

# IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *The College of Veterinarians of British  
Columbia v. Henderson,*  
2017 BCSC 917

Date: 20170601  
Docket: S159700  
Registry: Vancouver

Between:

**The College of Veterinarians of British Columbia**

Petitioner

And

**Corinne Henderson and Corinne Henderson carrying  
on business as Dentapet**

Respondents

Before: The Honourable Madam Justice Dillon

## **Reasons for Judgment**

Counsel for the Petitioner:

A. Wade

Counsel for the Respondents:

N. Steinman  
T. Chan, Articled Student

Place and Date of Hearing:

Vancouver, B.C.  
March 9, 2017

Place and Date of Judgment:

Vancouver, B.C.  
June 1, 2017

**Introduction**

[1] The petitioner, The College of Veterinarians of British Columbia (the “college”), sought an order pursuant to s. 75(1) *Veterinarians Act*, S.B.C. 2010, c. 15 (the “Act”) that the Respondent, Corinne Henderson (“Henderson”) and Corinne Henderson carrying on business as Dentapet (“Dentapet”) be permanently enjoined and prohibited from engaging in the practice of veterinary medicine and performing dental hygiene on an animal and from holding herself out as engaging in the practice of veterinary medicine until she becomes a member in good standing of the college.

[2] The respondent consented to an order that Henderson and Dentapet not hold themselves out as engaged in the practice of veterinary medicine but opposed a prohibition which would “require her to close her business of cosmetic pet teeth cleaning” including the scaling of teeth to an animal. The respondent argued that her practice of “cosmetic pet teeth cleaning” does not constitute the practice of veterinary medicine and agreed to the prohibition if this was clarified.

**Background Facts**

[3] Henderson began a business of cleaning pets’ teeth under the name of Dentapet in 2010 after completing training in pet oral hygiene from Sylvia MacDonald (“MacDonald”) at K-9 BriteBark. Henderson was certified by MacDonald as a “canine oral hygiene specialist”. Neither MacDonald nor K-9 BarkBrite is registered as a veterinarian, certified veterinarian technician, or veterinarian college in Canada. Prior to that certification by K-9 BarkBrite, Henderson was a breeder, trainer, and groomer of show dogs. The “canine oral hygiene specialist” certification purported to qualify Henderson to surface, clean, and polish a pet’s teeth without sedation. Henderson obtained a municipal business licence to operate a home occupied business as an “oral hygienist for pets”. Henderson has never been a registrant of the college as a veterinarian or as a certified veterinarian technician. Dentapet has never been an accredited veterinary facility.

[4] Henderson was aware of the decision in *British Columbia Veterinary Medical Association v. MacDonald*, 2005 BCCA 225, [2005] B.C.J. No. 983 (*MacDonald*

BCCA). This decision concerned the unsuccessful appeal of the college from an order dismissing its application to enjoin MacDonald from operating a canine dental business. Henderson was aware that MacDonald's lawyer had interpreted that decision to mean that MacDonald could clean the visible surface of a dog's teeth without sedation because it was purely cosmetic and did not pose any health risk to the dog. However, MacDonald could not diagnose or assess tooth disease or gum decay or other health condition and could not advertise or advise clients on these matters.

[5] Henderson stated that she maintains a pet's teeth through a "holistic approach". When Henderson first started to clean dogs' teeth without sedation, she used a hand scaler. Since 2012, she has used an ultrasonic machine and polisher, described in her literature as a "professional dental instrument". There is no evidence that Henderson has been trained or has particular knowledge about the use of this device. She stated that this method is "safer", there is decreased "treatment" time, there is more efficient removal of dental plaque and calculi, and there is less tissue trauma especially when close to the gum line. She also said that "older dogs with loose teeth react better to cleaning" with the ultrasonic tool as compared to manual cleaning. She recommends that pets with loose teeth be seen by a veterinarian. Henderson said that she would lose revenue if she were only to use manual scaling because of the time involved.

[6] Henderson presented into evidence a DVD from a YouTube video called "Pet Friendly Dental Care" which she said was an example of the non-restrained pet teeth cleaning that she provided. She stated that the scaling work in the video was "similar to what I do, except I use an ultrasonic scaler on most pets, except those which cannot tolerate it". She stated that she did not perform steps 4 and 5 in the video which "work is for veterinarians".

