

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
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Direction des collèges
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9^e étage, édifice Mowat
900, rue Bay
Toronto ON M7A 1L2



RESTRAINING ORDER

Served by Email <allmetalweld@yahoo.com> and Courier

February 17, 2010

Sam Basett, Director
All Metal Welding Technology Inc.
757 McKay Road, Unit 4
Pickering, ON L1W 3C8

Attention: Sam Basset, Director

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 All Metal Welding Technology Inc.(All Metal Welding) 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, All Metal Welding is:

- advertising an unregistered private career college and advertising unapproved vocational programs, contrary to subsections 11(1) and (2) of the PCCA, 2005, respectively;
- collecting fees for unapproved vocational programs, contrary to subsection 9(1) of that Act;
- operating as an unregistered private career college, contrary to section 7 of that Act; and
- offering vocational programs that are not approved by the Superintendent of Private Career Colleges, contrary to section 8 of the PCCA, 2005.

All Metal Welding 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 All Metal Welding:

- has stopped advertising an unregistered Private Career College and unapproved vocational programs in Ontario;

- has stopped charging fees for an unregistered Private Career College and unapproved vocational programs in Ontario;
- has stopped operating as a private career college;
- has stopped providing unapproved vocational programs;
- has provided the ministry with a list including the names and addresses of all current and former students;
- has provided refunds to students who were enrolled in unapproved vocational programs;
- is not holding, directly or indirectly, any monies owing to current, former, or prospective students of unapproved vocational programs;
- is holding student files to be available for the Superintendent's staff to review; and
- will not reopen as a private career college until such time, if any, as it has been 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 All Metal Welding 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:

On February 3, 2010 Ministry staff became aware of the website <http://www.allmetalwelding.ca>. The website advertised All Metal Welding Technology Inc. and described the programs outlined under “Contravention of section 11 of the PCCA, 2005”. A follow up visit to All Metal Welding Technology Inc. verified that the institution is offering vocational programs without being registered.

Legal and Operating Entities

All Metal Welding Technology Inc. was incorporated in Ontario on September 9, 1998. There are no other business names for the corporation. The only director listed is Sahir Basett. The corporation’s address is listed as 220 Livingston Road, Scarborough, Ontario M1R 1L7. A 411 reverse search showed the address is occupied by “H. Simpkins.”

Contravention of section 11 of the PCCA, 2005 – Advertising Unregistered Private Career College and Unapproved Programs

Ministry staff became aware of the website, <http://www.allmetalwelding.ca>, operated by All Metal Welding Technology Inc., on February 3, 2010. A review of the website showed the following programs being offered:

- Introductory Arc or Mig (Fillet Weld) 1F-2F-3F-4F
- CWB – Arc or Mig
- TSSA (SMAW) Shielded Metal Arc Welding
- TSSA (GTAW) Gas Tungsten Arc Welding

A follow up visit to All Metal Welding Technology Inc., 757 McKay Road, Unit 4-5, Pickering on February 10, 2010 revealed the following details regarding the programs being offered:

