Sanders, RMT



Signature of Cary Cowan, RMT



Signature of Jana Konkin, RMT



Signature of Barbara Martin



Signature of Robin Perry, RMT