

# RESTRAINING ORDER

By email ([shawn\\_bhatia@hotmail.com](mailto:shawn_bhatia@hotmail.com)) and courier

December 8, 2010

Gorav Bhatia known as Shawn Truck, Forklift & Car Training School and/or Shawn Truck & Forklift Driving School and/or Shawn Truck & Forklift Training School  
40 Nugget Avenue, Unit #8  
Scarborough, ON M1H2A8

Attention: Gorav Bhatia, sole proprietor

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 Gorav Bhatia known as Shawn Truck, Forklift & Car Training School and/or Shawn Truck & Forklift Driving School and/or Shawn Truck & Forklift Training 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;
- holding yourself out as the operator of a private career college unless you are registered, in contravention of section 7 of the Act;
- offering or providing unapproved vocational programs that require approval, in contravention of section 8(1) 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 holding yourself out as the operator of a private career college unless you are registered;
- Have stopped offering or providing unapproved vocational programs that require approval; and
- Have ceased obstructing 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](http://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**

A web link to the Canada 411 advertisement for "Shawn Truck & Forklift Driving School" (the "school") was provided to the Ministry through a tip. That advertisement specifies the school is located at 40 Nugget Avenue, Scarborough, ON M1S 3A8 with the business telephone number 416-913-9574.

On June 24, 2010, a Designate of the Superintendent ("Designate") telephoned the school at the number listed in the Canada 411 internet advertising (416-913-9574) and spoke to an individual who identified herself as Isabel. The Designate confirmed with Isabel that it was Shawn Truck & Forklift Driving School being called. Isabel specified that the school offers an AZ course costing \$2,500 which includes unlimited classes and unlimited road tests. Isabel told the Designate that you are guaranteed to pass and that the course duration is four to six weeks for one to one and a half hours per day. Although Isabel told the Designate that classes were unlimited, six weeks of training for one and a half hours per day totals 45 hours in duration, which constitutes vocational training under the Act. Isabel specified that the instructor would need to be spoken to in order to determine if enough training had been given. Isabel told the Designate that the school is open Monday to Saturday from 10:00 a.m. to 5:00 p.m. and on Sunday from 12:00 p.m. to 4:00 p.m.

A follow-up telephone call to the school (416-913-9574) was made on October 15, 2010 by a Designate. The Designate spoke to Harry, who advised that an AZ course was available that would cost \$2,500 and would take a minimum of four to six weeks at two hours per day to complete. Six weeks of training at two hours per day totals 60 hours of vocational training in duration. Harry also told the Designate that it was unlimited lessons after six weeks until a student passed the road test. Harry stated that there was no classroom training and that all lessons took place in the truck.

A Designate also viewed internet advertising for “Shawn Truck & Forklift Driving School” on the Canada Tamil Business Directory at <http://www.tamilbizcard.com> on October 15, 2010. That advertising specifies the same business address and telephone number as in the Canada 411 advertisement.

On November 16, 2010, Designates conducted a field visit to the school. Signage outside the school advertised the existence of the school:



Designates removed a business card from the school which also advertised the existence of the school, address (40 Nugget Avenue, Unit #8, Scarborough, ON M15 3A8) and telephone numbers (416-913-9574 and 416-829-0603).

Designates met with Harry Singh at the school, who identified himself as an employee and operating agent for the school. Mr. Singh told the Designates that Gorav Bhatia, his son, is the owner of the school and has owned the school for three years.

At the beginning of the conversation, Mr. Singh said the school offers AZ with unlimited lessons and road tests for \$2,500, that they have no students now and that the last student was two to three months ago. However, Mr. Singh provided conflicting information to the Designates throughout the field visit. After admitting the school trains AZ students, he stated that they “share with some other guy who opened his own school, King Truck Driving School,” which offers the same deal \$2,500 for unlimited lessons. Following this, Mr. Singh stated that the last time they had a student at the school was six months ago. Mr. Singh then advised that they don’t keep any records and give all the money to King Truck Driving School; that Mr. Singh gets 10% commission for referring students to King Truck Driving School and that King Truck Driving School gives him (Mr. Singh) 10% for referrals. He explained to the Designates that students comes to see him and he tells students how much King is going to charge and then King takes all of the money from the student.

