

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

Hi-Mark Occupational Skills Training Centre Ltd.
87 Wingold Avenue, Unit 2
Toronto, Ontario
M6B 1P8

And
25 Struck Court, Unit #4
Cambridge, Ontario
N1R 8L2

And
1790 Woodward Drive
Ottawa, Ontario
K2C 0P7

And
Box 142 – 2938 Highway 11, South
R.R. #1
Oro, Ontario
L0L 2X0

Attention: Sam Adams

Dear Sir:

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 Hi Mark Occupational Skills Training Centre Ltd. is 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 Hi Mark Occupational Skills Training Centre Ltd. to immediately cease and desist:

- Operating as an unregistered private career college, Hi Mark Occupational Skills Training Centre Ltd. :
 - 87 Wingold Avenue, Unit 2, Toronto
 - 25 Struck Court, Unit #4, Cambridge
 - 1790 Woodward Drive, Ottawa
 - Box 142 – 2938 Highway 11 South, R.R. #1, Oro, Ontario
- Offering non-approved vocational programs including but not exclusively, Gas Technician 2, Gas Technician 3, Oil Burner Technician 2 and Oil Burner Technician 3
- 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

Hi Mark Occupational Skills Training Centre 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 Hi Mark Occupational Skills Training Centre Ltd. :

- a) that Hi Mark Occupational Skills Training Centre Ltd. at:
 - i. 87 Wingold Avenue, Unit 2, Toronto
 - ii. 25 Struck Court, Unit #4, Cambridge
 - iii. 1790 Woodward Drive, Ottawa
 - iv. Box 142 – 2938 Highway 11 South, R.R. #1, Oro, Ontario
 - b) that Hi Mark Occupational Skills Training Centre Ltd. does not hold, directly or indirectly, any monies owing to current, former or prospective students with contracts;
 - c) that the Hi Mark Occupational Skills Training Centre 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 Hi Mark Occupational Skills Training Centre Ltd. students;
 - e) the location of all Hi Mark Occupational Skills Training Centre 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 of 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 Sam Adams, the President of Hi Mark Occupational Skills Training Centre Ltd. to comply with the legislation as follows:

1. Hi Mark Occupational Skills Training Centre Ltd. will **immediately** remove all non-approved vocational programs from its advertising and website.
2. Hi Mark Occupational Skills Training Centre Ltd. will provide my office with confirmation and evidence of the removal **by July 7, 2008**.
3. Hi Mark Occupational Skills Training Centre Ltd. will **immediately** stop enrolling students in unapproved programs, and refund tuition to those currently enrolled.
4. Hi Mark Occupational Skills Training Centre Ltd. will provide my office with confirmation and evidence that it has ceased enrolling students in unapproved 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

Hi Mark Occupational Skills Training Centre Ltd. was federally incorporated on January 3, 1997. The President is Sam Adams.

Pre-Screening

On July 25, 2007 Deborah Pacheco from Hi Mark Occupational Skills Training Centre Ltd. pre-screened the following programs:

- Gas Technician 3 – Co-op 280 hours and Tuition of \$4,156
- Gas Technician 3 – Evening 180 hours and Tuition of \$4,156
- Gas Technician 3/2 – Co-op 760 hours and Tuition of \$6,153
- Gas Technician 2 – Co-op 480 hours and Tuition of \$4,557

Required to Register

On September 28, 2007, the Ministry wrote to Deborah Pacheco at Hi Mark Occupational Skills Training Centre Ltd., Box 142, 2938 Highway #11 South, R.R. #1, Oro, Ontario. The letter was also faxed to Ms. Pacheco on October 19, 2007. In response to their pre-screening submission, dated July 25, 2007, the Ministry responded that all the programs for which they pre-screened were found to be vocational. Hi Mark Occupational Skills Training Centre Ltd. was required to submit an application to register a private career college.

Hi Mark Occupational Skills Training Centre 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 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 September 28, 2007 letter from the Ministry. Hi Mark Occupational Skills Training Centre Ltd. did not apply 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 found that Hi Mark Occupational Skills Training Centre Ltd. advertised the following vocational programs:

- Gas Technician 3/2 Co-op Tuition \$3,967
- Gas Technician 3 Co-op Tuition \$1,956
- Gas Technician 3 Full evenings Tuition \$1,956
- Gas Technician 2 Co-op Tuition \$2,357
- Gas Technician 1 Full Tuition \$2,280
- Gas Piping Fitter Tuition \$1,215
- Oil Burner Technician 3 Full Tuition \$1,808
- Oil Burner Technician 2 Full Tuition \$2,800

Classes were advertised as continuous intake through April, June, August, September, October and November 2008.

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

On March 25, 2008 Ministry staff wrote to Hi Mark Occupational Skills Training Centre Ltd. as a follow up to the Ministry letter of September 28, 2007.

Ministry staff stated in the March 25, 2008 letter that the September 28, 2007 letter required Hi Mark Occupational Skills Training Centre Ltd. to submit an application for registration; despite the Ministry's letter, no application had been received. Ministry staff found, however, that Hi Mark Occupational Skills Training Centre Ltd. had 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.

Hi Mark Occupational Skills Training Centre Ltd. was 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.

Hi Mark Occupational Skills Training Centre Ltd. was 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.

On April 7, 2008, Sam Adams, the President of Hi Mark Occupational Skills Training Centre Ltd. advised Ministry staff by telephone that he intended to submit an application to register a private career college in July 2008.

Despite Ministry communications of September 28, 2007 and March 25, 2008 and Mr. Adams' statement that he would be applying in April 2008, Hi Mark Occupational Skills Training Centre Ltd. has not, to date, submitted an application to Register as a Private Career College yet they continue to advertise continuous intake for their vocational training programs in contravention of s. 7, 8 and 11 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.