[7] The video placed by Henderson in evidence shows a veterinary technician describing non-anaesthetic teeth cleaning for veterinarians to implement into their practice. The technician stated at the end of the video that this practice has been

implemented into over 300 veterinary practices. She stated that the procedure should be incorporated into the practice to complement the dental care programme. She described the procedure as “non-anaesthetic dentistry”. There were 9 steps to the procedure: first, taking a complete medical history “to ensure a safe and comfortable procedure”; second, performing an oral exam to find any abnormality which should immediately be brought to the attention of the veterinarian so that the doctor could determine whether an anaesthetic was necessary; third, using hand instruments to remove plaque and tartar, a procedure “comparable to paediatric dentistry”; fourth, performing curettage which was sub-gingival and a “vital portion of any dental cleaning”; fifth, probing the gums to measure pocket depth; sixth, polishing using fluoride and pumice paste, an “important part of any dental cleaning”; seventh, irrigating to improve gingivitis and inflammation; eighth, detailed charting including notation of any abnormality; and ninth, following up by going over the findings and educating the client.

[8] The first step, taking an adequate medical history, was necessary because over 80 percent of dogs and cats suffer from a form of dental disease. At steps four and five, the veterinarian was to be consulted as to whether a topical anaesthetic should be used and notified about any abnormalities in pocket depth which is an important indicator of disease. It was apparent in this video from words used and the appearance of a veterinarian that this description of non-anaesthetic teeth cleaning of a dog was being provided by a veterinary technician under general supervision in a veterinary office. The purpose of the video was to encourage non-anaesthetic dental cleaning in veterinarian dental care. The video established in evidence the procedure to be adopted in the administration of non-anaesthetic animal teeth cleaning.

[9] Henderson used an intake sheet in her practice that asked the pet owner whether there were any known medical problems or surgeries. The form stated that the teeth cleaning procedure was “not comparable to a veterinarian procedure” and that surface scaling and polishing below the gum line would be performed without sedation. If the pet required immediate veterinary care, Dentapet would not be held

responsible but would “insure” that the pet received immediate attention. The owner assumed all responsibility for any veterinary services rendered as a result of this occurrence.

[10] Henderson also used a “canine dental chart” for each pet. This contained a procedure record to be filled out and a diagram of canine teeth with an abbreviation key to note such conditions as contact ulcer, gingivitis, laceration, oral mass, root canal, root exposure, and extraction. Henderson acknowledged that this is a dental chart that might typically be used in a veterinary setting and lists conditions that require diagnosis by a veterinarian.

[11] In 2014, Henderson had provided a written undertaking to the college and to the College of Dental Hygienists of British Columbia that she would not use the term “dental hygienist” in connection with services that she provided, nor would she advertise or hold herself out as a “hygienist”. She undertook to refrain from advertising or otherwise holding herself out as being registered or qualified to provide preventative and therapeutic dental hygiene care for the teeth and adjacent tissues of animals, except for grooming and “teeth cleaning services”.

[12] Regardless to the 2014 undertaking, Henderson stated in advertising through a website in 2017 that she was an “oral health specialist”, a “certified oral health specialist”, and a “certified dental hygienist” for domestic pets. She stated that she scaled and polished cats’ and dogs’ teeth without sedation or anaesthesia. She stated that her “specialty” was the “care and welfare” of pets. She explained in an affidavit that she was not “computer savvy” and had not looked at this website in some time, but also had not hired anyone to remove the offending descriptions. Other web information described Henderson as a “skilled technician” who offers “oral care solutions” and a “natural alternative to conventional oral health procedures for dogs and cats”.

