

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

1714605 Ontario Limited operating as
HVAC Training Academy
AND
HVAC Training Solutions Inc.
130 Newbold Court
London, Ontario
N6E 1Z7

AND TO

1714605 Ontario Limited operating as
HVAC Training Academy
AND
HVAC Training Solutions Inc.
809 B Michigan Ave
Point Edward, Ontario
N7V 1H1

Attention: Greg Taylor, President of 1714605 Ontario Limited o/a HVAC Training Academy and President of HVAC Training Solutions Inc.

Dear Mr. Taylor:

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 1714605 Ontario Limited operating as HVAC Training Academy and HVAC Training Solutions Inc. are not operating in compliance with the *Private Career Colleges Act 2005*.

Unregistered Campuses

Pursuant to subsection 46(1) of the *Private Career Colleges Act, 2005*, I am directing you as the President of both 1714605 Ontario Limited operating as HVAC Training Academy and HVAC Training Solutions Inc. to immediately cease and desist:

- Operating as an unregistered private career college, HVAC Training Academy and HVAC Training Solutions Inc. at:
 - 130 Newbold Court, London, Ontario and
 - 809B Michigan Avenue, Point Edward, 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

HVAC Training Academy and HVAC Training Solutions Inc. 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 1714605 Ontario Limited operating as HVAC Training Academy and HVAC Training Solutions Inc.:

- a) that HVAC Training Academy and HVAC Training Solutions Inc. at 130 Newbold Court, London, Ontario and at 809B Michigan Avenue, Point Edward, Ontario are no longer in operation;
- b) that HVAC Training Academy and HVAC Training Solutions Inc. do not hold, directly or indirectly, any monies owing to current, former or prospective students with contracts;
- c) that 1714605 Ontario Limited operating as HVAC Training Academy and HVAC Training Solutions Inc.'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 HVAC Training Academy and HVAC Training Solutions Inc. students;
- e) the location of all HVAC Training Academy and HVAC Training Solutions Inc. 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.

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 you as the President of 1714605 Ontario Limited operating as HVAC Training Academy and HVAC Training Solutions Inc. to comply with the legislation as follows:

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

Schedule A – Reasons for Decision

Facts in support of Restraining Order

Legal and Operating Entities

The website of HVAC Training Solutions Inc. also uses the name HVAC Training Academy.

A corporate search indicates that 1714605 Ontario Limited operating as HVAC Training Academy was incorporated on December 28, 2006. Gregory Taylor is the President of the corporation.

HVAC Training Solutions Inc. was incorporated on January 18, 2006. Gregory Taylor is the President of the corporation.

Pre-Screening

On April 25, 2007, the Ministry wrote to Greg Taylor at HVAC Training Academy in response to their pre-screening submission, dated March 28, 2007, 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.

HVAC Training Academy 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 cannot 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 April 25, 2007 letter from the Ministry. HVAC Training Academy has not applied for registration as a Private Career College as required by the Ministry.

On July 10, 2007, the Superintendent issued an Order against Greg Taylor, HVAC Training Academy. The Order indicated that the Ministry letter of April 25, 2007 instructed HVAC Training Academy to register as a Private Career College. On June 26, 2007, while no application to register had been received by the Ministry, the Ministry received evidence that HVAC training Academy had continued to offer the vocational Gas Technician programs. The programs continued to be advertised on the HVAC Training Academy website.

The Superintendent directed Greg Taylor and HVAC Training Academy to cease and desist offering vocational training until such time as the school is registered as a private career college.

Advertising Vocational Programs

Ministry staff reviewed the website of HVAC Training Solutions Inc. on June 4, 2008 and found the following vocational programs advertised:

- Gas Technician 3
- Gas Technician 2
- Gas Technician 1

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*:

Despite the Ministry's letter of April 25, 2007 and the Superintendent's previous Order of July 10, 2007, HVAC Training Academy has not submitted an application to Register as a Private Career College.

Ministry staff found, however, that HVAC Training Academy 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.

HVAC Training Academy was advised, on July 10, 2007, that failure to comply with the Private Career Colleges Act, 2005 could lead to prosecution under s. 48 of the Act.

No response was received. HVAC Training Academy 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.