

RESTRAINING ORDER

By email (citytrucktraining@hotmail.com) and courier

December 8, 2010

1482945 Ontario Inc. known as Malwa Truck & Forklift Driving School
7003 Steeles Avenue West Unit 9
Etobicoke, ON M9W 0A2

and

35 Cabernet Crescent
Toronto, ON M9V 5A3

Attention: Charanjeet K. Deol and Charanjit Deol, Directors

This is a **Restraining Order** issued under s. 46(1) of the Private Career Colleges Act, 2005 (“Act”). As the Superintendent of Private Career Colleges, I believe that 1482945 Ontario Inc. known as Malwa Truck & Forklift Driving School (“School”) has contravened the Act and/or regulations, and I order the School to stop contravening the following provisions of the Act and/or regulations:

- advertising an unregistered private career college and unapproved vocational programs that require approval, in contravention of section 11 of the Act.

Detailed reasons in support of my decision to issue this order are found in Schedule “A”, attached. Failure to comply with this order may result in any or all of the following further enforcement actions:

- Application for an order from the Superior Court of Justice;
- The issuance of further Administrative Monetary Penalties; and/or
- Prosecution for offences under the Act. Upon conviction by a court,
 - A corporation is subject to a fine of up to \$250,000;
 - An individual is subject to a fine of up to \$100,000, a prison term of up to one year, or both; and

- An officer or director of a corporation, who concurs in the commission of the offence, is subject to a fine of up to \$25,000, a prison term of up to one year, or both.

You must provide written confirmation signed by a person with authority to bind the School, together with all available supporting evidence, that the steps outlined below have been taken. This written confirmation must be delivered by **December 15, 2010** by registered mail or courier to my attention and confirm that you:

- Have stopped advertising an unregistered private career college and unapproved vocational programs that require approval.

If the school is currently operating an unregistered Private Career College, these actions would be contrary to sections 7 and 8 of the PCCA, 2005 respectively. The school would then be required to **immediately** take the steps outlined below in this order to comply with the Act:

Specifically, the school must:

- stop operating an unregistered Private Career College;
- stop offering and/or providing unapproved vocational programs that require approval;
- stop enrolling students into unapproved vocational programs that require approval;
- provide the ministry with a list including the names and addresses of all current and former students;
- not hold, directly or indirectly, any monies owing to current, former, or prospective students of unapproved vocational programs that require approval;
- hold student files to be available for the Superintendent's staff to review; and
- not reopen as a Private Career College until such time, if any, as it has been registered.

As noted above, the applicable legislation is the *Private Career Colleges Act, 2005* and the regulations made thereunder. The legislation and regulations are available at www.e-laws.gov.on.ca. If you are unable to access any relevant information on e-laws, you may contact our offices at (416) 314-0500 to request that a copy of the legislation and regulations be sent to you.

Pursuant to sections 49(2) and 49(6) of the Act, this order is published on the Ministry of Training, Colleges and Universities' website.

Kindly govern yourself accordingly,

ORIGINAL SIGNED BY

Noah Morris
Superintendent of Private Career Colleges

Attachments: Schedule A – Detailed Reasons for Decision

Schedule "A"

Detailed Reasons for Decision

OPERATION "Brake Down"

Pursuant to subsection 23(1) of the *Private Career Colleges Act, 2005* ("the Act"), private career colleges that offer commercial driver programs which lead to commercial driver licensing examinations, governed under the Ontario Regulation 341/94 Driver Licence Examinations of the *Highway Traffic Act*, must have the programs approved by the Superintendent of Private Career Colleges.

In response to a concern about unapproved commercial driver programs, and their potential impact on public safety, Operation "Brake Down" was launched. Its purpose was to identify illegal operators offering unapproved vocational programs that require approval under the Act and to take the necessary enforcement action against them. This institution was identified as part of this operation.

The Superintendent has issued this order based on the following findings and supporting facts and evidence:

Contravention of section 11 of the Act – Restrictions on Advertising and Soliciting

On October 13, 2010, a Designate of the Superintendent of Private Career Colleges ("Designate") reviewed a Canada 411 advertisement for "Malwa Truck & Forklift Driving School" provided through a tip to the Ministry. That advertisement provides the school's name, address (7003 Steeles Ave W Unit 9, Etobicoke, ON M9W 0A2) and a contact phone number (416-289-3727).

