

RESTRAINING ORDER

Served by email (info@atouchoflove.ca) and by courier

April 7, 2010

A Touch of Love Inc. operating as A Touch of Love and/or A Touch of Love –
Toronto's Day Spaw for Pets
2276 Queen Street East
Toronto, ON M4E 1G6

Attention: Carl Dutrisac Milson and Shane Patrick Carr

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 A TOUCH OF LOVE INC. operating as A TOUCH OF LOVE and/or A TOUCH OF LOVE – TORONTO'S DAY SPAW FOR PETS (A TOUCH OF LOVE INC.) 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, A Touch of Love Inc. is:

- operating as an unregistered private career college, contrary to section 7 of that Act;
- offering vocational programs that are not approved by the Superintendent of Private Career Colleges, contrary to section 8 of the PCCA, 2005;
- in contravention of section 38 (10) of the PCCA, 2005 for obstructing the Superintendent's designates during an inquiry; and
- in contravention of s.46 of the PCCA, 2005 for refusing to comply with an order of the Superintendent of Private Career Colleges.

A Touch of Love Inc. must provide written confirmation signed by a person with authority to bind the school, together with all available supporting evidence, that the steps outlined below have been taken. This written confirmation must be delivered **immediately** by registered mail or courier to my attention and confirm that A Touch of Love Inc.:

- has stopped operating as a private career college;
- has stopped providing unapproved vocational programs that require approval;
- has stopped charging fees for unapproved vocational programs that require approval;
- has provided the ministry with a list including the names and addresses of all current students;

- has provided full refunds to students who requested refunds in writing and were enrolled in unapproved vocational programs that require approval;
- is not holding, directly or indirectly, any monies owing to current, former, or prospective students of unapproved vocational programs that require approval;
- is holding student files to be available for the Superintendent's staff to review;
- will not reopen as a private career college until such time, if any, as it has been registered;
- has complied with the requirements set out by the Superintendent of Private Career Colleges in the Restraining Order, dated March 23, 2010;
- will cease contravening section 38 (10) of the PCCA, 2005; and
- will cease refusing to assist the Superintendent and designates of the Superintendent by answering questions, producing documents, records or other things or to provide assistance.

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 A Touch of Love Inc. to comply;
2. The issuance of further Administrative Monetary Penalties.
3. Prosecution for offences under the PCCA, 2005. 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

Contravention of section 7 of the PCCA, 2005 - Prohibition against operating a private career college and Contravention of section 8 of the PCCA, 2005 - Prohibition against providing vocational programs

On April 6, 2010, the Ministry spoke to a number of individuals who advised they were current students of the pet grooming program at A Touch of Love Inc. The students advised that they had commenced the 6 month pet grooming program at different times, dating back to November 2009 and that there were 4 or 5 students taking the pet grooming program when A Touch of Love Inc. was served with the first restraining order on March 24, 2010. One student advised that another student had been living in the basement of the premises in exchange for performing construction work.

The students advised the Ministry that they had still been attending pet grooming classes at A Touch of Love Inc. at 2276 Queen Street East, Toronto, ON the week before. Some or all of the students had attended on Tuesday, March 30, Wednesday, March 31, 2010 and/or Thursday, April 1, 2010. One student confirmed that A Touch of Love Inc. had still been teaching class material up to and including Wednesday, March 31, 2010.

The students wanted to know whether A Touch of Love Inc. was required to give them refunds. None of the students the Ministry spoke to had received a refund of program fees to date from a Touch of Love Inc.

Two students advised Ministry staff that Carl Dutrisac Milson was trying to make them sign a document he had provided to them in class on March 31, 2010. One of the students indicated that the document had to be signed in order for the student to get the pet grooming certificate, that Carl Dutrisac Milson had told the students that he hoped they'd stay on as franchisees and that if the student had signed the document, the student would still be in class.

