

**IN THE MATTER OF THE *HEALTH PROFESSIONS ACT*, R.S.B.C. 1996, c. 183  
(the “HPA”)**

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

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

**CONSENT ORDER PROPOSAL  
(the “Proposal”)**

**BACKGROUND**

1. This Proposal is made by the Registrant to the Inquiry Committee of CMTBC (the “Committee”) under section 37.1 of the HPA.
2. On October 20, 2005, CMTBC registered the Registrant under No. RMT-005098.
3. On August 11, 2020, a complainant submitted a complaint to CMTBC with respect to the events that occurred during a massage therapy treatment on August 10, 2020 at Tone Massage Therapy (the “Clinic”).
4. On or about August 11, 2020, CMTBC opened a complaint file under No. INQ-2020-00063.
5. On or about August 19, 2020, the Committee initiated an investigation into the Registrant’s behaviour. As a criminal investigation was ongoing, CMTBC elected to hold part of its investigation in abeyance pending the conclusion of criminal proceedings.
6. On August 28, 2020, the Registrant became a former registrant when he resigned his registration with CMTBC.
7. On June 11, 2021, the Registrant was convicted in the British Columbia Provincial Court on the following charge:  
  
Count 1, between March 20, 2020 and August 10, 2020 at or near Saanich BC, did commit an offence of secretly observe/ record nudity in private place, contrary to section 162(1)(a) *Criminal Code*.
8. The conviction related, in part, to the Registrant’s conduct articulated in the August 11, 2022 complaint to CMTBC.

9. On June 11, 2021, the Registrant was sentenced to, *inter alia*, a conditional sentence of six months and an 18-month probation. One of the conditions of the Registrant's sentence was that he "must not engage in any massage therapy services for remuneration or advertise as such."
10. On June 15, 2022, the Committee directed the issuance of a citation in this matter.
11. On October 7, 2022, a citation was issued against the Registrant for a discipline hearing on March 7, 2023.

## **ADMISSIONS**

12. The Registrant admits that:
  - 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).
13. The Registrant admits that the conduct set out in paragraphs 12 (a), (b), and (c) above amount to separate acts of professional misconduct.

## **CONSENT TO ORDER**


14. The Registrant proposes resolution of this matter on the following terms:
  - a. that, pursuant to section 39(2) of the HPA, his registration with CMTBC is cancelled effective the date of the Committee's approval of this Proposal;
  - b. that, pursuant to section 39(8) of the HPA, the Committee order that he not be eligible to apply for reinstatement of registration for a period of 25 years from the Committee's approval of this Proposal; and
  - c. the Registrant shall pay costs in the amount of \$2,500.00 to the CMTBC with respect to its investigation of the Registrant in this matter.

**ACKNOWLEDGEMENTS**

- 15. The Respondent acknowledges that, if this Proposal is accepted by the Committee, it will issue a Consent Order consistent with this Proposal that is considered to be an order of the Discipline Committee made under section 39 of the HPA. If the Proposal is rejected, the hearing will proceed as though the Proposal had not been made and without consideration of its contents.
- 16. The Registrant acknowledges that, if this Proposal is accepted by the Committee, publication of this Proposal and the Consent Order issued will be made in accordance with section 39.3 of the HPA.
- 17. The Registrant acknowledges that in the event a Consent Order is issued in accordance with this Proposal, and he applies for registration after 25 years, his application will be addressed by the Registration Committee in accordance with section 20 of the HPA 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; and pursuant to section 54(5) of the CMTBC Bylaws will be required to satisfy the Registration Committee that his registration will not pose an undue risk to public health or safety or otherwise be contrary to the public interest.
- 18. The Registrant acknowledges that he has had an opportunity to obtain legal advice and representation throughout CMTBC processes and before making this Proposal and that he fully understands and agrees to the terms and conditions set out herein.

SIGNED in Victoria, B.C. the 19<sup>th</sup> day of December, 2022.

  
Gilles-Philippe Lavoie, Registrant

Signature of Gilles-Philippe Lavoie witnessed on above date by: 

  
Witness Name (Please Print) and Signature