

RESTRAINING ORDER

By email (truckpg@yahoo.ca; info@PGTruckDriving.com) fax (416-745-9921)
and courier

December 8, 2010

Pritam Grewal operating as P.G. Truck Forklift & Car Driving School and also known
as P.G Truck, Forklift & Car Driving School and/or PG Truck Driving School
1694 Albion Road, Unit 7
Toronto, ON M9V 1B8

and

245 Mountain Ash Road
Brampton, ON L6R 2X6

Attention: Pritam Grewal

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 Pritam Grewal operating as P.G. Truck Forklift & Car Driving School and also known as P.G Truck, Forklift & Car Driving School and/or PG Truck 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;
- providing unapproved vocational programs that require approval, in contravention of section 8(1) of the Act;
- holding itself out as the operator of a private career college unless you are registered, in contravention of section 7 of the Act;
- charging fees for unapproved vocational programs that require approval, in contravention of section 9 of the Act; and
- contravening subsection 38 (10) of the Act by obstructing the investigation.

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;
- Have stopped providing unapproved vocational programs that require approval;
- Have stopped holding yourself out as the operator of a private career college unless you are registered;
- Have stopped charging fees for unapproved vocational programs that require approval; and
- Will not obstruct the investigation.

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 June 8, 2010, a Designate of the Superintendent of Private Career Colleges ("Designate") viewed the website belonging to the school (<http://www.pgtruckdriving.com>). The website advertising provides an address (1694 Albion Road, Unit #7 Toronto ON M9V 1B8), contact phone number (416-745-1977) and email address (info@PGTruckDriving.com) for "PG Truck Driving School" and lists the programs they offer, including an airbrake program and a forklift program. Courses are listed as being available full and part-time.

Internet advertising was also forwarded to the Ministry for a Canada 411 advertisement for "P G Truck Fork Lift and Car Driving School" through a tip. The advertising lists the phone number (905) 791-9100. An internet search also reveals that "PG Truck and Fork Lift and Car Driving School" is also listed on the website www.drivingschool.ca with the telephone number (416) 745-1977 at 1694 Albion Road, Etobicoke, ON, which is the same telephone number listed on the school's website.

On June 25, 2010, a Designate telephoned the number listed on the website belonging to the school (416-745-1977) and spoke to an individual who identified himself as Pritam and who confirmed that the Designate was calling "PG Truck Driver School." Pritam advised the Designate that they offer a "full" course which is 6 weeks in duration for 4 hours per day (120 hours total). Lessons are 45 minutes in length and the total cost of this program is \$3,000. Pritam told the Designate that payment could be made upfront or in instalment payments.

To gain clarity as to whether the "full" program entailed vocational training falling within the ambit of the Act, Designates conducted a field visit at the school (1694

Albion Road, Suite 7, Toronto) on October 29, 2010 and met with Pritam Grewel, who identified himself as the owner of the school.

Student enrolment forms removed from the school by Designates during the October 29, 2010 field visit show that the school utilizes the term “full” to describe the type of truck training package offered by the school. For example, on the student enrolment form for student [REDACTED], signed on October 9, 2010, the “desired license” is specified as AZ and the “package chosen” is specified as “full.”

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

Based on the “full” program offered to the Designate during the telephone call and the further information revealed during the field visit that “full” constitutes one of the AZ truck training packages offered by this school, the Designate came to the reasonable conclusion that the “full” course of 6 weeks duration for 4 hours per day (120 hours total) at a total cost of \$3,000 constitutes AZ truck training which in turn fits the definition of a vocational program requiring the approval of the Superintendent, according to the Act. Since this school is not registered and this program is not approved, advertising of same is prohibited in accordance with subsections 11(1) and (2) of the Act, respectively.

