

**Ministry of Training,
Colleges and Universities**

Office of the Superintendent

Private Career Colleges Branch
9th Floor, Mowat Block
900 Bay Street
Toronto ON M7A 1L2

**Ministère de la Formation
et des Collèges et Universités**

Bureau du Surintendant

Direction des collèges
privés d'enseignement professionnel
9^e étage, édifice Mowat
900, rue Bay
Toronto ON M7A 1L2



Notice of Contravention #127

Served by email(msmith@sontair.com), by Fax(519-676-8433) and by Courier

February 3, 2011

Danny Rocheleau, President
Sontair Limited
291 Front Street,
Belleville, ON K8N 2Z6

and

2275 Cabana Road West
Windsor, ON N9G 1C7

and

8528 14th Line Raleigh Twp.
RR#2
Merlin, ON N0P 1W0

NOTICE OF CONTRAVENTION

This letter is to inform you as the President of the Sontair Limited ("School") that on February 3, 2011, it was determined that the School contravened the following section(s) of the *Private Career Colleges Act, 2005* and/or regulations made under the Act:

- Act, s. 11 - Restrictions on advertising and soliciting (\$1,000)
- Act, s. 8(1) - Prohibition against providing vocational programs (\$1,000)
- Act, s.7 - Prohibition against operating a private career college (\$1,000)

For a Summary of each contravention see attached Schedule A.

As per section 51 of *Ontario Regulation 415/06* made under the *Private Career Colleges Act, 2005*, the School is subject to a penalty in the total amount of \$3,000 per day. It is important to note that the penalty is levied daily. The total penalty amount is calculated by multiplying the penalty amount indicated above by the number of successive days that the contravention continues.

For example: following 5 successive days that the contravention continues the penalty amount due will be \$15,000.

following 15 successive days that the contravention continues the penalty amount due will be \$45,000.

At this time you are required to provide the ministry with written confirmation of compliance with the *Private Career Colleges Act, 2005* and its regulations. Please supply the ministry with the following documents confirming that you have come into compliance with the Act. Written confirmation that the School is no longer:

- Operating a private career college without being registered;
- Offering or providing unapproved vocational programs that require approval; and
- Advertising an unregistered private career college and unapproved vocational programs that require approval.

Once you have confirmed compliance with the Act, the penalties will cease to accumulate and you will receive an invoice that sets out the total penalty outstanding. Payment of the full amount is due within **30 days** of the date of your notification.

If payment is not received within **30 days** after the date the notification was received, the amount will be subject to interest at the current postjudgment interest rate beginning on the 31st day following the date of the invoice. The current rate can be found at the following address:

www.attorneygeneral.jus.gov.on.ca/english/courts/interestrates.asp.

Review

If you believe that the decision made above is inaccurate you may request a review of this decision by submitting a Request for a Review of a Notice of Contravention form to the Minister of Training, Colleges and Universities within **15 days** of receipt of the Notice of Contravention.

ORIGINAL SIGNED BY

Allan Scott
Superintendent of Private Career Colleges

SCHEDULE A-Summary of Contraventions

OPERATION "Icarus"

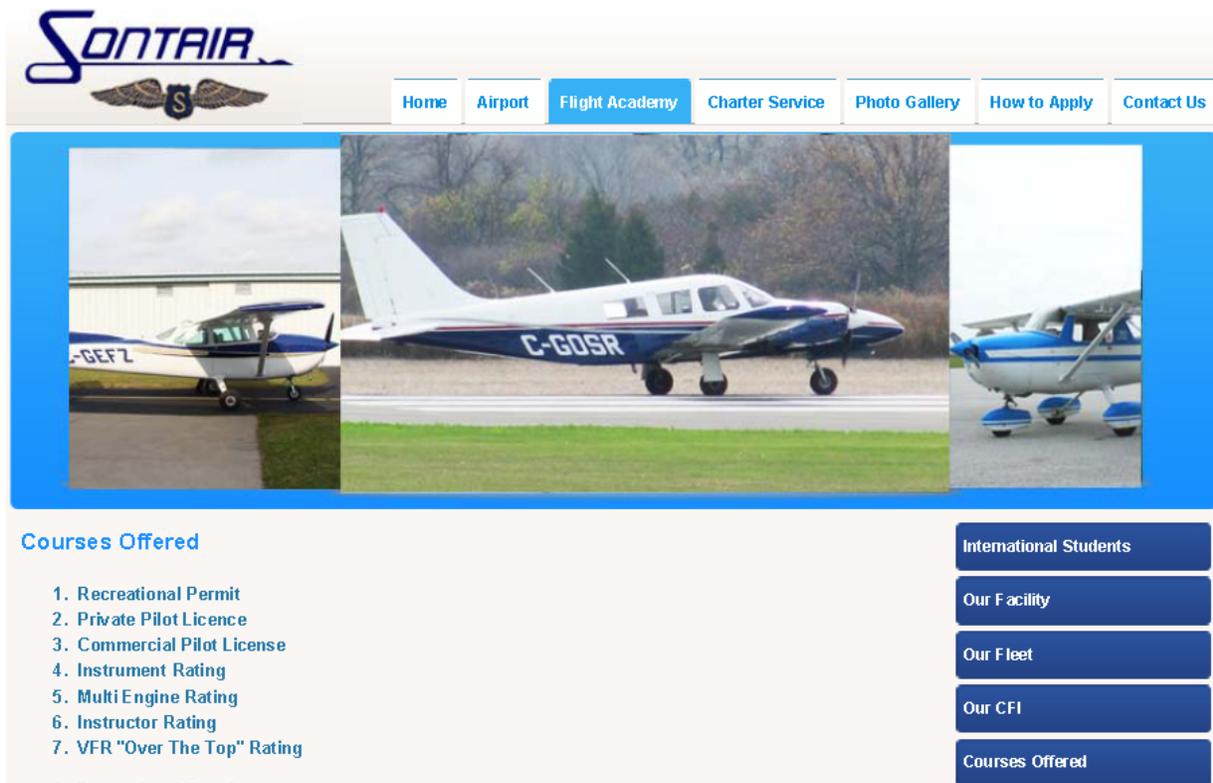
Pursuant to subsection 23(1) of the *Private Career Colleges Act, 2005* ("Act"), private career colleges that offer flight training programs which lead to Commercial Pilot License, Flight Engineer, Flight Instructor Rating or Integrated courses such as CPL and Instructor Rating, must have the programs approved by the Superintendent of Private Career Colleges.