[13] Advertising and web information for Henderson and Dentapets was in evidence. Advertising for the Dentapet “clinic” asked whether your pet exhibited certain behaviours such as pawing at the mouth, loose teeth, loss of appetite, or

bleeding or inflamed gums. It stated that Dentapet provided “professional” non-anaesthetic “oral care” for pets through “professional, safe ... non-anaesthetic teeth cleaning treatment to help maintain your pet’s oral care and happiness”. The advertising stated that Dentapet used “all-natural, holistic, non-anaesthetic, non-invasive, oral-hygiene treatments’ for dogs and cats”. The advertising said that Dentapet used “natural antibiotics” and ultrasonic machines to lessen bleeding in an infected animal. The advertising stated that the techniques used were hygienic and not to be confused with “medical and/or veterinarian procedures”. Under search words appeared “serious oral health conditions”. There was also a description of how a simple oral infection or periodontal disease could spread to major organs with illustrations and lists of dog and cat organs that could be affected. There was also description and pictures of signs of gingivitis and periodontitis, along with other pictures of canine dental teeth requiring a “Dentapet visit”, some suggestive of dental disease. Pets eligible for Dentapet procedures included pets with periodontal “issues”, senior pets, and pets with “medical conditions such as heart murmurs, collapsed tracheas, renal and liver conditions, Chrohn’s disease, ... etc”. The advertising also stated that pets with oral health complications would be referred to a veterinarian for treatment.

[14] The “oral care treatments” offered at the Dentapet “clinic” were said to be trauma free. The first consultation involved performing a “thorough examination of the mouth and head” to suggest a “treatment and maintenance program”. After the ultrasonic scaling procedure, the “skilled technician” would discuss “any problems discovered” and “recommend a maintenance program”. Frequent visits to Dentapet were said to “help identify gum and teeth irregularities and problems ... so as to avoid serious gum and teeth issues”. Home solutions were then offered to keep the digestive tract clean, improve joint health and mobility, and keep tartar and calculus from forming.

[15] Testimonials from clients included expression of worry about using a veterinarian because of their use of general anaesthesia and a preference to use Dentapet because it was less expensive than a vet. From these, it is concluded that

certain clients use Henderson's services as an inexpensive alternative to veterinary dental care, not just as a cosmetic procedure.

[16] On October 22, 2015, a private investigator hired by the college attended at the Dentapet premises with her Cocker Spaniel dog named "Bug" for an appointment to have Bug's teeth cleaned. The entire interaction was audio recorded and the transcript was in evidence.

[17] From the transcript, it is concluded that the following conversations took place. Henderson said that she had to examine Bug so that she could inform the investigator how much it would cost. Henderson said that she used an "ultrasonic tool that they use on people's teeth" so it doesn't hurt. The investigator said that she knew that vets did this too, but it was too expensive. Henderson replied, "Of course, yeah". Henderson then began her "consultation".

[18] Henderson informed the investigator that the calculus on the inside and outside of each tooth would be removed, but not past the gum, and that this would resolve the "poison going into their system every day". She said that she could not clean under the gum "because the gums are attached to the tooth". Henderson told the investigator that the procedure would add three to five years to Bug's life. She then described what gingivitis and periodontal disease was, examined Bug quickly, and advised that Bug had "periodontitis". Henderson advised that she was "certified" so could see whether a dog had cracked teeth or an abscess or "something". Henderson stated that her procedure could actually cure the disease and said that the condition was serious. She pointed out where Bug's teeth were receding and had pockets and confirmed that the bacteria could get into the nerves. Henderson stated that she had a product that "heals the gums ... and stimulates the gum surfaces to regrow the ligaments ... so there are no more open pockets". Henderson stated that "the vet likes to extract as soon as [the tooth] starts to recede" and implied that you either keep the teeth clean through her method or go to the vet to have the tooth removed. Henderson said that the reason that you go to the veterinarian is to have the teeth pulled and that there was no reason for that right

now with Bug. She also described another client who just went to the veterinarian for tooth removal but came to her for “maintenance” in the interim “because it [was] cheaper” and “better for the dog”. Henderson said that she used a “tincture” that goes right into the blood system on smaller dogs to calm them down and a home remedy capsule with the same effect that was “vet approved” for larger dogs like Bug.

[19] Henderson did not complete an intake sheet for Bug or the canine dental chart. It was left blank. There was no record kept of Bug’s condition or the details of the cleaning.

