

Ministry of Training,
Colleges and Universities
Student Support Branch
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Ministère de la Formation
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Direction du soutien aux étudiants
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900, rue Bay
Toronto ON M7A 1L2



VIA REGISTERED MAIL

RESTRAINING ORDER

October 8, 2009

Arbaaz Productions Ltd., operating as Royal Truck Training Centre and
Mr. Atif Hayat
58 Gainsborough Road
Hamilton, ON L8E 1E1

Attention: Mr. Atif Hayat

This is a **Restraining Order** issued under the authority of section 46 of the *Private Career Colleges Act, 2005*. As the Superintendent of Private Career Colleges, I hereby order Arbaaz Productions Ltd., operating as Royal Truck Training Centre and Mr. Atif Hayat to cease operating in contravention of the *Private Career Colleges Act, 2005* ("PCCA, 2005").

The specific contraventions include: advertising an unregistered private career college and unapproved vocational programs, contrary to subsections 11 (1) and (2) of the PCCA, 2005, and having advertising which is misleading and guarantees successful completion of a vocational program, in contravention of subsection 16(1) 2 i and ii of Ontario Regulation 415/06.

The detailed reasons supporting my order are set out in Schedule A, attached.

Arbaaz Productions Ltd., operating as Royal Truck Training Centre and Mr. Atif Hayat must **immediately** take the steps outlined below in this order to comply with the PCCA, 2005. Arbaaz Productions Ltd., operating as Royal Truck Training Centre and Mr. Atif Hayat must also 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 registered mail or courier to my attention **by October 26, 2009**.

Arbaaz Productions Ltd., operating as Royal Truck Training Centre and Mr. Atif Hayat must confirm that it:

1. is not operating as a private career college;
2. has stopped advertising unapproved vocational programs;
3. is not enrolling students in unapproved vocational programs;
4. has attached a list including the names and addresses of any current students enrolled in unapproved vocational programs;
5. has issued refunds to any students who were enrolled in unapproved vocational programs;
6. is not holding, directly or indirectly, any monies owing to current, former, or prospective students of unapproved vocational programs;
7. is holding student files and will make them available for the Superintendent's staff to review.

If Arbaaz Productions Ltd., operating as Royal Truck Training Centre and Mr. Atif Hayat propose to offer vocational programs, it may do so only if the school is registered and its vocational programs are approved by the Superintendent. You must apply for registration and approval **by October 26, 2009** by doing the following:

8. Submit completed online applications for registration of a private career college and for approval of all vocational programs as listed in Schedule A.
9. Submit required hard copy documents for the application for registration of a private career college and for approval of all vocational programs.
10. Explain in writing why Arbaaz Productions Ltd., operating as Royal Truck Training Centre and Mr. Atif Hayat was advertising, offering unapproved vocational programs, and enrolling students in vocational programs prior to obtaining approval of those programs from and prior to registration of Arbaaz Productions Ltd., operating as Royal Truck Training Centre and Mr. Atif Hayat by the Superintendent.
11. Submit a description of the campus location(s) where the private career college will be offering one or more vocational programs. Please note that every private career college must have a registered campus. The campus must be available for inspection by the Superintendent, have a secure and confidential place to store student files and a fire clearance certificate from the local fire department.

Further information regarding applications for registration and approval is found in Schedule B, attached.

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. Publication of this order on the Ministry's public website;
2. Application for a court order from the Superior Court of Justice to compel Arbaaz Productions Ltd., operating as Royal Truck Training Centre and Mr. Atif Hayat to comply;
3. Prosecution for failure to comply with this order and the specific contraventions of the PCCA, 2005 noted above. Upon conviction by a court of an offence, a corporation may be subject to a maximum fine of up to \$100,000; an individual, including an officer or director of a corporation who concurs in the commission of the offence, may be subject to a maximum 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. 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

Noah Morris
Superintendent
Private Career Colleges

Attachments:

- Schedule A – Detailed Reasons for Decision
- Schedule B – Compliance with the PCCA, 2005

Schedule A – Detailed Reasons for Decision

Background

On September 15, 2009, Ministry staff visited Arbaaz Productions Ltd., operating as Royal Truck Training Centre (“the institution”) at 58 Gainsborough Road in Hamilton, Ontario, to determine if the institution was offering truck driver training programs, which are vocational programs within the meaning of the PCCA, 2005. The institution is not registered as a private career college and has not received program approval for any of its truck driving programs. No students were found at 58 Gainsborough, however, the institution is advertising truck driver training on the side of its truck.

