

## RESTRAINING ORDER

**Served by e-mail to info@rosemonthealingarts.com, and courier**

March 2, 2010

Joan Foley  
o/a Rosemont Healing Arts  
209 – 446 Spadina Road  
Toronto ON M5P 3M2

Attention: Joan Foley

This is a **Restraining Order** issued under the authority of section 46 of the Private Career Colleges Act, 2005 (PCCA, 2005). As the Superintendent of Private Career Colleges, I HEREBY ORDER Joan Foley TO STOP OPERATING IN CONTRAVENTION OF THE PRIVATE CAREER COLLEGES ACT, 2005 (PCCA, 2005).

The detailed reasons supporting my order are set out in Schedule A, attached. In brief, you are:

- advertising an unregistered private career college and advertising unapproved vocational programs, contrary to sections 11(1) and (2) of the PCCA, 2005, respectively,

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 **immediately** 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 you are currently providing unapproved vocational programs as an unregistered Private Career College, these actions would be contrary to sections 7 and 8 of the PCCA, 2005 respectively. You would then be required to **immediately** take the steps outlined below in this order to comply with the PCCA, 2005.

Specifically, you:

- must stop operating an unregistered Private Career College;
- must stop providing unapproved vocational programs that require approval;
- must stop enrolling students into unapproved vocational programs that require approval;

- must provide the ministry with a list including the names and addresses of all current and former students;
- must provide refunds to students who were enrolled in unapproved vocational programs that require approval;
- must not hold, directly or indirectly, any monies owing to current, former, or prospective students of unapproved vocational programs that require approval;
- must hold student files to be available for the Superintendent's staff to review; and
- must not reopen as a Private Career College until such time, if any, as it has been registered.

### **Consequences of Failure to Comply with this Order**

Failure to comply with this order may result in any or all of the following actions by the Superintendent:

1. Application for a court order from the Superior Court of Justice to you to comply;
2. The issuance of further Administrative Monetary Penalties.
3. Prosecution for the offence of failure to comply. Upon conviction by a court of that offence, a corporation is subject to a fine of up to \$100,000; an individual, including 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.

### **Obtaining a Copy of the PCCA, 2005**

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.on.ca](http://www.e-laws.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.

Sincerely,

ORIGINAL SIGNED BY

Allan Scott  
Superintendent  
Private Career Colleges

Attachments:        Schedule A – Detailed Reasons for Decision

## Schedule A – Detailed Reasons for Decision

### OPERATION "HANDS ON"

Shiatsu therapy involves the systematic application of manual pressure to the body in order to assess and treat a variety of conditions. Literally translated, the Japanese word shiatsu means "finger pressure." The College of Massage Therapists of Ontario considers Shiatsu Massage to be one of the modalities within the scope of practice as defined by section 3 of the Massage Therapy Act, 1991 reads as follows:

#### Scope of practice

3. The practice of massage therapy is the assessment of the soft tissue and joints of the body and the treatment and prevention of physical dysfunction and pain of the soft tissues and joints by manipulation to develop, maintain, rehabilitate or augment physical function, or relieve pain.

The necessity for program approval for shiatsu massage programs is specifically addressed in section 7 (3) of Ontario Regulation 415/06 made under the Private Career Colleges Act, 2005 which provides as follows:

"Despite item 2 in the Table to subsection (2), a vocational program in the vocation of shiatsu massage is prescribed as a vocational program for the purposes of the Act and the regulations."

In response to a concern about unapproved shiatsu massage programs, and their potential impact on public safety, Operation "Hands On" was launched. Its purpose was to identify unregistered shiatsu massage schools offering unapproved vocational programs that require approval under the Private Career Colleges Act, 2005 and to take the necessary enforcement action against them. This institution was identified as part of this operation.

### **Contravention of section 11 of the PCCA, 2005 – Advertising Unregistered Private Career College and Unapproved Programs**

