

Particulars of Notice of Contravention and Review Decision

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

Thursday October 14, 2010

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 On review, an administrative penalty may be upheld, rescinded or reduced.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: May 4, 2010

Brenda Lowry operating as Kinder Way Canine Studies Career School a.k.a. Kinder Way Canine Studies a.k.a. Brenda and Wayne’s Family Pet Services
110 Martin Road
Bowmanville, ON L1C 3N4

Description:	Original Amount:	Review Decision:
<p>PCCA, 2005 s. 11 - Restrictions on advertising and soliciting.</p> <p>On April 22, 2010, a Designate of the Superintendent (Designate) received a tip from a member of the public with a link to a Kijiji advertisement for “Kinder Way Canine Studies Career School” (a.k.a. Kinder Way Canine Studies a.k.a. Brenda and Wayne’s Family Pet Services; hereinafter “Kinder Way Canine Studies”). On April 30, 2010, the Designate reviewed three other active similarly worded advertisements for the same school posted on Kijiji on April 23, 2010, April 21, 2010 and March 22, 2010, respectively. On April 28, 2010, the Designate reviewed the website link to Kinder Way Canine Studies (http://brendaandwaynefamilypetservices.com) provided in the Kijiji advertisements. The website provides contact information for Brenda (905-419-3647 or email Brenda at sitdownstay@rogers.com) and advertises three programs: a “career school for trainers” for people to become Certified Trainer and Certified Behaviour and Aggression Specialists at a cost of \$2,000, a Certified Dog Walker/Pet Sitter Course at a cost of \$1,500 and a Dog Grooming Course at a cost of \$2,000. Designates met with Brenda Lowry, the owner of the business, on April 29, 2010. Ms. Lowry confirmed ownership of the</p>	<p>\$1,000 per day</p>	<p>Penalty is reduced to \$100 for May 4, 2010.</p> <p>The balance of evidence available indicates that Brenda Lowry was advertising an unregistered private career college and unapproved vocational programs. Brenda Lowry came into compliance on May 4, 2010 by discontinuing all advertising of an unregistered private career college and unapproved vocational program.</p>

<p>advertising and the costs above and confirmed that the programs would take between 150 and 180 hours to complete. The above-mentioned programs all fit the definition of vocational programs according to the PCCA, 2005 and corresponds to National Occupational Classification (NOC) code 6483 Pet Groomers and Animal Care Workers and require the approval of the Superintendent of Private Career Colleges to be advertised as vocational programs under the Act.</p>		
<p>PCCA, 2005 s. 7 - Prohibition against operating an unregistered private career college.</p> <p>On April 27, 2010 at 9:20 p.m., a Designate received an email response from Ms. Lowry from the email address (sitdownstay@rogers.com) which is listed in both the Kijiji advertisement and website addresses listed above. In that email, Ms. Lowry indicates that she was starting a dog grooming course on the upcoming weekend and has two students signed up, which is evidence she is operating a private career college and offering an unapproved program. Dog Grooming requires the approval by the Superintendent of Private Career Colleges to be offered as a vocational program. Therefore Kinder Way Canine Studies is operating an unregistered private career college in violation of section 7 of the Act.</p>	<p>\$1,000 per day</p>	<p>Penalty is reduced to \$100.</p> <p>The balance of evidence available indicates that Brenda Lowry was operating an unregistered private career college. Brenda Lowry came into compliance on May 4, 2010 by discontinuing operating an unregistered private career college.</p>
<p>PCCA 2005, s. 8 (1) Prohibition against providing vocational programs.</p> <p>On April 27, 2010 at 9:20 p.m., a Designate received an email response from Ms. Lowry from the email address (sitdownstay@rogers.com) which is listed in both the Kijiji advertisement and website addresses listed above. In that email, Ms. Lowry indicates that she was starting a dog grooming course on the upcoming weekend and has two students signed up which is evidence she is operating a private career college and offering an unapproved program. Dog Grooming requires the approval by the Superintendent of Private Career Colleges to be offered as a vocational program. Therefore Kinder Way Canine Studies is offering an unapproved vocational program in violation of section 8 of the Act.</p>	<p>\$1,000 per day</p>	<p>Penalty of \$1,000 was reduced to \$500.</p> <p>The balance of evidence available indicates that Brenda Lowry was providing unapproved vocational programs. Brenda Lowry came into compliance on May 4, 2010 by discontinuing providing unapproved vocational programs.</p>
<p>PCCA 2005, s. 9 Prohibition against charging fee.</p> <p>On April 29, 2010, during the meeting with the Designates, Ms. Lowry advised that a student had given her a down payment of \$300 for the grooming course she is advertising and offering at \$2,000. On April 30, 2010, Ms. Lowry faxed a copy of the receipt for \$300 she provided to the student, dated April 15,</p>	<p>\$1,000 per day</p>	<p>Penalty of \$1,000 was reduced to \$500.</p> <p>The balance of evidence available indicates that Brenda Lowry was charging a fee for an unapproved vocational program.</p>

2010. The receipt has the student's name and specifies "Tuition for Grooming Course." The statement from Ms Lowry and the copy of the receipt confirm that the Kinder Way Canine was charging fees for an unapproved program.		Brenda Lowry came into compliance on May 4, 2010 by discontinuing charging fees for unapproved vocational programs.
Total:		\$1,200