Contravention of section 8(1) of the Act – Prohibition against providing vocational programs

During the October 29, 2010 field visit to the school, Designates reviewed the following student files which show that Mr. Grewel is delivering unapproved vocational truck training for a fee, even though his school has not been registered as a private career college since September 22, 2009:

- The student file for [REDACTED] contained a student enrolment form dated June 17, 2010 for a \$2,500 package with the signature of the student on the form. The top of the Student Enrolment Form reads: “The one and only choice for best professional training P.G. Truck and Forklift Driving School.” A separate written agreement with the school’s letterhead, name of the school and address is signed by the student with text specifying the contract is for \$2,500 for AZ for unlimited road tests and lessons. The signature of Mr. Grewel, who identified himself to Designates as the owner of the school when questioned, appears next to the student’s signature on the handwritten contract. Student credit card receipts totalling \$1,430 were also found in this student’s file.
- The student file for [REDACTED] contained a student enrolment form dated and signed by the student on February 24, 2010. The price of the course is listed as \$2500. A “Training Package for AZ Course” was found in this student’s file. The AZ course is over 40 hours in duration at a cost exceeding \$1,000. The document appears in full below:

[REDACTED]

Training Package for AZ Course

Dear Sir/Madam

This is to confirm that we have accepted to offer AZ-Tractor trailer driving course to as [REDACTED]

The course would fulfill the following conditions:

- Length of Program: 75 hours (4 weeks)
- 37 contact Hours in Truck training
- 38 contact Hours in Class room training
- Maximum 2 MTO Road tests

Course start date:

Course end date:

Every Monday courses are available

Course schedule: Daily 4 hours of training which would consist of in-truck and in-class lessons.

Total Cost of course: \$2500.00

Pls Note:

- Refund policy of our school – We refund after deducting the amount on the basis of the lessons taken to the total lessons.
- If you have any queries, please feel free to contact either of undersigned at 416-745-1977

Yours truly,

(Pritam Grewal)
(President)

- A “Training Package for AZ Course” letter, dated November 20, 2009 was also found in the student file of [REDACTED], containing letterhead with the name and address of the school and listing Pritam Grewal as the President. The total cost for the course was \$2,500, although the separate student enrolment form filled out by [REDACTED] on July 20, 2009 lists \$1,749 as the price.

Evidence shows that this unregistered school is delivering a vocational program for a fee without being registered or having that program approved by the Superintendent, in contravention of s. 8(1) of the Act.

Contravention of section 7 of the Act – Prohibition against operating a private career college

On June 25, 2010, a Designate telephoned the number listed on the website belonging to the school (416-745-1977) and spoke to an individual who identified himself as Pritam and who confirmed that the Designate was calling “PG Truck Driver School.” Pritam described the unapproved vocational program being offered: a full AZ

program lasting 6 weeks duration at 4 hours per day (120 hours total) and at a total cost of \$3,000.

On October 29, 2010, Designates visited the school at 1694 Albion Road, Suite 7, Toronto and met with Pritam Grewel, who identified himself as the owner of the school. Student files were found at the premises for vocational training falling under the Act containing the school's letterhead, address and contact information.

Based on the evidence outlined in the previous section in which students were actively enrolled in vocational trucking programs, were invoiced for programs and signed enrolment forms which read "The one and only choice for best professional training P.G. Truck and Forklift Driving School" on them, the school is operating as a private career college without being registered in contravention of subsection 7(1) of the Act.

Further, under subsection 7(2) of the Act, no person shall hold themselves out as the operator of a private career college unless the person is registered. Based on the fact that Pritam Grewel identified himself as the owner of the school during the visit by Designates on October 29, 2010 and that he is offering unapproved vocational trucking programs at the school, the school is in contravention of subsection 7(2) of the Act.

Contravention of section 9 of the Act – Prohibition against charging fee

During the October 29, 2010 field visit to the school, Designates reviewed the student file for [REDACTED] and found it contained a student enrolment form dated June 17, 2010 for a \$2,500 package with the signature of the student on the form. The top of the Student Enrolment Form has the following text "The one and only choice for best professional training P.G. Truck and Forklift Driving School." A separate written agreement with the school's letterhead, name of the school and address is signed by the student with text specifying the contract is for \$2,500 for AZ for unlimited road tests and lessons. The signature of Mr. Pritam, who identified himself to Designates as the owner of the school when questioned, appears next to the student's signature on the handwritten contract. Student credit card receipts totalling \$1,430 were also found in this student's file.

