



On August 3, 2022 allegations of the Member's professional misconduct were referred to the Discipline Committee for hearing, on a date yet to be fixed. Please see the Notice of Hearing below:

**ONTARIO COLLEGE OF SOCIAL WORKERS
AND SOCIAL SERVICE WORKERS**

IN THE MATTER OF Sections 26 and 28 of the *Social Work and Social Service Work Act, 1998, S.O. 1998, Chapter 31;*

AND IN THE MATTER OF a hearing directed to be held by the Discipline Committee of the Ontario College of Social Workers and Social Service Workers under the *Social Work and Social Service Work Act, 1998;*

AND IN THE MATTER OF allegations respecting the professional conduct of Damien Delaney, a Social Service Worker and member of the said College;

NOTICE OF HEARING

TAKE NOTICE that a hearing will take place on a date to be fixed by the Registrar at the hour of 9:30 o'clock in the forenoon (or as soon after that time as a panel can be convened for the purpose of conducting the hearing) at the Board Room of the Ontario College of Social Workers and Social Service Workers, 250 Bloor Street East, Suite 1000, Toronto, Ontario before the Discipline Committee of the Ontario College of Social Workers and Social Service Workers. The hearing will be held pursuant to the provisions of sections 26 and 28 of the *Social Work and Social Service Work Act, 1998* (the "Act") and pursuant to the Regulations made thereunder, for the purpose of hearing and determining allegations of professional misconduct against you, Damien Delaney, which allegations were referred to the Discipline Committee pursuant to section 25(1) of the Act.

AND TAKE NOTICE that you are alleged to be guilty of professional misconduct within the meaning of section 26(2) of the Act in that you are alleged to have engaged in conduct that contravenes the Act, Ontario Regulation 384/00 (the "**Professional Misconduct Regulation**"), Schedule "A" to By-law No. 66 of the

Ontario College of Social Workers and Social Service Workers, being the Ontario College of Social Workers and Social Service Workers Code of Ethics (the "**Code of Ethics**"), and Schedule "B" to By-law No. 66 of the Ontario College of Social Workers and Social Service Workers, being the Ontario College of Social Workers and Social Service Workers Standards of Practice Handbook (the "**Handbook**")¹.

I. The following are particulars of the allegations:

1. You obtained a Diploma from the Continuing Education Centre for Continuous Learning at George Brown College in 2012.
2. Now, and since October 6, 2021, you have been a Registered Social Service Worker with the Ontario College of Social Workers and Social Service Workers (the "College").
3. Prior to your registration with the College, and subsequent to it, you provided counselling services to clients with substance use, addiction, and/or mental health issues.
4. From approximately May 29, 2018 to June 4, 2021, you were employed as a Clinical Addictions Counsellor and/or Addictions and Mental Health Clinical Director, in Toronto, Ontario, at Addiction Rehab Toronto. Your role was to assist clients in addressing their substance use and/or addiction issues, which included providing counselling services to clients with substance use, addiction, and/or mental health issues.
5. From on or about June 29, 2020 to on or about August 27, 2020, you provided counselling services to "XX" (the "Client" or "XX") while she was enrolled in a 60-day residential treatment program at Addiction Rehab Toronto.
6. "XX" was a vulnerable client who had sought assistance from you with respect to substance use and/or addiction issues. The Client also had a recent history of mental health issues.
7. During the period from approximately June 29, 2020 to August 27, 2020, you provided individual and/or group counselling to the Client at a frequency of approximately twice per week.
8. Immediately following the Client's release from the Addiction Rehab Toronto treatment program, the Client came to live with you at your home in Port Credit, Ontario, where she resided from on or about August 28, 2020 to on or about October 30, 2020.

¹ By-law 24, as amended by By-law Nos. 32 and 48 and revoked effective July 1, 2008 by By-law 66, continues to apply to conduct which occurred prior to July 1, 2008.