Legal and Operating Names

A corporate search conducted on July 9, 2009 indicates the business is a federal corporation. The legal name of the corporation is Arbaaz Productions Ltd. Mr. Atif Hayat is listed as an officer of the corporation and manager in Ontario.

A business name search conducted on July 9, 2009 specifies the business name as Royal Truck Training Centre and that the business operates as a truck driving school and is located at 58 Gainsborough Road in Hamilton. 58 Gainsborough Road is a private residence.

This institution also appears to operate as both “Royal Truck Training School,” as specified on the institution’s truck and “Royal Truck Training” as specified in the voicemail message of the school’s phone number.

A further business name search conducted on September 30, 2009 reveals that there are no business name results for either “Royal Truck Training” or “Royal Truck Training School.”

Visit to 58 Gainsborough Road, Hamilton, September 15, 2009

On September 15, 2009 Ministry staff attended at Arbaaz Productions Ltd., operating as Royal Truck Training Centre and Mr. Atif Hayat, Officer of the Corporation at 58 Gainsborough Road in Hamilton, Ontario, which is a private residence. Ministry staff was advised by tenants present at the dwelling that Mr. Hayat lives in the basement, but was not present at the time.

A telephone interview was conducted with Mr. Hayat while Ministry staff was present outside 58 Gainsborough Road on September 15, 2009. Mr. Hayat advised that he was in Toronto and unable to meet with Ministry staff in Hamilton. Mr. Hayat provided Ministry staff with the location for his office (85 Covington

Street, Hamilton), but “85” Covington Street does not physically exist. There was no office building, students or truck visible on Covington Street.

Ministry staff was able to locate the institution’s truck. The truck was located in a vacant lot on Centennial Parkway North in Hamilton, adjacent to the Himalaya Restaurant (160 Centennial Parkway North) and across the street from Image Honda (155 Centennial Parkway North). The truck advertised the driving school and unapproved vocational truck training programs.

An unidentified individual present at the site where the truck was located advised Ministry staff that she was letting the company park the truck on her property.

When Ministry staff telephoned the number listed for the institution on Canada 411 on September 16, 2009, the voicemail message stated “Thanks for calling Royal Truck Training.”

Contravention of Subsections 11(1) and (2) of the PCCA, 2005 – Advertising Unregistered Private Career College and Unapproved Programs

The institution’s advertising signage is located on both sides of the truck. The writing advertises the institution’s name as “Royal Truck Driving School” in large red print. A direct line telephone number is provided, which is the same telephone number listed in the Canada 411 listing.

The advertising for unapproved programs on the side of the truck specifies: “All Transportation Courses Available (AZ, B, C, DZ, E, F)” and “Certified Instructors, Guaranteed License, Unlimited Lessons & Road Tests.”

Truck driving is a vocation under the PCCA, 2005. Class A licenses, Class D licenses with air brake endorsements (Z) are vocational programs which require registration under the PCCA, 2005.

Therefore, the institution is in contravention of Subsections 11(1) and (2) of the PCCA, 2005 for advertising an unregistered private career college and unapproved programs.

Contravention of Subsection 16(1) 2 i and ii of Ontario Regulation 415/06 – Advertising Cannot Mislead or Guarantee Successful Completion of Vocational Program

The advertising is also not compliant with subsection 16(1) 2 (i) and (ii) of O. Reg 415/06 which specifies that: “The advertisement shall not contain a statement that i. misleads or is likely to mislead the public, ii. guarantees admission to or successful completion of a vocational program offered at the college.” Advertising on the institution’s truck specifies “Guaranteed License [sic].” Students must pass

the Ministry of Transportation licensing test and the institution cannot guarantee a licence to them.

Schedule B – Compliance with the *PCCA, 2005*

If you wish to operate a private career college, the first step towards ensuring compliance with the PCCA, 2005 is the submission of full and complete registration documents for this unregistered private career college and for all unapproved vocational programs. Please note that a separate registration is required for each campus (different location) of a private career college, together with separate approval of programs to be offered at each campus.

As reflected in the Restraining Order attached, you must not operate, advertise, collect fees from or enrol students until and unless your private career college is registered and your programs are approved. If you have been operating, you must stop all unapproved vocational programs and wait for the registration and approval.

All private career college registration forms and guidelines can be found at 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*.

If you have any questions after reviewing the forms and the manual, please call the Private Career Colleges Unit at (416) 314-0500.