

Particulars of Notice of Contravention and Review Decision

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

September 17, 2014

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 On review, an administrative penalty may be upheld, rescinded or reduced.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: October 24, 2013

Karen Heaven Inc. operating as Heaven on Earth Yoga Institute and also known as Heaven Massage Therapy School
188 Green Mountain Road East
Hamilton, ON L8J 3A4

Description:	Original Amount:	Review Decision:
A. Act, s. 11 – Restrictions on advertising and soliciting On October 16, 2013, a Designate of the Superintendent of Private Career Colleges ("Designate") viewed advertising for this School found at www.heavenstudio.ca . Evidence was found that this School was advertising itself as an unregistered private career college and advertising two unapproved massage therapy programs over \$1,000 and over 40 hours in duration. The School was found to be bundling its courses in an	Daily penalty of \$1,000	Penalty of \$1,000 per day is upheld. However, recognizing that the School only received Notice of Contravention #2013-079 on October 28, 2014, and attempted to come into compliance on the same day, the penalty is deemed to have accumulated for only one day: October 28, 2013. The balance of evidence available indicates that Karen Heaven was advertising unapproved Massage Therapy programs, including courses in Shiatsu Massage, that were over the exemption thresholds: 40 hours in

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<p>improper attempt to shelter under an exemption under section 9 (1) of Ontario Regulation 415/06 made pursuant to the Private Career Colleges Act, 2005. The School's advertising made it clear that Heaven Massage Therapist Program level 2 in substance also comprised Heaven Massage Therapist Program Level 1 course curriculum, hours and cost because students must take Heaven Massage Therapist Program Level 1 as a prerequisite to entry into Heaven Massage Therapist Program Level 2. As a result, this School was bundling two massage therapist programs.</p>		<p>duration and \$1,000 in fees. Evidence indicates that, through the pre-screening process, the School was aware of the requirements to register and obtain program approval prior to advertising vocational programs.</p> <p>The School's pre-screening response also clearly indicated that Shiatsu Massage is not exempt from requirements of the Act.</p> <p>Original penalty: \$5,000 Total penalties following review: \$1,000</p>
Total:		\$1,000