

Ministry of Training,  
Colleges and Universities  
Student Support Branch  
9<sup>th</sup> 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<sup>e</sup> étage, édifice Mowat  
900, rue Bay  
Toronto ON M7A 1L2



**SERVED BY REGISTERED and REGULAR MAIL**

January 5, 2009

Green Beauty Esthetics College of Canada Ltd.  
o/a Green Beauty Esthetics College of Canada  
215A -C 4002 Sheppard Avenue East,  
Toronto, Ontario  
M1S 1S6

Attention: Pak Kong Yu, President

Dear Sir,

Re: Refusal to Renew Registration under subsection 18 (2) of the Private Career Colleges Act, 2005  
Notice of Restraining Order under subsection 46 (1) of the *Private Career Colleges Act, 2005*

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I am writing to advise you of my decision pursuant to s.18(2) of the *Private Career Colleges Act, 2005* ("PCCA, 2005") to refuse to renew Green Beauty Esthetics College of Canada Ltd.'s registration as a private career college. In addition, as a result of the refusal to renew the registration, this letter also includes a notice of restraining order under subsection 46(1) of the Private Career Colleges Act, 2005.

For the reasons set out below and detailed in Schedule A (attached), it has been determined that that Green Beauty Esthetics College of Canada Ltd. ("Green Beauty"):

- has breached a condition of registration (clause 18(2)(b)) as Green Beauty can not be expected to be financially responsible in the operation of a private career college as required by clause 14(1)(e) of the Private Career Colleges Act, 2005;
- has failed to comply with s. 11 of the Private Career Colleges Act, 2005 by advertising an unapproved program (clause 18(2)c));
- has had no students enrolled in any vocational programs for at least two successive periods of the college's registration under this Act (clause 18(2)(d)).

Furthermore, pursuant to s. 46 of the PCCA, 2005, I am writing to direct you to comply and restrain from contravening this Act. The reasons in support of this Order are contained in Schedule A.

If you disagree with the Superintendent's decision to refuse to renew the registration of Green Beauty, you are entitled to appeal pursuant to subs. 20(3) and 19(3) of the Act. Information on the appeals process is set out in Schedule B attached.

**Notice of Restraining Order under subs. 46(1) of the PCCA, 2005**

As a result of my decision and if this decision is not appealed, I am directing you Pak Kong Yu, as the President of Green Beauty to immediately cease and desist:

- Holding yourself out as a registered private career college;
- Offering and taking applications for vocational programs;
- Distributing any promotional program information or website advertisements, in whatever form, that use statements that mislead, or are likely to mislead, the public for the purpose of inducing a student or prospective student to enroll in a vocational program or to enter into a contract with a private career college.

I am also directing you, Pak Kong Yu, as the President of Green Beauty to deliver to me **by registered mail or courier and by no later than Friday, January 23, 2009** a written confirmation that Green Beauty:

- a) has ceased operating as a private career college;
- b) has ceased delivering or holding itself out as delivering vocational programs;
- c) has ceased soliciting or accepting applications from students for vocational programs;
- d) has ceased all related activities, including advertising in any media;
- e) does not hold, directly or indirectly, any monies owing to current, former or prospective students with contracts for vocational programs with the school.

The response must include Green Beauty's original Certificate of Registration. 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 an unapproved vocational program, the students will have the right to a full refund of those fees regardless of whether your institution has delivered the training.

**Failure to comply with this Order will put Green Beauty in violation of the *PCCA, 2005*. If that occurs, I will be forced to consider further enforcement steps, including any one or more of the following: obtaining a court order for compliance; or prosecuting Green Beauty under section 48 of the Act for the offence of failing to comply with my Orders, the *PCCA, 2005* and its regulations.**

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](http://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 416-314-0500 to request that copies of the relevant legislation be sent to you. You may also contact Ms. Devlin if you have questions regarding this Order.