Mr. Singh further advised the Designates that the school offers a DZ course with unlimited lessons for \$1,150 and a school bus (BZ) course with unlimited lessons for \$1,150. However, he then stated that “maybe two to three years ago is the last time they taught trucking here at Shawn Trucking.”

At the beginning of the field visit, Mr. Singh told the Designates that he had never heard before that trucking courses require approval under the *Private Career Colleges Act, 2005*. However, it should be noted that Designates removed a blank student contract for an “Az Tractor-Trailer Course” costing \$3,500 for tuition and additional

fees totalling \$434. The school's name and contact information is provided on the contract. The duration is listed as 5 weeks at 30 hours per week, totalling 150 hours. 65 hours are spent in-truck training and 45 hours are spent in the classroom with 30 optional observation hours and 10 hours in computer modules and workbook. The name "Harry" appears at the bottom of the first page. The first paragraph of the contract provides: "...Our courses are offered under the Private Career Colleges Act certificate # ----" The top of the second page provides "This Enrolment Contract is subject to the Private Career Colleges Act, 2005 and the regulations made under the Act. Certificate # " The blank student contract appears to contain many of the requirements set out in the Act for vocational contracts used by registered private career colleges. It should be noted that the last page of the blank student contract comprises the "Consent to Use of Personal Information" which states that "Private career colleges (PCCS) must be register[ed] (sic) under the Private Career Colleges Act, 2005..."

In addition, a Memorandum dated December 2, 2008 from the then Superintendent of Private Career Colleges advising of the Ministry of Training, Colleges and Universities' plans to develop and implement a training specific standard for the Tractor-Trailer (AZ) Commercial Driver program offered by private career colleges was removed from the school. That Memorandum specifies that the reader would be invited to provide comments on a draft standard in the coming weeks. While it is unclear how this unregistered school obtained this document, the Designates formed a reasonable belief that the possession of this memorandum provides clear evidence that the school is at least aware that regulatory requirements exist in this province for trucking programs.

When a Designate questioned Mr. Singh about why he had earlier stated that he had never heard of the *Private Career Colleges Act*, Mr. Singh told the Designate that "everyone said he has to pay \$50,000 so that is why he didn't do that."

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

Although Mr. Singh provided several contradictions to the Designates during the field visit, a reasonable belief that this school is advertising unapproved AZ, BZ and DZ truck trucking programs at an unregistered school was formed by the Designates based on the two telephone calls where school representatives offered unapproved vocational training, Mr. Singh's admission that the school offers AZ, DZ and BZ truck driver training during the field visit and as evidenced by the vocational contract for the Az Tractor-Trailer Course removed from the school. As these unapproved programs fit the definition of vocational programs requiring the approval of the Superintendent according to the Act, and based on the fact that this school is not registered, advertising of same is prohibited in accordance with subsections 11(1) and (2) of the Act, respectively.

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

On November 16, 2010, Designates conducted a field visit to the school. Designates met with Harry Singh at the school, who identified himself as an employee and operating agent for the school. Mr. Singh told the Designates that Gorav Bhatia, his

son, is the owner of the school and has owned the school for three years. Mr. Singh told the Designates that due to health reasons, he wanted to put everything in his son's name.

During the field visit, Mr. Singh said the school offers AZ with unlimited lessons and road tests for \$2,500. Mr. Singh also advised the Designates that the school offers a DZ course with unlimited lessons for \$1,150 and a school bus (BZ) course with unlimited lessons for \$1,150.

Under section 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 Mr. Singh identified his son as the current owner of the school and described the unapproved vocational programs being offered at the school, the school is in contravention of subsection 7(2) of the Act.

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

On November 16, 2010, Designates conducted a field visit to the school. Designates met with Harry Singh at the school, who identified himself as an employee and operating agent for the school. During the field visit, Mr. Singh said the school offers AZ with unlimited lessons and road tests for \$2,500. Mr. Singh also advised the Designates that the school offers a DZ course with unlimited lessons for \$1,150 and a school bus (BZ) course with unlimited lessons for \$1,150. Mr. Singh advised that he meets with students about the courses being offered.