The document provided for students to sign by A Touch of Love Inc. purports to give students a mentor value certificate in lieu of a refund. By signing the document, the student would agree that he or she was offered back their \$8,000 + \$400 GST for program fees, but would be declining the refund and waiving the right to seek a future refund. Students who spoke to the Ministry advised that this document was untrue and that they were not offered a refund as the document alledged. In fact, one student advised Ministry staff that he or she had been specifically refused a refund when asked for one. The document also appears to offer the opportunity for students to open a franchise without paying the franchise fee.

One student advised the Ministry that Carl Dutrisac Milson had yelled when the student told him about wanting the student's spouse to review the document.

A former student of A Touch of Love Inc.'s pet grooming program advised Ministry staff on April 6, 2010 by telephone that some friends of a former student were current students in A Touch of Love Inc.'s pet grooming program and that those students had been threatened with lawsuits by Carl Dutrisac Milson when they asked for refunds.

That former student also indicated that A Touch of Love Inc. would be moving its business to the Muskoka area soon.

Superintendent's designates attended at A Touch of Love Inc. 2276 Queen Street East, Toronto, ON, at approximately 11:40 a.m. on April 6, 2010 to speak to Carl Dutrisac Milson and/or Shane Patrick Carr about the institution. During that visit, Carl Dutrisac Milson advised the Superintendent's designates that they held a meeting last week with everyone involved and confirmed that students had been in attendance. He also advised that another individual present at the school, Tony Warren, had been present at that meeting. Tony Warren confirmed that he had been in attendance.

Contravention of section 38 (10) of the PCCA, 2005 - Obstruction During Inquiry

Superintendent's designates attended at A Touch of Love Inc. 2276 Queen Street East, Toronto, ON, at approximately 11:40 a.m. on April 6, 2010 to speak to Carl Dutrisac Milson and/or Shane Patrick Carr about the institution.

While outside the school's premises, 2276 Queen Street East, Toronto, ON, Carl Dutrisac Milson obstructed the duties of the Superintendent's designates by refusing to answer questions or permit entry into the building, even after being informed that he would be obstructing the inquiry by refusing to answer questions.

When Mr. Milson stated that he would not be speaking to the Superintendent's designates without his lawyer, the Superintendent's designate informed Mr. Milson that he could contact his lawyer. However, he then made no effort to do so. Mr. Milson advised the Superintendent's designates that they had come without an appointment and that he would not be answering any questions.

Carl Dutrisac Milson further obstructed the Superintendent's designates by interfering while the Superintendent's designates while they were questioning another individual present at the premises, Tony Warren. When the Superintendent's designates asked Tony a question, Carl Dutrisac Milson interrupted and told Tony that he was not to answer any questions.

Shane Patrick Carr obstructed the Superintendent's designates by forcibly slamming the door of A Touch of Love Inc.'s premises in front of the designates such that if one of the designates had been too close to the door, injury could have occurred. Shane Patrick Carr told the Superintendent's designates to "arrest me" when one of the designates asked him if he was refusing to answer questions.

Both Carl Dutrisac Milson and Shane Patrick Carr directed obscenities towards the Superintendent's designates.

After the door had been slammed shut the first time, Shane Patrick Carr opened up the door again, used profanities and advised the Superintendent's designates that they were trespassing.

Subsequent to attending at the school's premises on April 6, 2010, Carl Dutrisac Milson left a voicemail message the same day for one of the Superintendent's designates who had attended at the school earlier that day. Carl Dutrisac Milson stated the following in his voicemail message to the Superintendent's designate: "You

are trespassed from any form of any of my properties. You are not to come near me. I will go to the courts and I will put a peace bond against you for the actions you and your colleague had did against me. And I assure you I will be following up on this. You will not have a job left when I'm finished with you, do you understand. You do not attack people the way that you attack us..."

Contravention of s. 46 of the PCCA, 2005 – Refusal to comply with an order of the Superintendent of Private Career Colleges

On March 23, 2010, a restraining order was issued by the Superintendent of Private Career Colleges against A Touch of Love Inc. for advertising a "Pet – Dog Grooming School" and a certification program in pet grooming illegally. A Touch of Love Inc. did not respond to the restraining order in writing by registered mail or courier, as required by the order, and has not done so to date.