Sincerely,

ORIGINAL SIGNED BY

Richard Jackson  
Superintendent  
Private Career Colleges

Attachments:

- |            |   |
|------------|---|
| Schedule A | Reasons for Decision                              |
|            | a) Background                                     |
|            | b) Legal and Operating Entities                   |
|            | c) Chronology of Events                           |
|            | d) Refusal to Renew Registration                  |
| Schedule B | Entitlement to Hearing by Licence Appeal Tribunal |

## Schedule A – Reasons for Decision

In my opinion, the following facts support the Order.

### Facts in support of Refusal to Renew Registration and Restraining Order

#### a) Background:

1. Green Beauty first registered as a private career college with the Ministry in September 2005.
2. The only approved program is Esthetics.

#### b) Legal and Operating Entities

3. Green Beauty Esthetics College of Canada Ltd. was registered as a corporation on February 21, 2005. The sole officer and director and President of the corporation is Pak Kong Yu.
4. The operating name Green Beauty Esthetics College of Canada was registered on September 26, 2005.

#### c) Chronology of Events

September 3, 2003	Partial Application received in regard to registration as a private career college.
September 10, 2003	Ministry wrote to Green Beauty to acknowledge initial registration information and to request that the outstanding documentation be forwarded.
October 21, 2004	<p>Ministry staff attended at Green Beauty to speak with owner about their intended action on the application to register as a PCC. The initial registration documents had been submitted over a year previously with no subsequent activity.</p> <p>Ministry staff spoke with a representative of Green Beauty. He told Ministry staff that the owner and her husband/boyfriend had parted ways and thus they did not pursue the application. Ministry staff advised that Green Beauty can not offer the programs that require registration. The representative stated that he would advise the applicant and indicated that they were going to continue with the registration process.</p>
November 9, 2004	██████ called on behalf of the owner and spoke to Ministry staff. She said that they will proceed with paperwork and should have the documentation in to the Ministry within one month.
May and June, 2005	Application documentation received.
September 6, 2005	Green Beauty Esthetics College of Canada Ltd. was registered as a private career college.
January 5, 2006	Inspection by Ministry staff: Ministry staff was advised by ██████, Director of the school, that there were no students in vocational programs. ██████ indicated that they offered waxing and skin care certificate programs, both of which did not require registration according to Ministry staff.
October 31, 2006	Financial statements prepared April 21, 2007, for fiscal year

	<p>ended October 31, 2006 were signed by the President, Pak Kong Yu. Net income for October 31, 2005 and October 31, 2006 is documented in the "Statement of Loss and Deficit". The Net Loss for October 31, 2005 was \$53,829 and for October 31, 2006 was \$51,815.</p> <p>Revenue was reported for the fiscal year ended October 31, 2006 but Green Beauty advised the Ministry that there was zero revenue earned from Vocational Programs.</p>														
February 22, 2007	<p>Inspection by Ministry staff: At this inspection, ██████████, Director of school advised Ministry staff that there were no students in vocational or "diploma" programs.</p>														
May 1, 2007	<p>Green Beauty reported to the Ministry that their non-vocational programs are:</p> <table border="0"> <tr> <td>Body Care Certificate Course</td> <td>Less than 40 hours</td> </tr> <tr> <td>Skin Care Certificate Course</td> <td>Less than 40 hours</td> </tr> <tr> <td>Advance Skin Care Certificate Course</td> <td>Less than 40 hours</td> </tr> <tr> <td>Waxing Certificate Course</td> <td>Less than \$1,000</td> </tr> <tr> <td>Manicure &amp; Pedicure Certificate</td> <td>Less than \$1,000</td> </tr> <tr> <td>Make-up Application Course</td> <td>Less than 40 hours</td> </tr> <tr> <td>Fast Track for Estheticians Certificate</td> <td>Less than 40 hours</td> </tr> </table> <p>Green Beauty also provided their fee schedule which included a list of programs. The Esthetics program which was registered with the Ministry in 2005 included 10 modules. The list of programs included a program called "Professional Esthetics Diploma Course" which was their vocational program and they listed only 7 modules, which appears to be a change to an approved program.</p>	Body Care Certificate Course	Less than 40 hours	Skin Care Certificate Course	Less than 40 hours	Advance Skin Care Certificate Course	Less than 40 hours	Waxing Certificate Course	Less than \$1,000	Manicure & Pedicure Certificate	Less than \$1,000	Make-up Application Course	Less than 40 hours	Fast Track for Estheticians Certificate	Less than 40 hours
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October 31, 2007	<p>Financial statements prepared April 1, 2008, for fiscal year ended October 31, 2007 were signed by the President, Pak Kong Yu. Net income for October 31, 2006 and October 31, 2007 is documented in the "Statement of Loss and Deficit". The Net Loss for October 31, 2006 was \$51,815 and for October 31, 2007, it was \$47,307.</p> <p>Revenue was reported for the fiscal year ended October 31, 2007 but the Management schedule for this fiscal year reported that there was zero revenue earned from Vocational Programs.</p>														
September 5, 2008	<p>A copy of an advertisement for Green Beauty Esthetics College of Canada was received from ██████████ at Looks Aesthetic Academy. ██████████ faxed the advertisement which advertised a Registered Massage Therapy Diploma Cass (RMT).</p>														
September 22, 2008	<p>Ministry staff contacted Green Beauty to determine why they reported zero vocational tuition revenue for two consecutive reporting periods. The administrator and the financial consultant advised that ██████████, the director was away in Asia recruiting students.</p>														
October 3, 2008	<p>Ministry staff found a website advertising Green Beauty Esthetics College of Canada. The College's advertisement</p>														