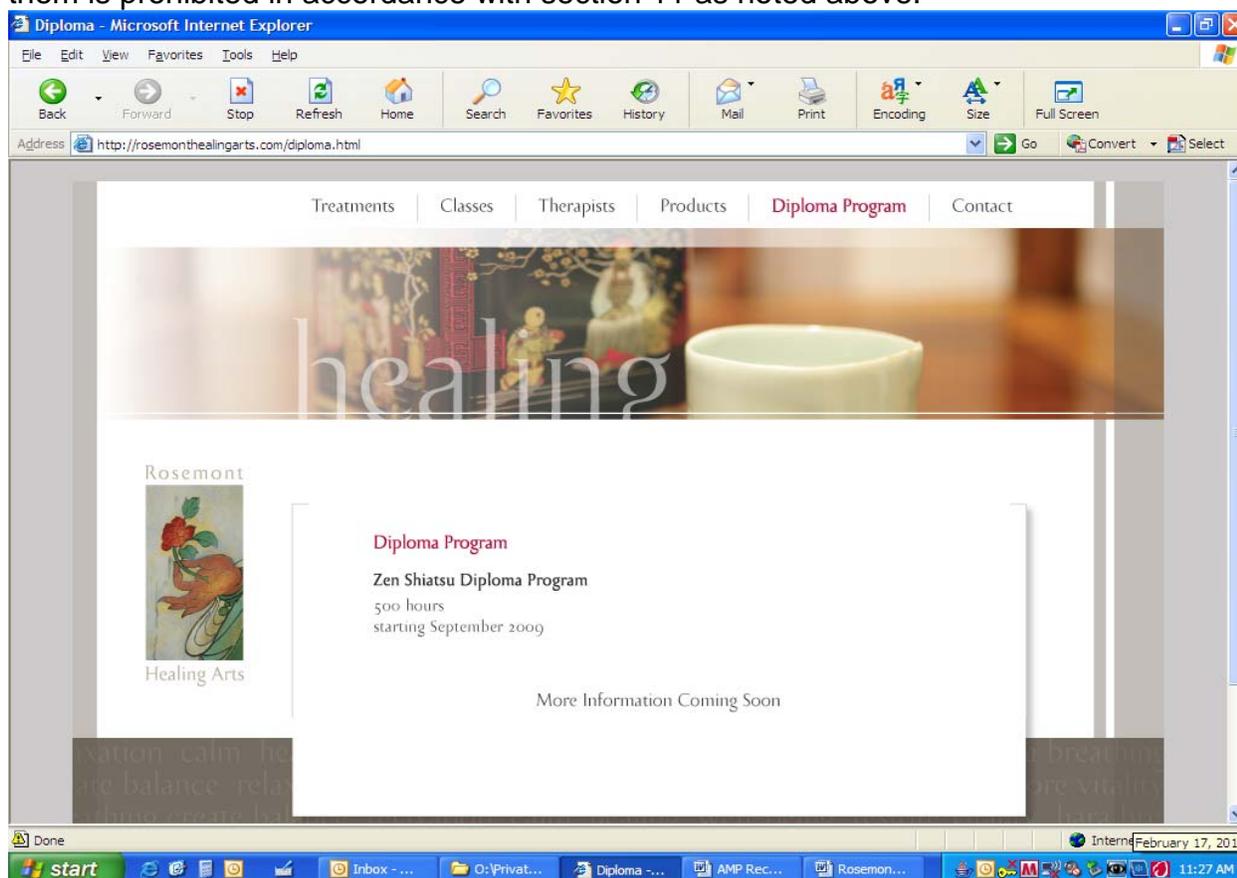
On February 17, 2010, the website belonging to Rosemont Healing Arts (Rosemont), <http://rosemonthealingarts.com/>, was reviewed by Ministry staff who found it advertising a Zen Shiatsu Diploma program. The website stated that the course takes 500 hours, but did not list the cost.

On February 17, 2010, Ministry staff phoned Rosemont and spoke with Joan, who advised that the course costs \$5,000.00 plus taxes and other additional expenses. She advised that she is waiting for 6 students to enrol in the course before beginning classes.

This course corresponds to National Occupational Classification (NOC) code 3232 – Midwives and Practitioners of Natural Healing. The vocation of shiatsu massage is specifically referenced in law as being a non-exempt program that requires approval. O.Reg. 415/06, s. 7(3) provides as follows: "Despite item 2 in the Table to subsection (2), a vocational program in the vocation of shiatsu massage is prescribed as a vocational program for the purposes of the Act and the regulations."

The website bears the school's name, states that a zen shiatsu diploma program is being offered, and provides an address, 209 – 446 Spadina Road Toronto ON M5P 3M2; a phone number; and an e-mail address for the school.

Since this college is not registered, and this program is not approved, advertising of them is prohibited in accordance with section 11 as noted above.



**BACKGROUND:**

An internal investigation into Shiatsu schools uncovered information about Rosemont Healing Arts on February 17, 2010.

**Legal and Operating Entities**

On February 18, 2010, Ministry staff conducted an ONBIS search and found that Rosemont Healing Arts is a sole proprietorship registered to Joan Foley on September 30, 2008.