

**UNDERTAKING, ACKNOWLEDGEMENT AND CONSENT
("Undertaking")**

of

**DR. ERNEST HONYU CHIU
("Dr. Chiu")**

to

**COLLEGE OF PHYSICIANS AND SURGEONS OF ONTARIO
(the "College")**

A. PREAMBLE

(1) In this Undertaking:

"Code" means the Health Professions Procedural Code, which is Schedule 2 to the *Regulated Health Professions Act, 1991*, S.O. 1991, c. 18, as amended;

"Discipline Tribunal" means the Ontario Physicians and Surgeons Discipline Tribunal of the College;

"Ontario Physicians and Surgeons Discipline Tribunal" means the Discipline Committee established under the Code;

"Public Register" means the College's register that is available to the public.

(2) I, **Dr. Chiu**, certificate of registration number 98160, am a former member of the College. I acknowledge that I held a certificate of registration authorizing postgraduate education which expired on June 30, 2017.

(3) I, **Dr. Chiu**, acknowledge that the College commenced an investigation bearing File Number CAS-89416-M5G0H9 (formerly File Numbers 7216479 and 7216085) (the "Investigation") into whether I engaged in professional misconduct and am incompetent, including in relation to criminal charges.

(4) I, **Dr. Chiu**, acknowledge that on May 15, 2023, I was convicted of three (3) counts of Obtaining Sexual Services for Consideration from two persons under 18 years old, contrary to Section 286.1(2) of the Criminal Code of Canada, and two (2) counts of Obtaining Sexual Services for Consideration, contrary to Section 286.1(1) of the Criminal Code of Canada.

(5) I, **Dr. Chiu**, acknowledge that there has been no referral to the Discipline Tribunal in respect of the Investigation and that, after the College receives an original copy of this Undertaking as signed by me and if the undertaking is approved by the Inquiries, Complaints and Report Committee, no further action will be taken on the Investigation.

B. UNDERTAKING, ACKNOWLEDGEMENT AND CONSENT

- (6) I, **Dr. Chiu**, undertake to abide by the provisions of this Undertaking, effective upon the date this Undertaking is approved by the Inquiries, Complaints and Report Committee (the “Effective Date”).
- (7) I, **Dr. Chiu**, hereby undertake not to apply or re-apply for registration as a physician to practise medicine in Ontario or any other jurisdiction after the Effective Date.
- (8) I, **Dr. Chiu**, acknowledge that I am not currently registered to practise medicine in any other jurisdiction, and I further acknowledge that I currently do not have any outstanding applications for registration to practice medicine in any jurisdiction.
- (9) I, **Dr. Chiu**, acknowledge that in the event that the College should become aware that I am in breach of this Undertaking including, but not limited to, becoming aware that I have either applied, re-applied or attempted to apply or re-apply for registration as a physician or for a certificate of registration, or equivalent, to practise medicine in any jurisdiction after the Effective Date, the College shall, in its sole discretion, have the right to proceed with a disciplinary proceeding on the basis of a breach of this Undertaking and shall have the right to proceed with the Investigation it terminated as a result of this Undertaking and/or to proceed with a referral of specified allegations to the Discipline Tribunal.
- (10) I, **Dr. Chiu**, hereby agree to bear the risk of any prejudice that the passage of time might cause to my ability to make full answer and defence, and waive the right to seek any remedy on the basis of the passage of time, should the College proceed with any allegations that may arise as a result of a breach of this Undertaking and/or pursuant to section (9) above.
- (11) I, **Dr. Chiu**, acknowledge and undertake that I shall be solely responsible for payment of all fees, costs, charges, expenses, etc., if any, arising from the implementation of any of the provisions of this Undertaking.
- (12) I, **Dr. Chiu**, acknowledge and confirm that I have read and understand the provisions of this Undertaking and that I have obtained independent legal counsel in reviewing and executing this Undertaking, or have waived my right to do so.
- (13) ***Public Register***
 - (a) I, **Dr. Chiu**, consent to this Undertaking being posted on the Public Register.
 - (b) I, **Dr. Chiu**, acknowledge that, in addition to this Undertaking being posted in accordance with section (13)(a) above, the following summary shall be posted on the Public Register during the time period that this Undertaking remains in effect:

A College investigation was conducted into whether Dr. Chiu engaged in professional misconduct and is incompetent including in relation to criminal charges. Dr. Chiu was criminally convicted of three (3) counts of Obtaining Sexual Services for Consideration from two persons under 18 years old, contrary to Section 286.1(2) of the Criminal Code of Canada, and two (2)

counts of Obtaining Sexual Services for Consideration, contrary to Section 286.1(1) of the Criminal Code of Canada. In the face of this investigation, Dr. Chiu has agreed never to apply or reapply for registration as a physician in Ontario or any other jurisdiction.