	<p>included the courses which they offered and which included Registered Massage Therapy Program (rmt). In addition the advertisement included the statement: "Studen (sp) graduates form (sp) Green Beauty college will receive a job offer."</p>
October 16, 2008	<p>Ministry staff attended to conduct inspection. Ministry staff met with [REDACTED]. [REDACTED] had a "Massologist" Certificate which he obtained in Montreal. He stated that he started at Green Beauty in August 2008 and works part time at the spa on Appointment. He stated that he teaches Body Care which is body massage like Shiatsu.</p> <p>[REDACTED] advised that the owner and her husband had parted ways. This is similar to October 2004 (see above). [REDACTED] said that they were in negotiations for ownership. [REDACTED] said that [REDACTED] was home because she was pregnant and she could not speak English very well. [REDACTED] got [REDACTED] on the telephone. Ministry staff spoke to her but she did not speak English very well.</p> <p>[REDACTED] said that they had no students and thus no student files for inspection. He stated that they had never had students and thus had no student files.</p> <p>[REDACTED] was asked about the Registered Massage Therapy Diploma which Green Beauty advertised. He stated that [REDACTED] ([REDACTED], the President) had told [REDACTED] (his wife) that he had applied for the RMT program. [REDACTED] said that [REDACTED] had put the advertisement for RMT in the paper and on the website as a result.</p>
October 16, 2008	<p>Fax received from Green Beauty. The fax advised Ministry staff that they have just enrolled a student in their program for October 20, 2008. The fax stated that "[REDACTED] reported 5 students for last year".</p> <p>The fax also included a "student profile of our new student who will start the skin care course next week, Oct 20, 2008." The student enrolled in a non-vocational program.</p>

**d) Refusal to Renew Registration under s. 18 of the PCCA, 2005**

I hereby give notice in writing that I am refusing to renew Green Beauty's registration pursuant to subsection 18(2) of the Act. Green Beauty Esthetics College of Canada Ltd. ("Green Beauty") has:

- breached a condition of registration (clause 18(2)(b)). They can not be expected to be financially responsible in the operation of a private career college as required by clause 14(1)(e) of the Private Career Colleges Act, 2005;
- failed to comply with s. 11 of the Private Career Colleges Act, 2005 by advertising an unapproved program (clause 18(2)(c));
- had no students enrolled in any vocational programs for at least two successive periods of the college's registration under this Act (clause 18(2)(d)).

**a) Clause 18(2)(a) A requirement described in subsection 14(1) is not met:**

Green Beauty has reported a net loss in its financial statements for the following periods:

Fiscal Year	Revenue	Net Loss
Oct 31, 2005	\$2,760	\$53,839
Oct 31, 2006	\$12,467	\$51,815
Oct 31, 2007	\$27,946	\$47,307

The information contained in the financial statements demonstrates Green Beauty's inability to be financially responsible in the operation of a private career college as required by clause 14(1)(e) of the Private Career Colleges Act, 2005.

