

**Ministry of Training,  
Colleges and Universities**  
Office of the Superintendent  
Private Career Colleges Branch  
77 Wellesley Street West  
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Toronto ON M7A 1N3

**Ministère de la Formation  
et des Collèges et Universités**  
Bureau du Surintendant  
Direction des collèges  
privés d'enseignement professionnel  
77, rue Wellesley Ouest  
Boîte 977  
Toronto ON M7A 1N3



## Particulars of Notice of Contravention and Review Decision

*S. 49 (1) Private Career Colleges Act, 2005 ("Act")*

December 4, 2013

These particulars are posted following the issuance of an administrative penalty for which a review was requested. Penalties may be reviewed upon request within 15 days of receipt of a Notice of Contravention. The review decision is made considering not only the information originally available at the time the Notice of Contravention was issued, but also any new information not previously available that may have been supplied in support of the request for a review. On review, an administrative penalty may be upheld, rescinded or reduced. A review decision is final.

Original service date: March 14, 2013

1376026 Ontario Limited operating as Toronto School of Aesthetics – Uptown  
100 Steeles Avenue West, Suite 15A  
Thornhill, ON L4J 7Y1

and

9251 Yonge Street, Suite 10  
Richmond Hill, ON L4C 9T3

Description:	Original Amount:	Review Decision:
<p>Act, s. 11 – Restrictions on advertising and soliciting</p> <p>The Superintendent came to the reasonable belief that this School was advertising an unregistered private career college and unapproved vocational programs that require approval in contravention of section 11 of the Act based on evidence found on the School's website at <a href="http://www.aestheticsschoolrichmondhill.ca/profile">www.aestheticsschoolrichmondhill.ca/profile</a>.</p> <p>The advertising identified the School's physical location and contact information.</p>	<p>Daily penalty of \$1,000</p>	<p>Penalty of \$1,000 per day is upheld. The penalty accumulated from March 14, 2013 to March 20, 2013 (inclusive).</p> <p>The balance of the evidence indicates that 1376026 Ontario Ltd. operating as Toronto School of Aesthetics – Uptown was advertising unapproved vocational programs and was aware of the requirements to register and obtain program approval prior to advertising vocational programs.</p> <p>Original penalty: \$7,000 Penalty following review: \$7,000</p>

Description:	Original Amount:	Review Decision:
<p>The School was advertising that it provided "...career focused Richmond Hill aesthetic education in the high demand field of Esthetics..."</p> <p>The School was also advertising itself as a college and referenced its training programs in a kijiji deal found at <a href="http://www.kijijideals.ca/deals/toronto/toronto-school-of-aesthetics-uptown">www.kijijideals.ca/deals/toronto/toronto-school-of-aesthetics-uptown</a>.</p> <p>The School was found to be advertising aesthetics career training in a number of areas. A copy of a certificate with the words "Certificate Program" appeared in the advertising. The School also outlined the vocational intent for its students and describes the role of instructors. Signage beside the entrance door of the School advertised "Toronto School of Aesthetics – Uptown" and Advanced Aesthetics Program &amp; Certificate Courses Available."</p> <p>Documentary and oral evidence gathered by Designates led the Superintendent to the reasonable belief that the School's Facial Program cost over \$1,000 and comprised over 40 hours in duration and was training leading to employment in the vocation of esthetician.</p> <p>In addition, the School's enrolment contract showed the School had bundled a combination of esthetics subjects/programs advertised as individually being under 40 hours in duration and under \$1,000 in program fees to potential students. Combined, the total duration was over 40 hours and over \$1,000 in program fees. For example, the Laser Program (39 hours) and Facial Program (43 hours) were bundled together on a student's enrolment contract for a total training cost of \$2,400.</p>		
<p>Act, s. 7 – Prohibition against operating a private career college</p> <p>The Superintendent came to the reasonable belief that this School was operating a private career college without being registered and holding itself out as a private career college without being registered based on evidence removed by Designate during the inquiry under</p>	<p>Daily penalty of \$1,000</p>	<p>Penalty of \$1,000 per day is upheld. The penalty accumulated from March 14, 2013 to March 20, 2013 (inclusive).</p> <p>The balance of the evidence indicates that 1376026 Ontario Ltd. operating as Toronto School of Aesthetics – Uptown was operating an unregistered private career college.</p>

Description:	Original Amount:	Review Decision:
section 38 of the Act.		<p>As the School modified the Ministry's standard student enrolment contract and used student disclaimers published in the Superintendent's Policy Directive #6, evidence indicates that the School was aware of requirements under the <i>Private Career Colleges Act, 2005</i>.</p> <p>Original penalty: \$7,000 Penalty following review: \$7,000</p>
<p>Act, s. 8 (1) – Prohibition against providing vocational programs</p> <p>The Superintendent came to the reasonable belief that this School delivered an unapproved 43 hour Facial Program to a student for \$1,200.</p> <p>There was also evidence in student files that the School had bundled individual advertised esthetics programs resulting in program fees exceeding \$1,000 and duration over 40 hours for all of the training.</p>	Daily penalty of \$1,000	<p>Penalty of \$1,000 per day is upheld. The penalty accumulated from March 14, 2013 to March 20, 2013 (inclusive).</p> <p>The balance of the evidence indicates that 1376026 Ontario Ltd. operating as Toronto School of Aesthetics – Uptown was providing unapproved vocational programs and was aware of the requirements to register and obtain approval prior to providing these programs.</p> <p>Original penalty: \$7,000 Penalty following review: \$7,000</p>
<p>Act, s. 9 –Prohibition against charging fee</p> <p>The Superintendent came to the reasonable belief that this School charged and collected a fee in relation to a vocational program based on enrolment contracts and receipts issued to students for various programs.</p>	Daily penalty of \$1,000	<p>Penalty of \$1,000 per day is upheld. The penalty accumulated from March 14, 2013 to March 20, 2013 (inclusive).</p> <p>The balance of the evidence indicates that 1376026 Ontario Ltd. operating as Toronto School of Aesthetics – Uptown was charging a fee to students for the provision of unapproved vocational programs.</p> <p>Evidence indicates that students were paying between \$1,100 and \$2,500 for various bundles of vocational courses offered by the School.</p> <p>Original penalty: \$7,000 Penalty following review: \$7,000</p>
<b>Total:</b>		<b>\$28,000</b>