[20] Henderson asked the investigator to leave while she attended to Bug. About 2 ½ hours later, Henderson called the investigator to advise that Bug was ready to be picked up. When the investigator returned, she noted that Bug appeared agitated and distressed. Henderson told the investigator that the dog “had really bad gingivitis” with bleeding gums, leading to periodontal disease. Henderson described four stages of gingivitis. She said that Bug had mild to moderate gingivitis. She said that the dog’s gums were bleeding when she started the procedure. Henderson sold the investigator a product that Henderson said would heal the gums and stop the gingivitis and periodontal disease. From Henderson’s comments about other cases that she dealt with, it can be concluded that she performed the procedure on dogs with much more serious conditions than Bug’s. She also advised that Bug was “very overweight”. The investigator paid \$290 for services and products.

[21] Henderson agreed in her affidavit evidence that she should not have made a diagnosis about any dental disease concerning Bug or any other animal. Although she stated that it was her practice to tell a dog’s owner that they needed to follow up with a veterinarian, she did not do so with the investigator. In fact, she suggested that the only time that an owner needed to follow up with a veterinarian was when a tooth needed removal. She offered to continue to follow up with Bug even though she was of the opinion that Bug suffered from dental disease.

[22] Dr. Loic Legendre is a licensed veterinarian and board certified veterinary dental specialist who has practiced as a veterinarian since 1984. He examined Bug's teeth both before and after Bug's appointment with Henderson. On October 15, 2015, the doctor found Bug to be suffering from periodontal disease with grade 2 gingivitis and small tumours on two teeth, among other findings. On October 27, 2015, Bug was examined again and found to have calculus deposits left on 22 teeth notwithstanding the dentistry provided by Henderson. The doctor commented that removal of calculus and plaque deposits accomplished nothing toward the overall health of Bug. Dr. Legendre also appraised the product recommended by Henderson to heal Bug's gums and said that the ointment had no medical benefit.

[23] Dr. Legendre stated that veterinary medicine includes veterinary dentistry. Veterinary dentistry includes dental cleaning, extractions, minor surgeries, and the removal of small masses. Dental cleaning includes the removal of hard and soft deposits both above and below the gums. Diagnosis and treatment in veterinarian dentistry requires special knowledge including knowledge of dental and oral anatomy, knowledge of physical conditions that can be affected by dentistry, knowledge of proper use and care of instruments and protective equipment, and knowledge of recognition of pain and pain management. He also described the risks associated with inadequate treatment of periodontal disease and said that anaesthesia-free dental cleaning is "inadequate for treatment of periodontal disease" because it is a "cosmetic procedure performed supragingivally above the gum line to remove visible tartar or calculus". It does not treat the problem below the gum line where the extent of disease needs to be probed to measure the depth of tooth attachment loss and bone loss. Thorough cleaning and scraping of an inflamed gum and exposed root are required to encourage healing. The use of ultrasonic scalers is problematic because one should never be used for more than a certain amount of time due to heat buildup which causes discomfort and potential damage. He favoured the use of anaesthetics to reduce stress and pain. Dr. Legendre said that the problem with cosmetic cleaning is that disease goes undetected and an owner may be misled about the sufficiency of a pet's care.

[24] Dr. Catherine Wilkie is a veterinarian engaged in general practice, a large part of which is the care and treatment of dental issues in animals. She stated that the improper use of ultrasonic scalers can result in pain, permanent etching of tooth enamel, heat damage resulting in the death of a tooth, heat damage to soft tissue, lacerations, and future aversion to handling of the mouth. She stated that proper training is required in the use of this instrument. Dr. Wilkie also opined about the use of restraint in the cleaning of a dog's teeth. She defined "restraint" as the use of any force to prevent an animal from moving and stated that Henderson used restraint in her practice. The risks associated with the use of restraint are relative to the skill and experience of the handler, the size of the animal, the degree and type of restraint used, the duration of the restraint, the anxiety level of the animal, and the underlying health of the animal. She considered that the one or two hours while an animal was under restraint for cosmetic cleaning was prolonged and risky without knowledge of an animal's health based upon a medical history and without knowledge of the predispositions of certain breeds to particular dangers.

