

Ministry of Training,
Colleges and Universities
Student Support Branch
9th Floor, Mowat Block
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Ministère de la Formation
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Direction du soutien aux étudiants
9^e étage, édifice Mowat
900, rue Bay
Toronto ON M7A 1L2



SERVED BY REGULAR and REGISTERED MAIL

Thursday, June 19, 2008

Sukhwinder Lathher
1569004 Ontario Ltd.
o/a A Great Canadian College of Technology
200-1058 Albion Road, Toronto, ON M9V1A7

Dear Mr. Lathher,

Re: Notice of Restraining Order under clause 46 (1) of the *Private Career Colleges Act, 2005*

For the reasons set out in Schedule A, attached, I am of the view that 1569004 Ontario Ltd. o/a A Great Canadian College of Technology ("Great Canadian") is not operating in compliance with the *Private Career Colleges Act 2005*.

Non-registered Campus

Pursuant to subsection 46(1) of the *Private Career Colleges Act, 2005*, I am directing you as the President of 1569004 Ontario Ltd. o/a A Great Canadian College of Technology ("Great Canadian") to immediately cease and desist:

- Operating an unregistered private career college location at 5200 Finch Avenue East, Unit 301, Scarborough.
- Offering non-approved vocational programs
- Distributing any promotional program information or website advertisements, in whatever form, that use statements that mislead, or are likely to mislead, the public for the purpose of inducing a student or prospective student to enrol in a post-secondary program or to enter into a contract with a private career college.

Great Canadian will deliver to me **by registered mail or courier and by no later than Monday, July 7, 2008** a written confirmation signed by an authorized officer or other official of Great Canadian:

- a) that the Great Canadian location at 5200 Finch Avenue East, Unit 301, Scarborough, is no longer in operation;
- b) that Great Canadian does not hold, directly or indirectly, any monies owing to current, former or prospective students with contracts with the school at 5200 Finch Avenue East, Unit 301, Scarborough;

- c) that the Great Canadian application for registration of 5200 Finch Avenue East, Unit 301, Scarborough, will be delivered to the Ministry by **July 7, 2008**;
- and setting out:
- d) the names and addresses of all current and former Great Canadian (5200 Finch Avenue East, Unit 301, Scarborough) students;
 - e) the location of all Great Canadian (5200 Finch Avenue East, Unit 301, Scarborough) student files;
 - f) a date and time that all files will be made available forthwith to Ministry staff for review; and
 - g) an explanation of the offering of and delivery of vocational programs prior to pre-screening or approval by the Ministry.

Compliance with the *Private Career Colleges Act, 2005*

The first step to ensuring compliance with the Act is the submission of full and complete registration documents for this unregistered campus. All private career college registration forms and guidelines, can be found at <http://www.serviceontario.ca>. Simply click on *Get the Forms You Need Quickly and Easily*, and follow the *Education and Training* link to *Private Career Colleges*. Once you review these documents, please call the telephone number listed above if you have any questions.

If your institution intends to continue to offer a vocational program at the 5200 Finch location but is not yet registered under the *Private Career Colleges Act, 2005* and/or the program is not yet approved by the Superintendent of Private Career Colleges, your institution cannot continue to advertise the program, accept/teach new students or collect any fees from new students.

If your institution has chosen not to continue to provide vocational programs at the 5200 Finch location, please confirm this with a letter to the Superintendent of Private Career Colleges. This letter must include the names and contact information of current students, the programs in which they are enrolled, and the date their training will be completed.

Contraventions of the *Private Career Colleges Act, 2005* at the Registered Great Canadian Campus

Pursuant to subsection 46(1) of the *Private Career Colleges Act, 2005*, I am directing you as the President of 1569004 Ontario Ltd. o/a A Great Canadian College of Technology ("Great Canadian") to comply with the legislation as follows:

1. Great Canadian will **immediately** begin using a student contract that meets the minimum requirements of s. 20 of Ontario Regulation 415/06 made pursuant to the PCCA, 2005. Existing students of the registered campus will sign this contract, as well as any students enrolling after Great Canadian begins using this contract.
2. Great Canadian will provide my office with copies of student contracts for all students in Great Canadian's three approved vocational programs (AZ Tractor Trailer Driving Program, Computerized Accounting and Business Management) **by July 7, 2008**.
3. Great Canadian will **immediately** implement student file management practices in compliance with section 45 of Ontario Regulation 415/06.

