

Discipline Hearing Summary

Peter Witz (Toronto, ON)

February 23-25, 28, and November 11, 2022

Decision

On August 29, 2022, the Discipline Committee found that Mr. Witz engaged in the following acts of professional misconduct:

1. sexually abused a client, which involved touching and remarks of a sexual nature;
2. contravened a Standard of Practice of the profession or a published Standard of the College, or failed to maintain the Standard of Practice of the profession, in particular the Standard for *Maintaining Professional Boundaries and Preventing Sexual Abuse, Communication/Public Health Standard 7: Consent* and the *Draping Standard*;
3. did anything to a client for therapeutic, or other health-related purpose without a client's consent;
4. physically abused a client; and
5. engaged in conduct or performed an act relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by registrants as disgraceful, dishonourable or unprofessional.

Mr. Witz engaged in sexual abuse by touching a client's upper inner thighs, groin, labia and buttocks, and by making sexualized comments about consent, among other remarks. Mr. Witz also failed to obtain consent for treatment, including general consent to treat the client and written consent for treatment of sensitive areas.

Penalty Order and Cost Award

On November 11, 2022, the Discipline Committee made the following order:

1. Mr. Witz must appear before a panel of the Discipline Committee immediately following the hearing in this matter to be reprimanded, with the fact of the reprimand and the text of the reprimand to appear on the College's public register.

2. The Registrar is directed to revoke Mr. Witz's Certificate of Registration effective immediately.
3. Mr. Witz must reimburse the College for funding provided [for] the Client [for therapy or counselling] under the program required under section 85.7 of the Health Professions Procedural Code, being Schedule 2 to the *Regulated Health Professions Act, 1991*.
4. Mr. Witz must, within one (1) month of the date of the order, post security acceptable to the College in the amount of \$5,000.00 to guarantee the payment of any amounts he may be required to reimburse the College under paragraph 3 of the order. Security will be held by the College until December 7, 2025.
5. Mr. Witz must pay the College costs in the amount of \$20,850.00, payable in 84 equal monthly installments of \$248.21, as follows:
 - a) Month one (1): \$248.21 due by December 11, 2022; and
 - b) Months two (2) through 84: \$248.21 due by the 11th of every month thereafter, starting on January 11, 2023, with the last payment falling on November 11, 2029.

The complete Decision and Reasons will be available on the [Canadian Legal Information Institute \(CanLII\)](#) website.

Reprimand Delivered to Mr. Witz

The following reprimand was delivered by a panel of the Discipline Committee:

Mr. Witz, the panel would like to acknowledge your cooperation in arriving at a Joint Submission on Penalty, which assisted in the process and lessened the burden of time and resources upon the College and the profession. We also appreciate your presence here today.

Having said that, the panel finds that your conduct was totally unacceptable for a Registered Massage Therapist, and a regulated health professional. The panel finds the acts of sexual abuse that you committed are quite simply reprehensible and are particularly heinous when they occur at the hands of a trusted healthcare professional.

You engaged in behaviour that violated the physical integrity of your [client]. You exploited your position of trust towards your [client] while they were in a vulnerable position. The damage that you have caused is irreversible.

Public safety and public protection are at the forefront of this College's mandate. Revocation was mandatory in this case, and this panel would not have been satisfied with any outcome other than the revocation of your Certificate of Registration, given the serious and disturbing nature of your conduct.

You have shown a complete disregard for the public, your clients, and your professional obligations. Rather than give the care you have been privileged to provide to your clients, you have abused them and their trust. The College of Massage Therapists of Ontario has zero tolerance for sexual abuse. We believe that the penalty imposed in this matter fulfills this mandate.