[25] Dr. Wilkie stated that the only individuals qualified to perform dental procedures on animals in British Columbia are licensed doctors of veterinary medicine and registered veterinary technicians who have graduated from an accredited technical college. Veterinary technicians have education in oral anatomy and physiology, general and breed specific physiology and medicine, animal handling, and dental procedures including scaling and polishing. Dr. Wilkie reviewed the "canine dental chart" used by Henderson and said that it is typically used in a veterinary setting because it contains many conditions listed in the chart by abbreviation that require diagnosis by a veterinarian. She stated that undiagnosed or untreated dental disease results in harm to the animal.

### **Legal Analysis**

[26] The *Veterinarians Act* defines "veterinary medicine" in s. 1 as:

**"veterinary medicine"** means the art and science of veterinary medicine, dentistry and surgery, and includes, whether or not for consideration,

- (a) the diagnosis and treatment of animals for the prevention, alleviation or correction of disease, injury, pain, defect, disorder, or other similar condition,
- (b) the provision of a service prescribed by regulation of the Lieutenant Governor in Council, and
- (c) the provision of advice in respect of a matter referred to in paragraph (a) or (b).

[27] A person who is not registered under the *Act* must not perform, offer to perform, or imply that the person is entitled to perform any act described in the definition of “veterinary medicine”. Section 46(2) states:

- (2) A person who is not a registrant must not do any of the following:
  - (a) perform, offer to perform, or imply that the person is entitled to perform, in British Columbia, any act described in the definition of “veterinary medicine” in section 1.

[28] A person who is not registered may not use the title of “veterinarian” or any other title, name or description in any manner that suggests that the person practises veterinary medicine (s. 47(2)). A person who is not a certified technician must not represent that the person is a certified technician (s. 48(2)).

[29] The college is responsible to protect the public interest in respect of matters covered within veterinary medicine (s. 3 of the *Act*). The college may apply to the Court for an injunction to restrain a person from contravening any provision of the *Act*. The test for an injunction is stated in s. 75(2) as follows:

- (2) The court may grant an injunction sought under subsection (1) if the court is satisfied that there is reason to believe that there has been or will be a contravention of this Act, the regulation or the bylaws.

[30] The statutory test for an injunction of “satisfaction that there is reason to believe that there has been or will be a contravention of this Act” was discussed in the context of s. 85(6) of the *Legal Profession Act*, S.B.C. 1998, c. 9, which test is worded the same as s. 75(2) of the *Act*, in *The Law Society of British Columbia v. Goodwin*, 2013 BCSC 537 at paras. 28-30. The threshold to establish is low given that the injunction is sought to order a person not to do what they are not permitted to do as a matter of law, in any event (*Goodwin* at paras. 29-30; *Law Society of*

*British Columbia v. Gorman*, 2011 BCSC 1484 at para. 37; *Law Society of British Columbia v. Parson*, 2015 BCSC 742 at para. 3). Here, the college must establish that Henderson has engaged in the practice of veterinary medicine as defined in s. 1 of the *Act* and thereby contravened s. 46(2) of the *Act*. The college must prove that there is reason to believe that Henderson has or will offer to perform veterinary services or has implied that she is entitled to perform veterinary services. This belief is to be assessed on an objective basis and must be supported by the evidence.

[31] To determine whether Henderson is practising veterinary dentistry, the nature of the services provided must be examined, regardless that Henderson may state that she is not a veterinarian and that she refers certain cases to a veterinarian. Veterinary “dentistry” was given its ordinary meaning in *MacDonald BCCA* at para. 9 to mean the treatment of diseases of the teeth or the scientific treatment of diseases of the teeth. It does not extend to all dental services performed upon any animal. The college had appealed a decision that the act of cleaning a dog’s teeth below the gum line using a hand scaler and without use of anaesthetics was cosmetic only and did not constitute the practice of veterinary dentistry (*British Columbia Veterinary Medical Association v. MacDonald*, 2004 BCSC 807 (*MacDonald BCSC*)). Low JJ.A. agreed with the lower court that the non-anaesthetic cleaning and polishing of a dog’s teeth using a hand scaling instrument was cosmetic only, in the nature of a grooming service, because it did not provide any health benefit and did not pose any health risk so to give rise to any public safety concerns. In *MacDonald BCCA*, the evidence established that the respondent did not apply dentistry to dogs. There was evidence that veterinarians cleaned an animal’s teeth only under anaesthetic because, without sedation, all that could be accomplished was surface brushing or purely cosmetic cleaning. The evidence in that case also established that if the respondent detected infection or soreness, she referred the animal to a veterinarian, “just as a dog groomer would do upon seeing a rash” (at para. 4).