Based on this information and the fact that [REDACTED] is a vocational student, it is clear that the school is charging or collecting a fee in respect of an unapproved program at an unregistered school, in contravention of section 9 of the Act.

Contravention of section 38 (10) of the PCCA, 2005 – Inquiries and examinations, Obstruction

Under subsection 38(10) of the Act, no person shall provide the Superintendent or a Designate with information on matters relevant to the inquiry or examination that the person knows to be false or misleading.

During the field visit on October 29, 2010, Mr. Grewel told the Designates that he only sells packages of 10 - 20 lessons. Mr. Grewel stated that he is currently training some AZ and DZ students; charging \$900 or less. Mr. Grewel showed the Designates a copy of his Fee List for Class "A" Lessons. The package of Class "A" Lessons of the longest duration consist of 52 lessons and 3 road tests costing \$2,399. Mr. Grewel

told the Designates that each lesson is 45 minutes in length. He told the Designates that no one asks for the longer packages on the fee options list and that six or seven years ago they used to offer them, but not anymore.

When Mr. Grewel was questioned as to whether he had offered any longer programs recently, he said that he had not offered it for several years. However, during the October 29, 2010 field visit to the school, Designates reviewed the student file for [REDACTED] and found it contained a student enrolment form, dated June 17, 2010, for a contract for a \$2,500 AZ program for unlimited road tests and lessons. The signature of Mr. Grewel appears next to the student's signature on the handwritten contract. Student credit card receipts totalling \$1,430 were also found in this student's file. It is clear from this that the information provided by Mr. Grewel was information he knew to be false or misleading.

Mr. Grewel also advised Designates on October 29, 2010 that the school was almost closed and that it had been a registered private career college six or seven years ago. This school was a registered private career college until September 22, 2009, a fact that Mr. Grewel was surely aware of after receiving a Notice of Expiry of Registration from the Superintendent on September 1, 2009 and his subsequent email to the Superintendent regarding same on September 16, 2009.

Based on the preceding information, it is clear that the school obstructed the Designates by providing information on matters relevant to the inquiry or examination that Mr. Grewel knew to be false or misleading, in contravention of subsection 38(10).

Background

i) Previous Contact/Registration Details

Pritam Grewal operating as P.G. Truck, Forklift & Car Driving School was registered as a private career college from March 22, 2006 until September 22, 2009. The school had the approval of the Superintendent to offer a 5 week Tractor-Trailer Driver Training Program for \$4,150.

On December 19, 2008, the Superintendent sent the school a Notice of Third Renewal of Registration under the Act. The school was given a deadline of June 29, 2009 to submit its complete renewal application.

On September 1, 2009, the Superintendent sent the school a Notice of Expiry of Registration. The school had not submitted an application for renewal under the Act, despite Ministry communication. The school was advised in that correspondence that it was no longer a registered private career college. A number of conditions were set out in that Notice to the school, including that it:

- Must immediately cease soliciting or accepting applications from students for vocational programs or holding itself out as delivering vocational training;
- May not enrol students in courses that require registration under the Act; and
- Must immediately cease advertising the delivery of vocational programs in Ontario and must immediately cease advertising in any form that it is registered as a private career college.

The school was also advised that its financial security bond would continue in force and if any students submitted claims for unearned tuition during the 12 months from the date of that letter, the bond could be declared forfeit with proceeds applied towards payment of such claims.

The school was advised that it needed to re-register as a private career college if it intended to deliver vocational programs in the future and that if the school operated an unregistered campus and offered non-approved vocational programs despite this Notice, it would be operating in violation of sections 7 and 8 of the Act and may be subject to penalties pursuant to section 48 of the Act.

