

RESTRAINING ORDER

Served by e-mail to Alextaoshiatsu@yahoo.ca, and courier

March 2, 2010

Alexander Juriy Pereklita
Tao Shiatsu Canada Corp.
o/a Tao Shiatsu North America
o/a Tao Shiatsu Canada
607-344 Bloor Street West
Toronto ON, M5S 3A7

Attention: Alexander Juriy Pereklita, Officer/Manager

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 Tao Shiatsu Canada Corp. 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, Tao Shiatsu Canada Corp. is:

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

Tao Shiatsu Canada Corp. 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 Tao Shiatsu Canada Corp.:

- has stopped advertising an unregistered Private Career College and unapproved vocational programs that require approval.

If Tao Shiatsu Canada Corp. is 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. Tao Shiatsu Canada Corp. would then be required to **immediately** take the steps outlined below in this order to comply with the PCCA, 2005.

Specifically, Tao Shiatsu Canada Corp.:

- 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 Tao Shiatsu Canada Corp. 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. 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 11, 2010, the website, <http://www.taosangha-na.com/tao-shiatsu/training>, was reviewed by Ministry staff who found it advertising a Tao Shiatsu Level 1 Practitioner Course for Tao Shiatsu Canada Corp. The website did not list the cost or duration of the program.

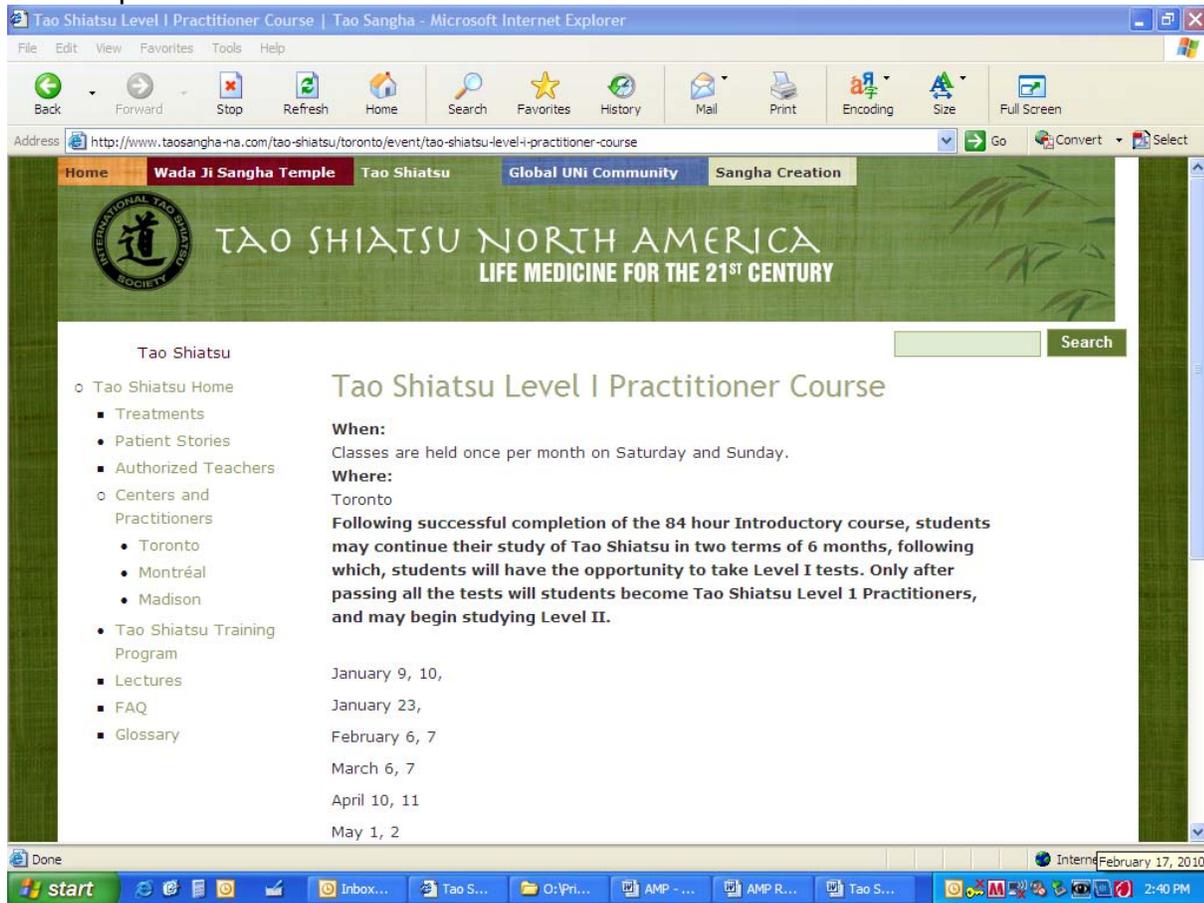
On February 17, 2010, Ministry staff phoned Tao Shiatsu Canada Corp. and spoke with Alex, who advised that the course costs around \$5,000.00, and consists of approximately 500 instructional hours delivered over the course of three years.

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 Tao Shiatsu Level 1 Practitioner Course is being offered, and provides an address, 607-344 Bloor Street West

Toronto ON, M5S 3A7, and phone number 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

Previous Warning Issued

On December 20, 2007, Ministry staff sent a letter to Alex Pereklita of Tao Shiatu Canada advising that the Tao Shiatu Practitioner Certification Program required registration. Tao Shiatu Canada Corp. has not yet submitted an application to register the college, or for program approval.

Legal and Operating Entities

On February 22, 2010, Ministry staff conducted an ONBIS search and found that Tao Shiatu Canada Corp. was incorporated on December 2, 2007.