

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

1578922 Ontario Limited operating as
Niagara Skilled Trades Academy
227 Bunting Road
St. Catharines, Ontario
L2M 3Y2

And to

1578922 Ontario Limited operating as
Halton Skilled Trades Academy
2416 Wyecroft Road, Unit 10
Oakville, Ontario
L6L 6M6

Attention: Chris Corney, President

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 Niagara Skilled Trades Academy and Halton Skilled Trades Academy 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 1578922 Ontario Limited operating as Niagara Skilled Trades Academy and Halton Skilled Trades Academy to immediately cease and desist:

- Operating as an unregistered private career college at :
 - Niagara Skilled Trades Academy, 227 Bunting Road, St. Catharines, Ontario L2M 3Y2
 - Halton Skilled Trades Academy, 2416 Wyecroft Road, Unit 10, Oakville, Ontario L6L 6M6

- Offering non-approved vocational programs including Gas Technician G1, Gas Technician G2, Gas Technician G3, Oil Burner Technician 1, Oil Burner Technician 2, 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

You, as President of 1578922 Ontario Limited 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 1578922 Ontario Limited operating as Niagara Skilled Trades Academy (“Niagara”) and Halton Skilled Trades Academy (“Halton”):

- a) that Niagara at 227 Bunting Road, St. Catharines and Halton at 2416 Wyecroft Road, Unit 10, Oakville are no longer in operation;
- b) that Niagara and Halton do not hold, directly or indirectly, any monies owing to current, former or prospective students with contracts;
- c) that the Niagara and Halton applications 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 Niagara and Halton students;
- e) the location of all Niagara and Halton 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 1578922 Ontario Limited o/a Niagara Skilled Trades Academy and Halton Skilled Trades Academy to comply with the legislation as follows:

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

Background:

On June 8, 2004, Niagara Skilled Trades Academy's Gas Technician (G.1) program was submitted to the Technical Standards & Safety Authority for review and recognition as an accredited program. The program was accredited by the Technical Standards and Safety Authority (TSSA) and it is location-specific. Any change to the program requires a new approval by the TSSA.

Legal and Operating Entities

1578922 Ontario Limited operates as Niagara Skilled Trades Academy. While the "Halton Skilled Trades Academy" is not a registered business name, they share a website and appear to share programs.

Pre-Screening

On June 27, 2007, Chris Corney, President and Director of Operations at Niagara Skilled Trades Academy wrote to the Superintendent requesting an exemption for the Gas Technician Program. Mr. Corney stated that "as their program is adequately regulated by another piece of legislation", they were requesting an exemption.

The name of the program was described as "Gas Technician program" and it was 680 hours. Tuition cost was estimated at \$4,000.00.

Required to Register

On July 31, 2007, the Ministry wrote to Mr. Corney and the Niagara Skilled Trades Academy and advised that the exemption that they referenced under the Private Career Colleges Act, 2005 applied to programs which were governed by legislature which contained protections similar to those in the Private Career Colleges Act, 2005 relating to student interests. The TSSA was assessed by the Ministry and was found not to meet this criterion.

The Ministry advised that the Gas Technician and Oil Burner Technician Programs (Level 1, 2 and 3) were found to provide students with the skills and knowledge required to obtain employment in a recognized vocation.

The Ministry advised that Niagara Skilled Trades Academy was required to submit the Application for Registration to Operate a Private Career College. Furthermore, Niagara Skilled Trades 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 can not 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 July 31, 2007 letter from the Ministry. Neither Niagara Skilled Trades Academy nor Halton Skilled Trades Academy applied 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 printed website advertising for Niagara Skilled Trades Academy and Halton Skilled Trades Academy.

Vocational programs which were advertised were:

- Gas Technician (G1)
- Gas Technician (G2)
- Gas Technician (G3)
- Oil Burner Technician (OBT2)
- Oil Burner Technician (OBT3)
- Gas Pipefitter (GP)
- Domestic Appliance Technician (DA)

They advertised day and night classes leading to careers in:

- Gas Technician/Fitter
- Construction consultant
- Maintenance personnel
- Equipment installers
- Clean air technician
- Contractor ownership
- Engineering assistant
- Service technicians
- Mechanical designer
- Environmental consultant

The programs advertised are found to provide students with the skills and knowledge required to obtain employment in a recognized vocation. Niagara Skilled Trades Academy and Halton Skilled Trades Academy advertises that their programs lead to careers in recognized vocations.

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

On March 25, 2008 Ministry staff wrote to Niagara Skilled Trades Academy and to Halton Skilled Trades Academy as a follow up to the Ministry letter of July 31, 2007.

Ministry staff stated that the July 31, 2007 required Niagara Skilled Trades Academy and Halton Skilled Trades Academy to submit an application for registration; despite the letter of July 31, 2007, no application had been received. Ministry staff found, however, that Niagara Skilled Trades Academy and Halton Skilled Trades 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.

Niagara Skilled Trades Academy and Halton Skilled Trades Academy were advised that failure to comply with the Private Career Colleges Act, 2005 could lead to prosecution under s. 48 of the Act.

Niagara Skilled Trades Academy and Halton Skilled Trades Academy were requested to advise the Ministry by April 7, 2008 as to whether or not an application for registration was to be submitted.

No response was received. Niagara Skilled Trades Academy and Halton Skilled Trades Academy continue 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.