In response to a concern about unapproved flight training programs, and their potential impact on public safety, Operation "Icarus" was launched. Its purpose was to identify illegal operators offering unapproved vocational programs that require approval under the Private Career Colleges Act, 2005 and to take the necessary enforcement action against them. This institution was identified as part of this operation.

Act 11 - Restrictions on advertising and soliciting (\$1,000)

On January 25, 2011, Superintendent's Designate ("Designate") reviewed the website www.sontair.com, maintained by the School. The website clearly indicated that it is offering both Commercial Pilot License and Instructor Rating programs. The Ministry considers both programs to be vocational under the Act.

Flight Academy :: Sontair



The screenshot shows the Sontair website's Flight Academy page. At the top is the Sontair logo, which includes the word "SONTAIR" in a stylized blue font and a winged "S" emblem. Below the logo is a navigation menu with the following items: Home, Airport, Flight Academy (highlighted in blue), Charter Service, Photo Gallery, How to Apply, and Contact Us. The main content area features a large blue-bordered image strip containing three photographs of small aircraft. The middle photograph shows a white and blue Cessna 441 twin-engine plane with the registration "C-GOSR" on its side. Below the image strip, the page is divided into two columns. The left column is titled "Courses Offered" and lists seven items: 1. Recreational Permit, 2. Private Pilot Licence, 3. Commercial Pilot License, 4. Instrument Rating, 5. Multi Engine Rating, 6. Instructor Rating, and 7. VFR "Over The Top" Rating. The right column contains five blue buttons with white text: International Students, Our Facility, Our Fleet, Our CFI, and Courses Offered.

3. Commercial Pilot License

Prerequisites:

- Applicants must be a minimum age of 18 years prior to the issuance of this permit. Training may begin prior to this age.
- Applicants must be a Canadian citizen, landed immigrant or a person lawfully admitted into Canada for flight training.
- The applicant must hold a valid Private Pilot Licence issued in Canada or by a contracting state prior to commencing the training
- Prior to undergoing any Flight Tests or Written Examinations, the applicant must successfully complete a Category 1 Medical Examination performed by a Transport Canada approved Aviation Medical Examiner.

Training Program:

Ground School

- A minimum of 80 hours ground instruction is required.

Flight Training

- 35 Hours dual (with instructor); and 30 Hours Solo Note: These flight training times are based on Transport Canada minimums and more training may be required.

Graduation Requirements

- The applicant must obtain a minimum of 60% on all four sections of the Transport Canada written

<http://www.sontair.com/Courses-Offered.html#cpl>[01/25/2011 10:10:44 AM]

Flight Academy :: Sontair

examination Commercial Pilot Aero plane (CPAER)

- The applicant must pass a Practical Flight Test conducted by a Transport Canada Designated Flight Test Examiner.
- The applicant must satisfy all training criteria as outlined in the Canadian Aviation Regulations (CARs).
- Also, 200 hours total flying experience is required including 100 hours as Pilot-In-Command prior to the issuance of this licence.