[32] In *MacDonald BCSC*, the respondent was deemed to have practised veterinary dentistry by reason of her advertising or holding out that she held greater expertise than she did and also because she administered treatment through

diagnosis that went beyond the common sense inference of a problem. There was no appeal taken from these findings. The advertising left customers in confusion as to the distinction between veterinary teeth cleaning and the respondent's method and failed to acknowledge that no meaningful health benefit could be obtained through this dental service. Cosmetic cleaning was not an alternative or substitute to veterinary cleaning. The use of testimonials from customers implied that the respondent had special skill in examination of an animal and portrayed the service as primarily health-related. These findings resulted in specific orders prohibiting certain advertising or statements related to the diagnosis, prevention or treatment of disease or ailments, removal of terms such as "dental care" and "alternate" to veterinary dental care from materials and statements, and removal of anything that might suggest that the respondent was qualified to examine animals to determine their general health.

[33] The meaning of veterinary dentistry in the *Act* was also considered in *British Columbia Veterinary Medical Association v. Bishop*, 2006 BCSC 556. That case involved equine dentistry and the practice of floating horses' teeth, a practice done by farriers for hundreds of years. It involves cutting or removing hooks from horses' teeth, removal of sharp enamel points on the teeth by use of power or manual tools, and diagnosing about these activities for a fee. The evidence established that veterinarians performed this service as well as farriers. The fact that farriers and veterinarians both performed the service did not mean that the activity was not dentistry within the meaning of the *Act*, just as veterinarians boarding animals does not mean that boarding is necessarily the practice of veterinary medicine (at para. 55). After consideration of *MacDonald BCCA*, Mr. Justice Cohen concluded that the "ordinary meaning of "dentistry" in the *Act* relates to the diagnosis or treatment of an animal's teeth or gums that is primarily health-related" (at para. 72). "Dentistry" refers to health conditions and not cosmetic services (at para. 77) and is essentially the diagnosis, care, or treatment of an animal's teeth or gums that is primarily health-related (at para. 87). Cohen J. noted that the practice of non-anaesthetic teeth cleaning using manual instruments as described in *MacDonald*

BCSC did not present a health risk to dogs and there were no public safety concerns (at para. 34).

[34] The disputed activities described in *Bishop* constituted the practice of veterinary dentistry first, because the activities were meant to avoid the health consequences of naturally developing tooth problems; second, because the quality of performance of the activities could have a serious effect on a horse's health; and, third, because the disputed activities were a part of veterinary dentistry (at paras. 85-93).

[35] The advertising or holding out that a person is qualified or willing to examine and advise on the physical condition of an animal was deemed to be the practice of veterinary medicine under the former legislation (*MacDonald BCSC* at para. 19). In that case, the respondent had implied through advertising and verbal information, that she had greater expertise than she had. Although the *Act* no longer explicitly states that a person is deemed to practise veterinary medicine "by advertisement, sign or statement of any kind ... [that] alleges or implies that the person is or holds himself ... out as being qualified, able or willing to diagnose, prescribe for, prevent or treat any animal disease ... or to examine or advise on the physical condition of an animal" (s. 27(2) *Veterinarians Act*, R.S.B.C. 1996, c.476), s.46(2) includes those activities within prohibited acts.

### **Whether the Disputed Activities are "Dentistry"**

[36] The practice of non-anaesthetic teeth cleaning as described in the DVD that was placed by the respondent in evidence and acknowledged by her to be an example of the teeth cleaning that she provided, constitutes the practice of veterinary dentistry. This is especially so if an ultrasonic machine is used. This is also so regardless that certain steps are not undertaken.

[37] It was the respondent herself who established the standard for this practice in evidence through the video. It was the respondent herself who demonstrated through this video that non-anaesthetic teeth cleaning is performed by veterinary technicians under the supervision of a veterinarian.