In addition, the Superintendent's Notice advised that the school's response to the issues outlined and its cooperation in the closure of the school would be reviewed when the matter of disbursement of the school's financial security comes due. The school was further advised that an incomplete response to the Notice may delay the disbursement of the security.

On September 15, 2009, in responding to an email received from the school the same day, the Superintendent denied the school's request to re-register as a private career college. The Superintendent specified in the email to the school that the Ministry had made numerous attempts over the past 2 years to request that the school re-register including a second renewal letter issued on May 12, 2008 for the fiscal year ended December 31, 2007 and a third renewal letter issued on December 19, 2008 for the fiscal year ended December 31, 2008. However, no documentation had been received for either fiscal year.

Pritam Grewal responded via email to the Superintendent's email on September 16, 2009 stating the following: "We would like to confirm that there are no students currently attending vocational program [sic]."

ii) Legal and Operating Names

An ONBIS search conducted on September 14, 2010 shows that there is an active business name registration for P.G. Truck Forklift & Car Driving School, which is a sole proprietorship. It was registered on March 17, 2006 and expires on March 16, 2011. It carries on the business of "teaching students." The principal place of business listed is 1694 Albion Road, Suite 7, Toronto, ON M9V 1B8. Pritam Grewal is listed as the registrant and the sole proprietor at 245 Mountain Ash Road, Brampton, ON L6R 2X6. When this school was a registered private career college, it was registered as a sole proprietorship as Pritam Grewal operating as P.G. Truck, Forklift & Car Driving School.

An ONBIS search conducted on September 14, 2010 also shows that 1297243 Ontario Inc. is an active Ontario corporation which was incorporated on May 26, 1998. The registered address is 245 Mountain Ash Road, Brampton, ON L6R 2X6 and the business/ mailing address is to the attention of P G Trucking 1694 Albion Road, Suite 7, Toronto, ON M9V 1B8. Pritam Grewal is listed as a Director and Officer at 2 addresses: 40 Stevenson Road, Etobicoke, ON M9V 2B2 and 245 Mountain Ash Road, Brampton, ON L6R 2X6.

Two business names are associated with this corporation: Fastrack Employment Services and P. G. Truck Forklift & Car Driving School. The business name P. G. Truck Forklift & Car Driving School was registered on November 10, 2006 and expires on November 9, 2011. It carries on the business of “teaching students.” The registered business address is listed as 245 Mountain Ash Road, Brampton, ON L6R 2X6 and the principal place of business is listed as 1694 Albion Road, Suite 7, Toronto, ON M9V 1B8.

During the visit by Designates to the school on October 29, 2010, Pritam Grewal stated that he operates Fastrack Employment Services out of the 1694 Albion Road, Unit 7, Toronto premises.

There are also two expired business name registrations for the active corporation 1297243 Ontario Inc. The name P G Trucking was registered from June 28, 2004 until June 27, 2009 as a “truck driving school” located at 1694 Albion Road, Suite 7, Toronto, ON M9V 1B8. Previously, the name P G Trucking was registered from May 26, 1998 until May 25, 2003 with the place of business listed as 40 Stevenson Road, Suite 1415, Etobicoke, ON M9V 2B2. Pritam Grewal is the person who authorized both registrations.

There are two other expired business name registration for the active corporation 1297243 Ontario Inc. The name P.G. Truck Forklift & Car Driving School was registered from June 11, 2003 to June 10, 2008 and from July 9, 1999 to July 8, 2004. Both are located at 1694 Albion Road, Suite 7, Toronto, ON M9V 1B8. Pritam Grewal authorized both registrations.

Based on this information, it is clear that the sole proprietorship and active corporation are both being controlled by Pritam Grewal and that is reasonable to conclude that the current illegal activities under the Act may be operated through either the sole proprietorship or the active corporation. However, it will be assumed that Pritam Grewal is still operating his private career college as a sole proprietorship until the Ministry is advised of otherwise.