9. During that period, from on or about August 28, 2020 to on or about October 30, 2020, you maintained a personal and sexual relationship with the Client.
10. During that period, from on or about August 28, 2020 to on or about October 30, 2020, you also charged and received fees from the Client's family to provide the Client with "after care sessions", which you failed to provide.
11. You were terminated by or resigned in lieu of termination from Addiction Rehab Toronto on approximately June 4, 2021, due to having intimate relationships with a female client from September until November 2020, after the client completed treatment at Addiction Rehab Toronto.
12. During your professional relationship with the Client and/or subsequent to the termination of that professional relationship, you engaged in a series of boundary crossings and/or boundary violations relating to the Client, in that you:
 - (a) invited the Client to live with you in your home;
 - (b) lived with the Client in your home;
 - (c) socialized with the Client in your home;
 - (d) socialized with the Client and your two children inside and/or outside of your home;
 - (e) stored the Client's belongings in your home;
 - (f) saw the Client for extended periods of time during and/or outside of formal work hours;
 - (g) communicated with the Client by text messages of a personal or intimate nature;
 - (h) shared details of your personal life with the Client;
 - (i) took a trip to Niagara Falls with the Client and your children;
 - (j) told the Client not to tell anyone about your personal and sexual relationship with her; and/or
 - (k) asked the Client to procure Oxycontin and/or other psychoactive substances for you.

13. During the professional relationship with the Client and/or subsequent to the termination of the professional relationship, you engaged in an intimate relationship with the Client and engaged in acts of a sexual nature with her.
14. Prior to your registration with the College, you used the protected title of “Social Service Worker” and/or the protected title of “SSW” in correspondence related to your work at Addiction Rehab Toronto. That correspondence included an email dated September 14, 2020 regarding Addiction Rehab Toronto Online Aftercare, in which you referred to yourself as “Damien Delaney SSW, CACCF, Clinical Supervisor, Addiction Specialist, Family Program Coordinator, Addiction Rehab Toronto”.

II. It is alleged that by reason of engaging in some or all of the conduct outlined above, you are guilty of professional misconduct as set out in section 26(2)(a) and (c) of the Act:

- (a) in that you violated section 2.36 of the Professional Misconduct Regulation by engaging in conduct or performing an act relevant to the practice of the profession that, having regard to all circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional;
- (b) in that you violated section 2.28 of the Professional Misconduct Regulation by contravening the Social Work and Social Service Work Act, 1998, S.O. 1998, c. 31, regulations or by-laws; and/or
- (c) in that you violated section 2.15 of the Professional Misconduct Regulation by inappropriately using a term, title or designation in respect of your practice;
- (d) in that you violated section 47(1) and/or (2) of the Social Work and Social Service Work Act, 1998, S.O. 1998, c. 31 by using the English title “social service worker” or “registered social service worker” or an abbreviation of any of those titles to represent or hold out expressly or by implication that you were a social service worker or registered social service worker.

AND TAKE NOTICE that the Discipline Committee may make an order under Section 26(4), (5), (6), (7), (8) and (9) of the Act, or any of them, in respect of any or all of the above allegations.

AND FURTHER TAKE NOTICE that the parties (including the College and you) shall be given the opportunity to examine before the hearing any documents that will be given in evidence at the hearing.

AND FURTHER TAKE NOTICE that at the said hearing, you are entitled to be present and to be represented by counsel.

IF YOU DO NOT ATTEND AT THE HEARING IN ACCORDANCE WITH THIS NOTICE OF HEARING, THE DISCIPLINE COMMITTEE MAY PROCEED WITH THE HEARING, AND MAY DEAL WITH THE ABOVE ALLEGATIONS AGAINST YOU, IN YOUR ABSENCE AND WITHOUT ANY FURTHER NOTICE TO YOU.

Dated at Toronto, the 5th day of August 2022.

By: _____
Registrar and CEO
Ontario College of Social Workers and Social Service Workers