The same day, a Designate telephoned the number listed on the Canada 411 advertisement for the school (416-289-3727) and spoke to an individual who identified herself as Sharon. Sharon confirmed that the Designate was calling "Malwa Truck & Forklift Driving School" and that the address of the school is 7003 Steeles Avenue.

Sharon advised that Malwa offers a number of AZ programs, including a 30 lesson AZ course and a 40 lesson AZ course. The 30 lesson AZ course costs \$1,399 and comprises 30 one-on-one lessons in the truck and 30 in class lessons in which students watch videos. Each lesson is 45 minutes in duration. Therefore, the 30 lesson AZ course totals 45 hours in duration.

Sharon specified that the school also offers a 40 lesson AZ course costing \$1,800 comprising of 40 one-on-one lessons in the truck and 40 in class lessons in which students watch videos. Accordingly, the 40 lesson AZ course totals 60 hours in duration.

On October 29, 2010, Designates conducted a field visit to the school at the address listed on the Canada 411 advertisement (7003 Steeles Ave W, Unit 9, Toronto) and found that the unit is occupied by City Truck & Forklift Driving School Ltd. operating as City Truck & Forklift Driving School ("City Truck"), a registered private career college. Designates spoke with Ruby, who identified herself as an employee of City Truck.

Ruby advised the Designates that “Malwa” is only used on the internet, but is the same as City Truck. She advised that Malwa was being “offered” as a separate school approximately 7-8 years ago.

During the field visit, Designates also met with Jagjeet Singh Deol, who identified himself as the owner of City Truck. Mr. Deol stated that all of the phones are paid for by City Truck. He told the Designates that no one ever calls for Malwa.

AZ training corresponds to National Occupational Classification (NOC) code 7411 – Truck Drivers.

Based on the preceding information, the 30 lesson/45 hour and 40 lesson/60 hour AZ programs at fees of \$1,399 and \$1,800, respectively, advertised by the school over the telephone fit the definition of vocational programs requiring the approval of the Superintendent according to the Act.

Since 1482945 Ontario Inc. known as Malwa Truck & Forklift Driving School is not registered and does not have the approval of the Superintendent to offer or deliver these vocational programs, advertising of same is prohibited in accordance with subsections 11(1) and (2) of the Act.

b) Background

i) Legal & Operating Names

An ONBIS search conducted on October 13, 2010 shows that 1482945 Ontario Inc. is an active Ontario corporation incorporated on June 27, 2001. The registered office address is 35 Cabernet Crescent, Toronto, ON M9V 5A3. The name of the person who authorized the registration was Charanjit K. Deol. Charanjeet K. Deol is listed as a Director at the same address. Charanjit Deol is also listed as a Director and an Officer at the same address. Ms. Deol was identified as Jagjeet Singh Deol's wife by an employee, Ruby, during the field visit by Designates to the school on October 29, 2010.

The expired business name Malwa Truck & Forklift Training School was registered from August 20, 2002 until August 19, 2007 for the corporation 1482945 Ontario Inc. The business carried on “truck & forklift training school.” The corporate address was 35 Cabernet Crescent, Etobicoke, ON M9V 5A3. The name of the person who authorized the registration was Charanjeet Kaur Deol, also of the same address. Ms. Deol is listed as a Director and Officer of the corporation. During the field visit, employee Ruby and Jagjeet Singh Deol told the Designates that Malwa uses a numbered company and does not have a registered business name.

This corporation has three other expired business names associated with it:

- King City Transport Training Centre (expired on May 25, 2008);
- 401 Truck Driving School (expired on May 17, 2009); and
- PN Truck Driving School (expired on May 17, 2009).

Note that there is a current business name registration for “Malwa Truck Driving School” for Ontario corporation 2101129 Ontario Inc., which has been voluntarily dissolved. The business name was registered on July 13, 2006 and expires on July 12, 2011. It carries on “driving lessons.” That dissolved corporation also has a current business name registration for “Winners Truck Driving School.” A different individual is listed in the ONBIS record for the dissolved corporation registration and there is a different address listed. It does not appear that this dissolved corporation is related in any way to the school which is the subject of this matter.