Privileges Of The Recreational Permit Holder:

The commercial pilot licence entitles the holder to fly as Pilot-In-Command or Co-Pilot of an aircraft operated in a commercial air service. Also, the holder may exercise the privileges of a Private Pilot Licence, VFR Over-The-Top, Night Rating and on any class and type of aero plane endorsed on their licence that is not required to be operated by more than one pilot. For more information regarding the Commercial Pilot Licence, please contact us

6. Instructor Rating

Prerequisites:

- An applicant must hold a valid Canadian Commercial Pilot Licence or higher with 20 hours Instrument time, of which 10 hours shall be instrument flight time.
- Applicants must be a Canadian citizen, landed immigrant or a person lawfully admitted into Canada for flight training.
- Before commencing ground training, an applicant shall have successfully completed the written examination and flight test for the Commercial Pilot Licence.

Training Program:

Ground School

- A minimum of 25 hours of Instructor rating ground instruction.

Flight Training

- A minimum of 30 hours of dual flight instruction on overall pilot proficiency and the presentation of all exercises set forth in the Flight Instructor Guide. A minimum of 5 hours of training in the teaching of instrument flight skills. A maximum 5 of the 30 hours may be conducted on an approved aeroplane simulator or flight training device.

Graduation Requirements

- The applicant must pass a Practical Flight Test conducted by a Transport Canada Flight Test Examiner.
- An applicant shall obtain a minimum of 70% in the written examination Flight Instructor Rating - Aeroplane Class 4 (AIRAF).
- The applicant must satisfy all training criteria as outlined in the Canadian Aviation Regulations (CARs).

Privileges Of The Recreational Permit Holder:

Conduct dual instruction for a pilot permit or licence, or endorsement of a night or VFR OTT rating on the latter. Recommend a trainee for a night or VFR OTT rating. Recommend a trainee for flight tests on permits or licences. Authorize a trainee for solo flight instruction on ultra light aircraft with out being supervised.

The School is currently in the process of registering as a Private Career College but has not yet received approval to operate as such. A pre-screening for the program, Commercial Pilot Licence was submitted by the School on August 11, 2010. A response was sent from the Ministry on September 24, 2010 informing the school that the Commercial Pilot Licence program requires approval by the Superintendent. Their subsequently submitted program information relevant to the Commercial Pilot Licence program describes the program as having a 52 week length with a total of 295 hours, tuition fees of \$42,000, book fees of \$650 and other fees of \$1,660. The other program, Flight Instructor, is also considered to be a vocational program needing the Superintendent's approval. However the program has yet to be submitted. The School is clearly advertising the vocational programs on their website prior to having the superintendent's approval to offer the programs.

Therefore, based on the evidence obtained, the Designate came to the reasonable belief that the School is advertising a vocational program that requires approval by the Superintendent under the Act and is therefore in contravention of Section 11 of the Act.

Act, s. 8(1) – Prohibition against providing vocational programs (\$1,000)

The preceding sections laid out the evidence that the school is advertising a vocational program and clearly establishes that the Commercial Pilot Licence is a vocational program. On January 25, 2011, a Designate of the Superintendent (Designate) emailed the school requesting information regarding the price of the program, whether the

program is currently being offered and advice on when the Designate could start the program. The School responded on January 25, 2011 stating the following:

Currently we do offer both the courses i.e. CPL and instructor, and you could start as soon as you want. I am not sure what stage of training you are at, depending on your requirements I could offer you a price.

The price of the Commercial Pilot Licence program is clearly stated in the submission for registration and has already been established in the previous section as being vocational. The information in this email response demonstrates that the School is currently offering unapproved vocational programs. Therefore, since the School is not registered as a private career college under the Act, and the Commercial Pilot Licence program is not approved by the Superintendent, offering the program is prohibited under section 8 of the Act.

Act, s.7- Prohibition against operating a private career college (\$1000)

The following evidence has formed the basis for the Designate's reasonable belief that Sontair Limited is holding itself out as the operator of a private career college:

- the evidence offered in the previous sections that clearly indicates that the School is advertising and offering vocational programs;
- when the School submitted their registration information to the Ministry the legal name of the school was listed as Sontair Limited; and
- in the email response to the Designate's inquiry the signature indicated it was from Farooq Bhatti, Airport Manager, Municipality of Chatham-Kent, General Manager, Sontair Limited (see below)

From: Farooq Bhatti (Farooq.Bhatti@sontair.com)
To:
Date: Tue, January 25, 2011 9:17:53 PM
Cc:
Subject: re: CPL and Instructor Rating

Dear

Thank you for your interest at Sontair Ltd

Currently we do offer both the courses i.e CPL and instructor, and you could start as soon as you want

i am not sure what stage of training you are at, depending on your requirements i could offer you a price.

Farooq Bhatti
Airport Manager
Municipality of Chatham-Kent
General Manager
Sontair Limited
Office-Phone: 519-676-3455
Toll-Free: 1800-716-2182
Fax: 519-676-8433
Email: fbhatti@sontair.com
Website: <http://www.sontair.com>

Under section 7(2) of the Act, no person shall hold themselves out as the operator of a private career college unless the person is registered. Under the Act, if an institution provides one or more vocational programs to students for a fee they are by definition a private career college.