4. Great Canadian will provide my office written confirmation and evidence of the implementation of the student file management practices **by July 7, 2008**.
5. Great Canadian will provide my office with full instructor qualification forms and required attachments for all instructors at its campuses **by July 7, 2008**.
6. Great Canadian will **immediately** remove all non-approved vocational programs and any false or misleading information from its website.
7. Great Canadian will provide my office with confirmation and evidence of the removal **by July 7, 2008**.
8. Great Canadian will **immediately** stop enrolling students in unapproved programs, and refund tuition to those currently enrolled.
9. Great Canadian will provide my office with confirmation and evidence that it has ceased enrolling students in unapproved programs and refunded tuition to those currently enrolled **by July 7, 2008**.
10. Great Canadian will provide my office with the “change of ownership” documentation that is required pursuant to s. 47 of Ontario Regulation 415/06 and Fact Sheet #7 **by July 7, 2008**.

Letters to the Superintendent must be sent by registered mail or courier to the address above.

Failure to Comply with the *Private Career Colleges Act, 2005*

Note that if fees are collected from students in a non-approved program, the students will have the right to a full refund of those fees regardless of whether your institution has delivered the training.

If you continue to operate a non-registered campus location and offer non-approved vocational programs despite this Restraining Order, you will be operating in violation of sections 7 and 8 of the *Act* and may be subject to penalties pursuant to s. 48 of the *Act*. This may preclude subsequent registration under the *Act* on the grounds that you are carrying on activities in contravention of the *Act*.

Note that a corporation that is found guilty of an offence under section 48 of the *Act* is subject to a fine of up to \$100,000, and any officer or director of a corporation who concurs in the commission of such an offence is also guilty of an offence, and on conviction subject to a fine of up to \$25,000 or imprisonment for a term of up to one year, or both.

The legislation applicable to this Order is the *Private Career Colleges Act, 2005* and Ontario Regulation 415/06 made thereunder. The legislation and regulation is available at www.e-laws.gov.on.ca.

In the event that you are unable to access any relevant information on e-laws, you may contact Margot Devlin at 416-314-0497 to request that copies of the relevant legislation

be sent to you. You may also contact Ms. Devlin if you have questions regarding this Order.

Sincerely,

ORIGINAL SIGNED BY

Richard Jackson
Superintendent
Private Career Colleges

Attachments: Schedule A – Reasons for Decision

Schedule A – Reasons for Decision

Facts in support of Restraining Order

Background:

1569004 Ontario Ltd., operating as A Great Canadian College of Technology, was registered with the Superintendent on April 30, 2004. The principal is Sukhwinder Singh Lathher.

They have three programs approved:

- Tractor Trailer Driver Training
- Computerized Accounting
- Business Management

Legal and Operating Entities

1569004 Ontario Ltd was registered as a corporation on April 10, 2004. The sole officer and director of the corporation is Sukhwinder Singh Lathher.

Documentation submitted with their re-registration on May 14, 2008 indicates that they have changed the legal and operating name. The change was made according to their records on May 9, 2008. The legal entity is known federally as 6339743 Canada Corp. and provincially as 1766608 Ontario Ltd. The new operating name is Great Truck & Forklift School. The change has not been made in Ministry records as the submission was insufficient; thus, for the purposes of this order, the company is still referred to as 1569004 Ontario Ltd., o/a A Great Canadian College of Technology.

Inspections:

The Ministry has conducted 4 inspections and there is continued non-compliance with the *Private Careers Colleges Act, 2005* and before that the *Private Careers Colleges Act*.

1. On July 12, 2005 Ministry Staff conducted an annual inspection of 1569004 Ontario Ltd. o/a “A Great Canadian Driving School”. The school was located at 1111 Albion Road, Unit 102. Deficiencies are noted in the chart below. Daisy Bains, the school’s delegate, and Mr. Lathher, the President of the Legal Entity, were present.
2. On July 13, 2005 Ministry Staff conducted a drop in visit on an illegal campus (1058 Albion Road) of 1569004 Ontario Ltd which was now operating under the name “A Great Canadian College of Technology”. Deficiencies are noted in the chart below. Mr. Lathher, the owner was present.
3. On September 28, 2005, a follow-up visit was done to ensure corrections after the inspection. At this time, appropriate contracts were in use and the school had moved from 1111 Albion Road to 1058 Albion road and closed its 1111 Albion Road location. In addition, the operating name had been changed from “A Great Canadian Driving School” to “A Great Canadian College of Technology”.
4. On November 27, 2007 Ministry staff conducted a drop in visit on 1569004 Ontario Ltd. o/a A Great Canadian College of Technology at 1058 Albion Road. Deficiencies are

noted in the chart below. Mrs. Lathher and Daisy Bains, the school's paralegal, were present.