In addition, during a telephone call made by a Designate to the school on June 24, 2010, an individual offered an unapproved vocational AZ program totalling 45 hours at a cost of \$2,500. During a telephone call to the school on October 15, 2010, an individual advised an AZ course was available at a cost of \$2,500 and would take a minimum of four to six weeks at two hours per day to complete. Six weeks of training at two hours per day totals 60 hours of vocational training in duration.

Under subsection 8(1) of the Act, no person shall offer or provide a vocational program for a fee unless the person is registered and the vocational program has been approved by the Superintendent. Since this school is not registered and does not have the approval of the Superintendent to offer or provide any vocational trucking programs, the school is in contravention of subsection 8(1) of the Act.

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

On November 16, 2010, Designates conducted a field visit to the school and met with Harry Singh, who identified himself as an employee and operating agent for the school.

During the conversation with the Designates, Mr. Singh provided several pieces of conflicting information after he was told that he was offering/delivering unapproved vocational training which requires approval under the Act.

The following contradictions were provided to the Designates by Mr. Singh with respect to AZ vocational training at the school:

- At the beginning of the conversation, Mr. Singh said the school offers AZ with unlimited lessons and road tests for \$2,500, that they have no students now and that the last student was two to three months ago.
- After admitting the school trains AZ students, he stated that they “share [students sic] with some other guy who opened his own school, King Truck Driving School,” which offers the same deal \$2,500 for unlimited lessons.
- Following this, Mr. Singh stated that the last time they had a student at the school was six months ago.
- Mr. Singh then advised that they don’t keep any records and give all the money to King Truck Driving School; that Mr. Singh gets 10% commission for referring students to King Truck Driving School and that King Truck Driving School gives him (Mr. Singh) 10% for referrals. He explained to the Designates that students comes to see him and he tells students how much King is going to charge and then King takes all of the money from the student.
- Mr. Singh further advised the Designates that the school offers a DZ course with unlimited lessons for \$1,150 and a school bus (BZ) course with unlimited lessons for \$1,150. However, Mr. Singh then advised the Designates that it is actually King Truck Driving School whom the students sign with for the school bus course, but that the students come in to see him.
- However, Mr. Singh then backtracked and stated that “maybe two to three years ago is the last time they taught trucking here at Shawn Trucking.”
- Designates removed a blank student contract for an “Az Tractor-Trailer Course” costing \$3,500 for tuition and additional fees totalling \$434. The school’s name and contact information is provided on the contract. The duration is listed as 5 weeks at 30 hours per week, totalling 150 hours. The student contract appears to contain many of the requirements set out in the Act for vocational contracts used by registered private career colleges.

Mr. Singh also denied any knowledge that trucking programs required approval under the Act, however, the Designates found evidence demonstrating that the school was clearly aware of the existence of the Act. A blank student contract was found by Designates which provided at the top of the first page of the contract: “...Our courses are offered under the Private Career Colleges Act certificate # -----.”

Further, Mr. Singh admitted knowing about the financial security requirement for registered schools when he explained why the school wasn’t registered. He stated: “everyone said he has to pay \$50,000 so that is why he didn’t do that.”

Based on Mr. Singh’s contradictions during the field visit, Designates formed the reasonable belief that Mr. Singh obstructed the Designates conducting the inquiry by providing them with information on matters relevant to the inquiry that Mr. Singh knew to be false or misleading, in contravention of subsection 38(10) of the Act.

## **Background**

### **i) Legal and Operating Names**

An ONBIS search conducted on October 19, 2010 shows that Shawn Truck & Forklift Driving School Inc. was incorporated as an Ontario corporation on May 9, 2002. The registration was subsequently cancelled on November 17, 2008. The registered office and principal office address in Ontario is 55 Stella Drive, Markham, ON L3S 4G9. There are no business names registered for this corporation. Gorav Prince Bhatia is listed as a Director at the same address.

During the field visit on November 16, 2010, Designates met with Harry Singh at the school, who identified himself as an employee and operating agent for the school. Mr. Singh told the Designates that Gorev Bhatia, his son, is the owner of the school and has owned the school for three years. Mr. Singh stated that the business was a corporation.