The financial statement also disclosed insufficient current assets to meet current liabilities. There is no evidence of financial viability.

**b) Clause 18(2)(c) The registrant has failed to comply with a s. 11 of the Act:**

Green Beauty has advertised an unapproved vocational program in contravention of s. 11.

Green Beauty advertised the delivery of a Registered Massage Therapy Diploma class. Registered Massage Therapy is a regulated profession.

During the inspection on October 16, 2008, Ministry staff asked [REDACTED], an instructor with Green Beauty, who was the only college representative on site, about the Registered Massage Therapy Diploma which was advertised. He stated that [REDACTED] ([REDACTED], the President) had told [REDACTED] (his wife) that he had applied for the RMT program. [REDACTED] said that [REDACTED] had put the advertisement for RMT in the paper and on the website as a result.

Ministry staff advised [REDACTED] that even if the program application had been submitted, advertisement was not permitted until Ministry approval was received.

**c) Clause 18(2)(d) No students have enrolled in any vocational programs at the private career college for at least two successive period of the college's registration under this Act:**

Green Beauty has reported zero student enrolment in vocational programs for at least two successive periods of the college's registration under this Act as set out below:

Source of information	Vocational Revenue	Program	Students enrolled
Ministry inspection January 5, 2006			0
Fiscal year ended October 31, 2006	0		
Ministry inspection February 2, 2007			0
Fiscal year ended October 30, 2007	0		
Ministry inspection October 16, 2008			0

On October 16, 2008, Green Beauty sent a fax stating that "██████ have reported 5 students for the last year". There was no report in any of the financial statements of students being enrolled in the vocational program.

When Ministry staff attended at Green Beauty, staff were advised that there were no students and there were no student files. Ministry staff asked for past or old student files and were told there were none.

The fax also included the statement that "Enclosed is the student profile of our new student who will start the skin care course next week, Oct 20, 2008."

Green Beauty have already advised the Ministry that the "skin care" course is less than 40 hours and is exempt from the requirement for approval. The "student" is not enrolled in a vocational program and did not sign a private career college contract.

Green Beauty has indicated on more than 5 occasions that they have no vocational students enrolled for at least two successive period of the college's registration under this Act.

## SCHEDULE "B"

### ENTITLEMENT TO HEARING BY LICENCE APPEAL TRIBUNAL

If Green Beauty Esthetics College of Canada Ltd. disagrees with the Superintendent's decision to refuse to renew its registration as a private career college pursuant to the Private Career Colleges Act, 2005, it is entitled to a hearing by the Licence Appeal Tribunal ("the Tribunal") if it mails or delivers to both the Superintendent of Private Career Colleges and the Tribunal a notice in writing, requesting such a hearing.

Such notice must be delivered, **by registered mail or courier**, to the Superintendent and to the Tribunal **by Friday, January 23, 2009**.

If Green Beauty Esthetics College of Canada Ltd. does not require a hearing by the Tribunal as set out above, the Superintendent's decision to refuse Green Beauty Esthetics College of Canada Ltd.'s application for renewal of registration will as of **Friday, January 23, 2009**, be final.

If Green Beauty Esthetics College of Canada Ltd. does choose to request a hearing by the Tribunal, the notice to the Tribunal should be addressed to:

Licence Appeal Tribunal  
CIBC Building, 12th Floor  
1 St. Clair Avenue West  
Toronto, ON M4V 1K6

Service of the required notice on the Superintendent should be to:

Superintendent of Private Career Colleges  
Ministry of Training, Colleges and Universities  
9<sup>th</sup> Floor, Mowat Block  
900 Bay Street  
Toronto, ON M7A 1L2

Please note that the Tribunal has its own required forms for filing applications. You may contact the Tribunal directly at 416-314-4260 or 1-800-255-2214 for information on the Tribunal and its application forms. You may also obtain such information from the Tribunal's website at: [www.lat.gov.on.ca](http://www.lat.gov.on.ca).