5. On May 21, 2008, Ministry staff conducted an annual inspection of 1569004 Ontario Ltd. o/a "A Great Canadian College of Technology at 1058 Albion Road. In addition Ministry staff conducted a drop in visit on an illegal campus at 5200 Finch Avenue East. Mr. Lathher, the owner was present at both locations. Daisy Bains, the school's paralegal, and Mrs. Lathher were present at 1058 Albion Road.

6. On November 27, 2007 and on May 21, 2008, Ministry staff were advised that of the three approved programs, only the Tractor Trailer Driver Training program was delivered.

Chart of History of Deficiencies:

	Deficiency	12/07/05	13/07/05 Drop in visit	27/11/07	21/05/08
1	Illegal campus – s. 8 of PCCA, 2005		1058 Albion Road		5200 Finch Avenue E
2	Failing to use proper PCC student contract	X		X	X
3	Advertising non-approved programs – s. 11	X	X	X	X
4	Student files do not include all required documents	X		X	X
5	Use different operating names than the name registered with the Ministry	X			X
6	Change of ownership due to change of legal entity – no documentation submitted as registered officer and director differs				X
7	No instructor qualification forms on site	X		X	X

Summary of Contraventions found during Inspection(s):

1. Illegal Campus in contravention of s. 7 of the *Private Career Colleges Act, 2005*:
 Ministry staff attended at 5200 Finch Avenue East, Unit 301, Scarborough on May 21, 2008. Sukhwinder Lathher arrived at the campus. Ministry staff questioned Mr. Lathher about the campus. He was advised that this was an illegal campus as it was not registered with the Ministry and as vocational programs were being offered, he must register the campus. Mr. Lathher indicated that there were a large number of trucking schools in the area and was advised by Ministry staff that he could forward information about illegal schools to the Ministry for follow-up but this was not relevant to the requirement for his campus to be registered. Mr. Lathher telephoned his paralegal

“Daisy Bains” and she was advised by Ministry staff that this campus had to be registered.

Mr. Lathher was previously advised on July 13, 2005 by Ministry staff that he could not operate an illegal campus. At that time, Ministry staff had found that he was operating a second campus at 1058 Albion Road in contravention of the *Private Career Colleges Act*.

History of Non-compliance:

Mr. Lathher (Great Canadian) has been found to be operating an illegal campus on two separate occasions – July 13, 2005 and May 21, 2008. On both occasions, he was advised that any location where vocational programs were offered would have to be registered with the Ministry. Great Canadian continues to be non-compliant.

2. Contravention of s. 11 of the *Private Career Colleges Act, 2005*

▪ **Advertising Non-approved Vocational Programs**

Ministry staff found that Great Canadian advertised numerous non-approved vocational programs during all four inspections. Mr. Lathher and his representatives have been advised that vocational programs have to be approved under the Act prior to advertising, or delivery of vocational programs.

The following programs were advertised:

Program	12/07/05	13/07/05	27/11/07	21/05/08
BZ School Bus Training			X	X
CZ Bus Training			X	X
DZ Truck Training			X	X
E School Bus Training			X	X
F Training			X	X
Forklift			X	X
Personal Support Worker		X		
Pharmacy Assistant Technician		X		
Business Information Technology		X		
Office Assistant		X		
Accounting Administration		X		
Multimedia Professional Diploma		X		
Web Design		X		
Graphic Design		X		
Programming		X		
Network Tech		X		
Accounting Certificate		X		
Business Certificate		X		

The Ministry did not receive pre-screening forms or applications for program approval for any of the advertised non-approved programs.

3. Contravention of s. 16 (1) of O. Reg 415/06 made pursuant to the *Private Career Colleges Act, 2005*

Corporate and website searches indicate that the school uses or has used a number of different legal and operating names and continues to do so. All of the names found for the school are set out in the chart below and the resulting contraventions of the Act are discussed under their relevant sections. The use by the school of numerous legal names and operating names is misleading and confusing to students and the public. The private career college is registered with the Superintendent as 1569004 Ontario Ltd operating as A Great Canadian College of Technology. All advertising and enrolment documentation must be in the registered legal and operating name until and unless proper information to support a name change has been provided to the Superintendent.

