

ONTARIO MASSAGE THERAPISTS DISCIPLINE TRIBUNAL

College of Massage Therapists of Ontario

College

- and -

Emily Gail Martin

Registrant

NOTICE OF HEARING

On April 8, 2026 a panel of the Inquiries, Complaints and Reports Committee of the College referred specified allegations of the Registrant's professional misconduct and/or incompetence to the Tribunal.

In this proceeding, Registrant means "member" as set out in the *Regulated Health Professions Act, 1991*, the Health Professions Procedural Code, the applicable health profession Act, and the regulations thereto.

The allegations are that the Registrant:

1. Has committed an act of professional misconduct under:
 - a. section 51(1)(b.1) of the Health Professions Procedural Code, being Schedule 2 to the *Regulated Health Professions Act, 1991* (the "**Code**") (sexual abuse of a patient, more specifically, sexual intercourse or other forms of physical sexual relations between the member and the patient and/or behaviour or remarks of a sexual nature by the member towards the patient); and/or
 - b. section 51(1)(c) of the Code, and as defined in one or more of the following paragraphs of section 26 of Ontario Regulation 544/94 (version in force as of July 1, 2024) made under the *Massage Therapy Act, 1991*:
 - i. **paragraph 9**: Contravening a standard of practice of the profession or a published standard of the College, or failing to maintain the standard of practice of the profession, in particular, the Standards of Practice related to:
 1. Professional Boundaries, and/or
 2. Prevention of Sexual Abuse;

- ii. **paragraph 8:** Abusing a patient verbally, physically, psychologically or emotionally;
- iii. **paragraph 21:** Using a name other than the member's name as set out in the register in the course of providing or offering to provide services within the scope of practice of massage therapy;
- iv. **paragraph 38:** Engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional; and/or
- v. **paragraph 40:** Engaging in conduct that would reasonably be regarded by members as conduct unbecoming a massage therapist.

Further information about these allegations is set out below:

- 2. At the material times, the Registrant was a duly registered member of the College, practising at McLauchlin Wellness Clinic in Blenheim, Ontario (the "**Clinic**").
- 3. In the course of providing services within the scope of practice of massage therapy, the Registrant used the names "Gail Martin", "Emily Gail Martin", or an abbreviation or variation thereof, even though, at the material times, the Registrant's name as set out in the College's public register was "Emily Martin".
- 4. The Registrant provided massage therapy treatments to a patient (the "**Patient**") at the Clinic on approximately 19 occasions between approximately June 21 and November 5, 2024.
- 5. Following the Registrant's treatment of the Patient on or about November 5, 2024, the Registrant contributed to the Patient's file by preparing a report for the Patient on or around November 19, 2024 (the "**Report**"). The Patient was invoiced for the Report on or around December 9, 2024.
- 6. Between approximately September 2024 and February 2025, the Registrant did one or more of the following:
 - a. Entered a romantic relationship with the Patient;
 - b. Exchanged inappropriate text messages with the Patient, including messages that contained remarks of a sexual nature;

- c. Had sexual intercourse and/or other forms of physical sexual relations with the Patient, including on two occasions at the Clinic during the Patient's appointments;
- d. Took two personal out-of-town trips with the Patient; and/or
- e. Told the Patient to tell people that they had met in a grocery store instead of at the Clinic.

The Tribunal will hold a hearing under sections 38 to 56 of the Code, the *Statutory Powers Procedure Act*, and the *Hearings in Tribunal Proceedings (Temporary Measures) Act, 2020*, on a date or dates to be set at a case management conference, to decide whether the Registrant has committed an act or acts of professional misconduct and/or is incompetent.

The College will file this Notice with the Tribunal. The Tribunal will then set a date for the first case management conference and send it to the parties with more information about the Tribunal's process.

If the Registrant or their representative does not attend the case management conference or the hearing, the Tribunal may proceed in the Registrant's absence and the Registrant is not entitled to any further notice in the proceeding.

If the Tribunal finds the Registrant committed an act or acts of professional misconduct, it may make one or more of the following orders under subsections 51(2) of the Code.

- direct the Registrar to revoke the Registrant's certificate of registration.
- direct the Registrar to suspend the Registrant's certificate of registration for a specified period of time.
- direct the Registrar to impose specified terms, conditions and limitations on the Registrant's certificate of registration for a specified or indefinite period of time.
- require the Registrant to appear before the Tribunal to be reprimanded.
- require the Registrant to pay a fine of not more than \$35,000 to the Minister of Finance.
- if the act of professional misconduct was the sexual abuse of a patient, require the Registrant to reimburse the College for funding provided for that patient under the program and/or require the Registrant to post security acceptable to the College to guarantee this payment.

If the Tribunal finds that the Registrant committed the misconduct set out in allegation 1(a) related to touching of a sexual nature of the patient by the member, it is mandatory under

s. 51(5.2) of the Code that the Tribunal reprimand the Registrant and revoke the Registrant's certificate of registration in addition to any other order.

The Tribunal may, under subsection 53.1 of the Code, require the Registrant to pay all or part of the College's costs and expenses.

The Tribunal's website includes the Tribunal's Rules of Procedure, Practice Directions and guides to the process.

Date: April 8, 2026

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