

Ministry of Training,
Colleges and Universities
Private Career Colleges Branch
9th Floor, Mowat Block
900 Bay Street
Toronto ON M7A 1L2

Ministère de la Formation
et des Collèges et Universités
Direction des collèges
privés d'enseignement professionnel
9^e étage, édifice Mowat
900, rue Bay
Toronto ON M7A 1L2



RESTRAINING ORDER

Served by fax, e-mail and courier

January 6, 2010

1090014 Ontario Ltd. o/a
McDonald Professional Training Institute
920 Yonge Street, 2nd Floor
Toronto, ON M4W 3C7

Attention: Ken Kwan-Wei Chiang, President

This is a **Restraining Order** issued under the authority of section 46 of the *Private Career Colleges Act, 2005* (PCCA, 2005). As the Superintendent of Private Career Colleges, I HEREBY ORDER McDonald Professional Training Institute TO STOP OPERATING IN CONTRAVENTION OF THE PRIVATE CAREER COLLEGES ACT, 2005 (PCCA, 2005).

The detailed reasons supporting my order are set out in Schedule A, attached. In brief, however, the violations of the PCCA, 2005 are that McDonald Professional Training Institute is not registered as a private career college, contrary to section 7 of the PCCA, 2005, nor are its vocational programs approved, contrary to section 8 of that Act. Further, McDonald Professional Training Institute is advertising unapproved vocational programs, contrary to section 9 and subsections 11(1) and (2) of that Act, respectively.

McDonald Professional Training Institute must **immediately** take the steps outlined below in this order to comply with the PCCA, 2005.

McDonald Professional Training Institute:

1. must stop advertising unapproved vocational programs;
2. must provide information pertaining to your Business Administration Diploma program (length of program, who confers the credential, when the program began and, if ended, when ended, number of students graduated from the program, if program was discontinued, reasons for doing so);
3. If McDonald Professional Training Institute is currently providing unapproved vocational programs as an unregistered Private Career College, these actions would be contrary to sections 7 and 8 of the PCCA, 2005 respectively. McDonald Professional Training Institute would then be required to **immediately** take the steps outlined below in this order to comply with the PCCA, 2005.

Specifically, McDonald Professional Training Institute:

1. must stop operating as a private career college;
2. must stop providing unapproved vocational programs;
3. must stop enrolling students in vocational programs;
4. must provide the ministry with a list including the names and addresses of all current and former students enrolled in vocational programs;
5. must provide refunds to students who were enrolled in unapproved vocational programs;
6. must not hold, directly or indirectly, any monies owing to current, former, or prospective students of unapproved vocational programs;
7. must hold student files to be available for the Superintendent's staff to review; and
8. must not reopen until such time, if any, as it is registered.

Consequences of Failure to Comply with this Order

Failure to comply with this order may result in any or all of the following actions by the Superintendent:

1. Application for a court order from the Superior Court of Justice to compel McDonald Professional Training Institute to comply;
2. The issuance of further Administrative Monetary Penalties.
3. Prosecution for the offence of failure to comply. Upon conviction by a court of that offence, a corporation is subject to a fine of up to \$100,000; an individual, including an officer or director of a corporation who concurs in the commission of the offence, is subject to a fine of up to \$25,000, a prison term of up to one year, or both.

Obtaining a Copy of the PCCA, 2005

As noted above, the applicable legislation is the *Private Career Colleges Act, 2005* and the regulations made thereunder. The legislation and regulations are available at www.e-laws.on.ca. If you are unable to access any relevant information on e-laws, you may contact our offices at (416) 314-0500 to request that a copy of the legislation and regulations be sent to you.

Sincerely,

ORIGINAL SIGNED BY

Allan Scott
Superintendent
Private Career Colleges

Attachments: Schedule A – Detailed Reasons for Decision

Schedule A – Detailed Reasons for Decision

BACKGROUND:

1090014 Ontario Ltd. o/a McDonald Professional Training Institute advised the Superintendent in its response to the July 10, 2009 Notice of Expiry of Registration that (a) they were not operating and had not operated as McDonald Professional Training Institute; (b) were not enrolling and had not enrolled any students in courses that required registration under the Private *Career Colleges Act, 2005* (PCCA, 2005); and (c) the school was not advertising the delivery of vocational programs in Ontario and were not advertising themselves as a registered private career college.

Contravention of Subsections 11(2) of the PCCA, 2005 – Advertising Unregistered Private Career College and Unapproved Programs

On December 30, 2009, Ministry staff arrived onsite at 5 Park Home Avenue, Unit 128, Toronto, Ontario. Ministry Staff observed a storefront operation named “McDonald International Academy” advertising a number of vocational programs on two separate signs displayed to the passing public in the main windows. One sign was a large white rectangular sign advertising educational programs, one of which was a “Personal Support Worker Program”. Another sign advertised a “Business Administration Diploma Program”. An illuminated sign outside the school gave the name of the school followed by “Ontario Ministry of Education and Training Official No. 876674”.

The above visit was conducted at approximately 4:50 p.m. and the door was locked at this time despite a sign indicating that the school should have been open until 5 p.m. Ministry Staff could see the entire front lobby area of the school and there was no registration certificate displayed on the wall. Ministry Staff took a number of photographs of the school and then attended the rear entrance of the building and could see a classroom set up for instruction through the rear window.

On January 5, 2010, Ministry staff spoke to an administrator at McDonald Professional Training Institute over the phone. When asked whether the school was offering the Personal Support Worker Program, she stated that the preceding program was not currently being offered and had never been offered in the past. When asked why the program was still being advertised on the door of their 5 Park Home Avenue campus, she stated that they had neglected to remove the advertising. Ministry staff advised her that she had to remove the advertising immediately and, in a return phone call by the administrator, she stated that the advertising will be removed by 1 p.m. on the afternoon of January 5, 2010.

When asked whether the school was advertising and/or offering any other vocational programs, she stated that only TOEFL and high school upgrading were currently being offered.

Legal and Operating Names

1090014 Ontario Ltd. is a registered Corporation, incorporated on July 19, 1994. The campus president is Ken Kwan-Wei Chiang. The business or Operating Name for this Corporation is McDonald Professional Training Institute.