Legal Entity	Operating Name	Officers and Directors	Head Office Address	Note
1569004 Ontario Ltd	A Great Canadian College of Technology	Sukhwinder Singh Lathher	32 Gracedale Blvd	Registered with MTCU. Incorporated April 10, 2003.
6339743 Canada Corp.		Swarnjit Kaur Lathher (director)	32 Gracedale Blvd	Federal Corporation
1766608 Ontario also known as 6339743 Canada Corp.	Great Truck & Forklift School	Kanwaljit Kaur Bains (manager)	32 Gracedale Blvd	New operating name registered May 9, 2008 – new legal name (Ontario) registered January 24, 2005
1395658 Ontario Inc.	A Great Canadian Employment Agency	Sukhwinder Singh Lathher	32 Gracedale Blvd	Corporation cancelled by CT February 5, 2007 - name of insured on Automobile insurance for truck
1761795 Ontario Ltd.	A Great Canadian Truck Driving School Forklift Heavy Equipment	Swarnjit Kaur Lathher	32 Gracedale Blvd.	Name on website Incorporated February 27, 2008
1541756 Ontario Ltd.	Great Canadian Truck, Bus and Forklift School	Swarnjit Kaur Lathher	32 Gracedale Blvd.	Corporation cancelled by Companies Branch January 14, 2004
1569004 Ontario Ltd.	A. Great Canadian Truck Driving School	Sukhwinder Singh Lathher	32 Gracedale Blvd	BIN is expired 1569004 incorporated April 10, 2003
	Ontario Truck School			Name in the website address (URL) www.ontariotruckschool.com
	Great Truck			Name in the website address (URL) www.greattruck.ca

	Truck & Forklift Driving School			Name on door of illegal campus
1541756 Ontario Ltd.	Great Truck and Forklift School (expired BIN)		32 Gracedale Blvd.	Corporation cancelled Jan 14, 2004

4. Contravention of s. 13 of Ontario Regulation 415/06 – Substantial change to approved vocational program

In addition to advertising the above named non-approved programs, Great Canadian advertised their approved program, Tractor Trailer Driver Training, with numerous customized versions and names which were not approved and for which no Application for Approval of Program Changes has been received by the Ministry. Some of the variations found in the advertising included the following:

Package	Hours	Price	Avg cost per hour
AZ Package 5	49 hours	\$1,599.99	\$33 per hr.
AZ Package 6	57 hours	\$1,999.99	\$35 per hr.
Package 7 (Diamond AZ)	75 hours	\$2,750.00	\$37 per hr.
Package 8 (Platinum AZ)	100 hours	\$3,550.00	\$36 per hr.

The approved program is named Tractor, Trailer Driver Training. Not one of the above named advertised programs is similar to the approved program name. In addition, the approved program's hours are 126, which exceeds all of the advertised programs.

5. Contravention of s. 28 of the Private Career Colleges Act, 2005 and s. 20 of O.Reg 415/06 – Contract to be in writing and contain all terms set out in Regulation

I reviewed 26 student files. Mr. and Mrs. Lathher told me that not all student files were for the vocational program. They said that many of their students take programs which are under 40 hours or under \$1,000. There was so little documentation in the files that I could not always determine which students had enrolled in the vocational program however based on the tuition and the average tuition per hour as calculated above, I found that there were 11 student files where the tuition exceeded \$1,000 and the number of hours exceeded 40 hours.

Student Initials	Tuition	Hours – calculated using average \$35/ hr	Hours recorded on in-vehicle progress report attached to file	Completed Contract	Admissions Criteria	Transcript/ Academic Evaluation	Receipts	Skills Develop/ EO funded
■	\$3,550	101	54	No – not signed and not	No	No	Yes	Yes