[38] The teeth cleaning performed by Henderson was said to be “holistic” in the sense that it affected the whole animal rather than just the teeth. It was said to be a “treatment”, implying that it could relieve or cure an abnormality or illness. Henderson purported to diagnose certain health conditions and recommended her services as an alternative to traditional veterinarian dental care. She said that she looked after the “care” and “welfare” of an animal through a maintenance programme that would avoid serious health conditions, clearly implying that her services were health related. All of this went beyond cosmetic service to provision of a health service which was intended to avoid costly veterinary care.

[39] The use of the ultrasonic instrument perpetuated a health risk to the animal as described by Drs. Legendre and Wilkie. As a professional tool, proper use and care of this instrument is integral to an animal’s health. There was no evidence that Henderson had any training on the use of this instrument and the preferred method as described in the video is use of manual scalers. Henderson said that she used the ultrasonic device for reasons of efficiency, apparently regardless of the particular condition of the animal notwithstanding that she assessed the “reactions” of the animal. When combined with the fact that Henderson treated senior pets, and pets with “medical conditions such as heart murmurs, collapsed tracheas, renal and liver conditions, Crohn’s disease, ... etc”, the health risk to the animal and concern for public safety is real. This is compounded by the facts that Henderson does not take all of the steps as required to provide a safe procedure, as outlined in the DVD, does not perform a high quality of teeth cleaning, as evidenced by the calculus deposits left on Bug, does not refer problems to a veterinarian, as evidenced by the non-referral of Bug, and does not take any responsibility for not doing any of this. The risk that an animal will go undiagnosed and untreated is apparent and real, as evidenced by Bug.

[40] Finally, although the preferred method of teeth cleaning by veterinarians uses anaesthetics, non-anaesthetic teeth cleaning is used within veterinary practice with the safety of initial diagnosis to determine what procedure is safe and comfortable for the animal.

**Whether Advertising or Holding out is the Practice of Veterinary Dentistry**

[41] Henderson has acknowledged that her advertising and verbal statements implied that she was entitled to perform veterinary dentistry. Through description of herself as a “professional”, an “oral hygienist”, an “oral health specialist”, and a “certified dental hygienist”, Henderson held herself out as qualified to perform health-related care of an animal. She had previously undertaken not to imply that she provided preventative and therapeutic dental hygiene care for the teeth and adjacent tissues of animals. Her continued use of these monikers invokes a strong prohibition.

[42] Use of the term “clinic” to describe the Dentapet business in relation to animals with perceived health issues or “serious oral health conditions” with a promise to perform “oral care”, including a maintenance programme, also constitutes the practice of veterinary medicine. Not only does this mislead consumers as to the nature of the services that Henderson provides, but it also confuses between veterinary teeth cleaning and purely cosmetic teeth cleaning.

[43] As in *MacDonald BCSC*, the message that Henderson presented through advertising and personally is that her service is an alternative to veterinary teeth cleaning. Testimonials from clients make this clear. She purported to provide an examination and to provide treatment for problems that were discovered. She then recommended a maintenance programme as preventative dental health care. All of this is prohibited conduct.

**Grant of an Injunction**

[44] This court is satisfied that there is reason to believe that the respondent has and will contravene the *Act*. The “has” contravened is apparent from the prohibited conduct of the respondent. The “will” contravene is apparent from Henderson’s continued contraventions in light of her knowledge of the limited activity of cosmetic cleaning authorized in *MacDonald BCCA* and of the breach of her undertaking not to use certain terms of qualification.

[45] This statutorily authorized injunction is discretionary (*Bishop* at para. 111; *Organization of Chartered Professional Accountants of British Columbia v. Nordine*, 2017 BCCA 103 at paras. 14 and 42). However, hardship arising from an injunction will generally not outweigh the public interest in having the statute obeyed (*Bishop* at paras. 110-112; *Nordine* at para. 42). Here, the respondent is not prevented from providing purely cosmetic teeth cleaning services in the nature of dog grooming through use of a manual scaler as long as she does not intimate in any way that the service is health-related. She is prevented from using the ultrasonic device which can cause health risk to an animal and for which the respondent is untrained. Henderson is not prevented from providing these services under the supervision of a veterinarian or otherwise according to the *Act*.

[46] The college is entitled to an injunction in the terms as sought in the petition, with costs to the college.

“Dillon J.”