

Ministry of Training,
Colleges and Universities
Student Support Branch
9th Floor, Mowat Block
900 Bay Street
Toronto ON M7A 1L2

Ministère de la Formation
et des Collèges et Universités
Direction du soutien aux étudiants
9^e étage, édifice Mowat
900, rue Bay
Toronto ON M7A 1L2



SERVED BY REGISTERED AND REGULAR MAIL

Thursday, June 19, 2008

Blue Flame Academy Ltd.
61 Kerman Avenue,
Grimsby, Ontario
L3M 3W3

Attention: Robert Spearing, President

Dear Mr. Spearing:

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 Blue Flame Academy Ltd. is not operating in compliance with the *Private Career Colleges Act 2005*.

Unregistered Campus

Pursuant to subsection 46(1) of the *Private Career Colleges Act, 2005*, I am directing you as the President of Blue Flame Academy Ltd. to immediately cease and desist:

- Operating as an unregistered private career college, Blue Flame Academy, 61 Kerman Avenue, Grimsby, Ontario
- Offering non-approved vocational programs including Gas Technician G1, Gas Technician G2, Gas Technician G3
- Distributing any promotional program information or website advertisements, in whatever form, that use statements for the purpose of inducing a student or prospective student to enrol in a vocational program.

Blue Flame Academy Ltd. 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 Blue Flame Academy Ltd.:

- a) that Blue Flame Academy Ltd. at 61 Kerman Avenue, Grimsby, Ontario is no longer in operation;
- b) that Blue Flame Academy Ltd. does not hold, directly or indirectly, any monies owing to current, former or prospective students with contracts;

- c) that the Blue Flame Academy Ltd.'s application for Registration of a Private Career College, will be delivered to the Ministry by **July 31, 2008**;
- and setting out:
- d) the names and addresses of all current and former Blue Flame Academy Ltd. students;
 - e) the location of all Blue Flame Academy Ltd. student files;
 - f) a date and time that all files will be made available forthwith to Ministry staff for review; and
 - g) an explanation for the offering of and delivery of vocational programs prior to 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.

Although we received notification via phone call from your institution on April 25, 2008 indicating that your organization intended to submit forms for both registration and program approval, we have yet to receive said forms as of the date of this order.

If your institution intends to continue to offer a vocational program 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, 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*

Pursuant to subsection 46(1) of the *Private Career Colleges Act, 2005*, I am directing Robert Spearing, the President of Blue Flame Academy Ltd. to comply with the legislation as follows:

1. Blue Flame Academy Ltd. will **immediately** remove all non-approved vocational programs from its website and other advertising.
2. Blue Flame Academy Ltd. will provide my office with confirmation and evidence of the removal **by July 7, 2008**.
3. Blue Flame Academy Ltd. will **immediately** stop enrolling students in non-approved programs, and refund tuition to those currently enrolled.

4. Blue Flame Academy Ltd. will provide my office with confirmation and evidence that it has ceased enrolling students in non-approved programs and refunded tuition to those currently enrolled **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 an unregistered campus 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 or 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

Legal and Operating Entities

Blue Flame Academy Ltd. was incorporated on April 12, 2006. The President of Blue Flame Academy Ltd is Robert Spearing and its Vice-President is June Ballegeer, who is also the President of Bestech Academy Inc., another Gas Technician School that has not been properly registered with the Superintendent.

Pre-Screening

On March 27, 2007, the Ministry wrote to Amanda Powell, [title?] at Blue Flame Academy Ltd. in response to their pre-screening submission for Gas Technician (G2) and Gas Technician (G3) to confirm that these were vocational programs and they were required to submit an application to register a private career college.

Blue Flame Academy Ltd. was advised that until such time as it was registered and its programs were approved, it is a violation under Sections 7, 8 and 11 of the Private Career Colleges Act, 2005 to deliver or advertise the delivery of vocational program(s). An institution can not charge or collect a fee in relation to a vocational program until the registration and program approval process is complete under Section 9 of the Act.

There was no response to the March 27, 2007 letter from the Ministry. Blue Flame Academy Ltd. has not applied for registration as a Private Career College as required by the Ministry.

Advertising Vocational Programs

On March 12, 2008, and on June 4, 2008, Ministry staff printed website advertising for Blue Flame Academy at 61 Kerman Ave, Grimsby, L3M 3W3.

Vocational programs which were advertised were:

- Gas Technician (G1)
- Gas Technician (G2)
- Gas Technician (G3)

They advertised Full and Part time courses leading to a career as a licensed gas technician.

The programs advertised are found to provide students with the skills and knowledge required to obtain employment in a recognized vocation.

Contravention of s. 7 and 8 of the *Private Career Colleges Act, 2005*:

On March 25, 2008 Ministry staff wrote to Blue Flame Academy Ltd. as a follow up to the Ministry letter of March 27, 2007.

Ministry staff stated that the March 27, 2007 letter required Blue Flame Academy Ltd. to submit an application for registration. Despite the communication, however, and a phone call on April 25, 2008 from Blue Flame indicating their intention to apply for proper registration, no application had been received. Ministry staff found, however, that Blue

Flame Academy Ltd. continued to advertise vocational programs leading to careers in recognized vocations and thus were in contravention of s. 7 and 8 of the Private Career Colleges Act, 2005.

Blue Flame Academy Ltd. were advised, on March 25, 2008, that failure to comply with the Private Career Colleges Act, 2005 could lead to prosecution under s. 48 of the Act.

Blue Flame Academy Ltd. were requested, on March 25, 2008, to advise the Ministry by April 7, 2008 as to whether or not an application for registration was to be submitted.

Contrary to their stated intentions during the April 25, 2008 phone call noted above, Blue Flame has never properly applied to register with the Superintendent and have these vocational programs approved. Blue Flame Academy Ltd. continues to advertise their vocational training in contravention of s. 7 and 8 of the Private Career Colleges Act, 2005.

Meeting with the Technical Standards and Safety Authority (TSSA) on April 23, 2008

On April 23, 2008, the Ministry and their legal counsel met with representatives including TSSA's legal counsel, for the TSSA.

The TSSA acknowledged and supports the consumer protection role of the Private Career Colleges Act, 2005. The TSSA acknowledged and agreed that institutions could be regulated by more than one Act.