Student Initials	Tuition	Hours – calculated using average \$35/ hr	Hours recorded on in-vehicle progress report attached to file	Completed Contract	Admissions Criteria	Transcript/ Academic Evaluation	Receipts	Skills Develop/ EO funded
				completed				
█	\$3,550	101	50	No – not signed and not completed	No	No	Yes	Yes
█	\$1,828	52	31	No – printed off while I was in office and put in file	No	No	No	No
█	\$2,500	71	21.5	No – in file but blank	No	No	No	No
█	\$1,985	57	1	No	No	No	No	No
█	\$3,763	107	52	No	No	No	No	?
█	\$2,005	57	27.5	No	No	No	No	No
█	\$3,550	101	34	Signed contract but not complete	Learners permit	No	No	?
█	\$3,550	101	52	No	Learners permit	No	Yes	?
█ Refund Withdrew	\$2,625	75	0	No	No	No	No	No
█	\$3,550	101	45	Signed contract but not complete	No	No	Yes	Yes
Summary				9/11 – no contract 2/11 signed contracts but not complete	9/11 no admission docs	11/11 no transcripts	7/11 no receipts	

Not one of the student files reviewed contained a complete, signed PCC contract.

History of non-compliance:

Ministry staff found in three of the inspections that Great Canadian had failed to use the PCC contract for students enrolled in vocational programs. Mr. Lathher, Mrs. Lathher and their paralegal Daisy Bains, were advised of this contravention of the Act. Great Canadian continues to be non-compliant.

6. Contravention of s. 45 of O. Reg 415/06 – Student files

Ministry staff's review of the files (as set out in the chart under number 5) disclosed that the files do not contain the minimum required documentation.

Student files as documented in the chart above did not contain:

- admission requirements
- proper contracts
- transcripts / academic evaluations
- receipts

History of non-compliance:

Ministry staff found in three of the inspections that Great Canadian had failed to maintain appropriate documentation in student files. Great Canadian continues to be non-compliant.

7. Contravention of s. 5 of O. Reg 415/06 - Failure to maintain General Liability Insurance in name of Private Career College

Ministry staff received with the re-registration documents, a copy of the insurance policy for Great Canadian. The insurance policy stipulates that the Insured is 1395658 Ontario Inc. and that the Lessor is 1569004 Ontario Inc.

Ministry staff searched the 1395658 Corporation and found that the corporation was cancelled due to the default in filing corporate taxes.

As the "insured" is no longer, a legal entity, and this "insured" was never the registered private career college, Great Canadian is in contravention of s. 5 of the Act.

8. Contravention of s. 42 of O. Reg 415/06 – Failure to maintain Instructor Qualification Forms

Ministry staff were advised by Mr. Lathher on May 21, 2008 that there were no Instructor Qualification Forms on site. Mr. Lathher claimed that his paralegal had the Instructor Qualification Forms at her office.

History of non-compliance:

Ministry staff found in three of the inspections that Great Canadian had failed to maintain Instructor Qualification Forms on site. Great Canadian continues to be non-compliant

9. Contravention of s. 47 of O. Reg 415/06 – Change of ownership not reported to the Superintendent

On May 14, 2008, with the submission of their re-registration documents, Great Canadian submitted a "Notification of Change" form. The document indicated that on May 9, 2008, the legal entity and the operating name had been changed to 6339743 Canada Corp (known as 1766608 in Ontario) operating as Great Truck & Forklift School. As the legal entity had changed and as Private Career College registration is not

transferable (s. 16 of Act) Great Canadian is required to complete the documentation as set out in Fact Sheet # 7. In addition, the sole officer and director of the corporation is Swarnjit Kaur Lathher. There is no common officer and director to the two companies 1569004 and 6339743. Notification to the Superintendent is required 30 days prior to the change. Instead, the Superintendent was notified 5 days after the change of ownership.

The outstanding documentation is:

- Application for Registration to Operate a Private Career College
- Corporation Profile Report
- Master Business Licence
- Pro Forma Financial Statement
- Financial Security in the name of the new Legal Entity
- Applicant Profile for Officers and Directors of Corporation and for Office Manager
- Sample Vocational Contract
- Sample Non-vocational Contract
- Copy of Advertising Materials
- Campus Administrator Information
- Third-party transcript keeper in name of new corporation
- Student complaint procedure and expulsion policy
- Evidence of general liability insurance in name of new corporation
- Registration fees - \$1,280
- Copy of purchase and sale agreement
- Written confirmation that programs will be delivered as approved
- Application for Program approval (3 pages)plus Appendix A, D, M, I, J, K
- \$48 per program being purchased by new corporation

As indicated in s. 3 above, Ministry staff discovered that numerous legal and operating names have been used in connection with the registered private career college and vocational programs.