

Particulars of Notice of Contravention and Review Decision

S. 49(1) Private Career Colleges Act, 2005

Wednesday September 8, 2010

These particulars are posted following the issuance of an administrative penalty for which a review was requested. Penalties may be reviewed upon request within 15 days of receipt of a Notice of Contravention. The review decision is made considering not only the information originally available at the time the Notice of Contravention was issued, but also any new information not previously available that may have been supplied in support of the request for a review. On review, an administrative penalty may be upheld, rescinded or reduced. A review decision is final.

Original service date: May 21, 2010

Howard Tyrell operating as Bark N Park the Mobile Groomer
1258 Highway #6
Hamilton, ON L8N 2Z7

Description:	Original Amount:	Review Decision:
<p>PCCA 2005, s. 7 Prohibition against operating a private career college.</p> <p>On April 27, 2010 and May 13, 2010 designates of the Superintendent of Private Career Colleges met with Howard Tyrrell, the owner of Bark N Park - The Mobile Groomer. Mr. Tyrrell advised the designates that he trains his own groomers and he pays 42% of the pet grooming fee charged to customers to the groomer and that 10-15% of the groomers' pay is deducted from their paycheques until the \$4,000 training fee is paid. This Dog Groomer training lasts approximately 320 hours and is considered a vocational program under the PCCA, 2005. An institution is required to be registered by the Superintendent in order to deliver vocational training. As Howard Tyrrell operating as Bark N Park -The Mobile Groomer has not registered, therefore he is operating an unregistered private career college in violation of section 7 of the PCCA, 2005.</p>	<p>\$1,000 per day</p>	<p>Reduced penalty to \$100 per day for the period of May 21, 2010 to June 10, 2010 (inclusive). The balance of evidence indicates that Bark N Park was operating an unregistered private career college. Bark N Park came into compliance on June 10, 2010 by discontinuing operating an unregistered private career college.</p>
<p>PCCA 2005, s. 8 (1) Prohibition against providing vocational programs.</p> <p>On April 27, 2010 and May 13, 2010 designates of the Superintendent of Private Career Colleges met with Howard Tyrrell, the owner of Bark N Park - The Mobile Groomer. Mr. Tyrrell advised the designates that he trains his own groomers and he pays 42% of the pet</p>	<p>\$1,000 per day</p>	<p>Reduced penalty to \$100 per day for the period of May 21, 2010 to June 10, 2010 (inclusive). The balance of evidence indicates that Bark N Park was providing an unapproved</p>

<p>grooming fee charged to customers to the groomer and that 10-15% of the groomers' pay is deducted from their paycheques until the \$4,000 training fee is paid. This Dog Groomer training lasts approximately 320 hours and is considered a vocational program under the PCCA, 2005. As Howard Tyrrell operating as Bark N Park - The Mobile Groomer has not had this Dog Groomer training program approved, therefore he is offering unapproved vocational programs in violation of section 8 of the PCCA, 2005.</p>		<p>vocational program. Bark N Park came into compliance on June 10, 2010 by discontinuing providing unapproved vocational program.</p>
<p>PCCA 2005, s. 9 Prohibition against charging fee.</p> <p>The Superintendent's designates examined two current student/groomer files of Bark N Park The Mobile Groomer. Both files contained pet grooming contracts between Howard Tyrrell and the groomer dated March 19, 2010 and November 1, 2009 respectively. The second file also contained a letter signed by Howard Tyrrell and the groomer for the repayment of the Dog Groomer training program. That letter stated that upon completion of the groomer's training the amount owing is \$5,500. The letter also specified that the amount owing will be deducted from each net pay at a rate of 15% per pay until the amount owing has been paid in full. Mr. Tyrrell confirmed that he is still deducting 15% pay from both groomer's paycheques. Based on this information, it is clear that Howard Tyrrell operating as Bark N Park The Mobile Groomer is charging or collecting a fee in respect of an unapproved program at an unregistered school, in violation of section 9 of the PCCA, 2005.</p>	<p>\$1,000 per day</p>	<p>Reduced penalty to \$100 per day for the period of May 21, 2010 to June 10, 2010 (inclusive).</p> <p>The balance of evidence indicates that Bark N Park was charging a fee for an unapproved vocational program. Bark N Park came into compliance on June 10, 2010 by discontinuing charging fees for an unapproved vocational program.</p>
<p>Total:</p>		<p>\$6,300</p>