That restraining order also specified that A Touch of Love Inc. was required to immediately take a number of steps *if* it was operating an unregistered Private Career College at the time the restraining order was served. That part of the restraining order is quoted below:

"If A Touch of Love Inc. is currently operating an unregistered Private Career College, these actions would be contrary to sections 7 and 8 of the PCCA, 2005 respectively. A Touch of Love Inc. would then be required to **immediately** take the steps outlined below in this order to comply with the PCCA, 2005.

Specifically, A Touch of Love Inc.:

- must stop operating an unregistered Private Career College;
- must stop providing unapproved vocational programs that require approval;
- must stop enrolling students into unapproved vocational programs that require approval;
- must provide the ministry with a list including the names and addresses of all current and former students;
- must provide refunds to students who were enrolled in unapproved vocational programs that require approval;
- must not hold, directly or indirectly, any monies owing to current, former, or prospective students of unapproved vocational programs that require approval;
- must hold student files to be available for the Superintendent's staff to review; and
- must not reopen as a Private Career College until such time, if any, as it has been registered."

A Touch of Love Inc. has not complied with any of these conditions and has continued to operate in violation of the Act. A Touch of Love Inc. has continued to operate an unregistered private career college and provide unapproved vocational programs that require approval. Current students advised the Ministry that they had still been attending pet grooming classes at A Touch of Love Inc. at 2276 Queen Street East, Toronto, ON the week before. Some or all of the students had attended on Tuesday, March 30, Wednesday, March 31, 2010 and/or Thursday, April 1, 2010. One student

confirmed that A Touch of Love Inc. had still been teaching class material up to and including Wednesday, March 31, 2010.

A Touch of Love Inc. has not provided refunds to students who requested refunds in writing and were enrolled in unapproved vocational programs that require approval. The Restraining Order specifies that students are to receive refunds, not “mentor value certificates” or the opportunity to open a franchise without paying the franchise fee in lieu of a refund. A Touch of Love Inc. has not complied with the Restraining Order by offering students these two options.

The document provided to students by A Touch of Love Inc. contradicts the order of the Superintendent of Private Career Colleges by trying to remove the students’ statutory right to obtain a refund under the Private Career Colleges Act, 2005 by stating the following:

“This will include any such further reconsideration of trying to obtain any future monies or monetary compensation towards the actions now imposed by the Ministry of Training, Colleges and Universities requirements.”

A former student of A Touch of Love Inc.’s pet grooming program advised Ministry staff on April 6, 2010 by telephone that some friends of that former student were current students in A Touch of Love Inc.’s pet grooming program and that some of those students had been threatened with lawsuits by Carl Dutrisac Milson when they asked for a refund.

In response to a student’s request for a refund, Carl Dutrisac Milson threatened that he would inform immigration about a student’s visa, further intimidating the student with proceeding with her right to a refund of program fees.

BACKGROUND:

On March 23, 2010, a restraining order was issued by the Superintendent of Private Career Colleges against A Touch of Love Inc. for advertising a “Pet – Dog Grooming School” and a certification program in pet grooming illegally. A Touch of Love Inc. did not respond to the restraining order in writing by registered mail or courier, as required by the order, and has not done so to date. However, A Touch of Love Inc. did remove all advertising from its website as of March 25, 2010.

Legal and Operating Entities

A Touch of Love Inc. is registered as a corporation under the Canada Business Corporations Act as of July 17, 2003. The corporate address is 2276 Queen Street East, Toronto, Ontario, M4E 1G6. Carl Dutrisac Milson and Shane Patrick Carr are listed as Directors of the corporation.

An ONBIS search resulted in no current business names registration for A Touch of Love Inc. However, when the first restraining order was served on A Touch of Love Inc., the school’s website (www.atouchoflove.ca) referred to itself both as A Touch of Love and A Touch of Love – Toronto’s Day Spaw for Pets.