Introductory – ARC (S.M.A.W.)			
(25 classes) Includes consumable materials (5 class payments 1 st – 6 th – 11 th – 16 th – 21 st)			
(5)	1 st course =	1F (flat)	= \$ 700.00 + 5% GST \$3,500.00
(6)	2 nd course =	2F (horizontal)	= \$ 800.00 + 5% GST \$ 175.00 GST
(6)	3 rd course =	3F (vertical)	= \$ 900.00 + 5% GST \$3,675.00
(8)	4 th course =	4F (overhead)	= \$1,100.00 + 5% GST payments \$735.00
Introductory – MIG (G.M.A.W.)			
(25 classes) Includes consumable materials (5 class payments 1 st – 6 th – 11 th – 16 th – 21 st)			
(5)	1 st course =	1F (flat)	= \$ 750.00 + 5% GST \$3,700.00
(6)	2 nd course =	2F (horizontal)	= \$ 850.00 + 5% GST \$ 185.00 GST
(6)	3 rd course =	3F (vertical)	= \$ 950.00 + 5% GST \$3,885.00
(8)	4 th course =	4F (overhead)	= \$1,150.00 + 5% GST payments \$777.00
CWB Qualification – ARC (S.M.A.W.) (This does not include the CWB test cos.)			
(28 classes) Includes consumable materials (does not cover CWB test) (6 class payments)			
(6)	1 st course =	1G (flat)	= \$1,175.00 + 5% GST \$5,900.00
(6)	2 nd course =	2G (horizontal)	= \$1,375.00 + 5% GST \$ 295.00 GST
(8)	3 rd course =	3G (vertical)	= \$1,575.00 + 5% GST \$6,195.00
(8)	4 th course =	4G (overhead)	= \$1,775.00 + 5% GST payments \$1,032.50
CWB Qualification – MIG (G.M.A.W.) (This does not include the CWB test cost)			
(28 classes) Includes consumable materials (does not cover CWB test) (6 class payments)			
(6)	1 st course =	1G (flat)	= \$1,225.00 + 5% GST \$6,100.00
(6)	2 nd course =	2G (horizontal)	= \$1,425.00 + 5% GST \$ 305.00 GST
(8)	3 rd course =	3G (vertical)	= \$1,625.00 + 5% GST \$6,405.00
(8)	4 th course =	4G (overhead)	= \$1,825.00 + 5% GST payments \$1,067.50
TSSA (S.M.A.W.) Shielded Metal Arc Welding (This does not include the TSSA test cost)			
Qualification: High pressure pipe welding industry (6G all positions)			
(28 classes) Includes consumable materials (6 class payments 1 st – 5 th – 10 th – 15 th – 20 th – 25 th)			
(6)	1 st course =	1G	= \$1,500.00 + 5% GST \$6,500.00
(6)	2 nd course =	2G	= \$1,500.00 + 5% GST \$ 325.00 GST
(8)	3 rd course =	5G	= \$1,750.00 + 5% GST \$6,825.00
(8)	4 th course =	6G	= \$1,750.00 + 5% GST payments \$1,137.50
TSSA (G.T.A.W.) Gas Tungsten Metal Arc Welding (This does not include the TSSA test cost)			
Qualification: High pressure pipe welding industry (6 class payments 1 st – 5 th – 10 th – 15 th – 20 th – 25 th)			
(28 classes) Includes consumable materials (6G all positions)			
(6)	1 st course =	1G	= \$1,775.00 + 5% GST \$7,500.00
(6)	2 nd course =	2G	= \$1,775.00 + 5% GST \$ 375.00 GST
(8)	3 rd course =	5G	= \$1,975.00 + 5% GST \$7,875.00
(8)	4 th course =	6G	= \$1,975.00 + 5% GST payments \$1,312.50

Each class, according to Mr. Sam Basett, is two hours long.

According to the description provided on the website, the information on the above price sheet and the information regarding class length as stated by Mr. Sam Basett, the programs fit the definition of vocational programs according to the PCCA, 2005. Therefore the school is contravening the PCCA, 2005 by advertising unapproved vocational programs and thereby advertising itself as a Private Career College.

Contravention of section 9 of the PCCA, 2005 – Charging Fees for Unregistered Private Career College and Unapproved Programs

On February 10, 2010, Ministry staff attended All Metal Welding Technology Inc, 757 McKay Road, Unit 4-5, Pickering. While staff was in attendance Mr. Sam Basett stated that they had two students currently attending classes. Mr. Basett then produced two student contracts. The first page of each contract outlined the cost of the course and the payment schedule.

(Photographic evidence removed)

A comment on the bottom of [REDACTED] contract states that on November 21, he paid \$440.00 in cash.

According to the contracts as well as the comment at the bottom of [REDACTED] contract, All Metal Welding Technology Inc is charging fees for an unregistered Private Career College and for unapproved programs therefore contravening the PCCA, 2005.

Contravention of Subsection 7, 8 of the PCCA, 2005 – operating as an unregistered private career college and offering vocational programs that are not approved.

On February 10, 2010, Ministry staff attended All Metal Welding Technology Inc, 757 McKay Road, Unit 4-5, Pickering. As part of their visit, they received copies of two current student contracts. Mr. Bassett confirmed that the two students were attending classes. Mr. Bassett also confirmed the pricing and the lengths of each of the programs being offered. Each of the programs fit the definition of a vocational program that needs to be registered with the Ministry. As a result of the visit and the information received, it is evident that All Metal Welding Technology Inc. is operating as an unregistered private career college and offering vocational programs that are not approved, both of these in contravention of the PCCA, 2005.