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SENT BY REGISTERED MAIL

January 15, 2008

Mr. Elmer Garcia
Trontario Truck Driving School
2300 Sheppard Avenue West
Unit #16, Lower Level
Toronto, Ontario M9M 3A4

Dear Mr. Garcia:

Re: Notice of Proposal to Refuse to Register under Section 18 of the Private Career Colleges Act, 2005 and Restraining and Compliance Order under Section 46 of the Private Career Colleges Act, 2005

I am advised that Trontario Truck Driving School (“Trontario”) is not operating in compliance with the Private Career Colleges Act, 2005 (the “PCCA, 2005”) and the regulations made thereunder.

This letter is an order restraining Trontario from continued contravention of the PCCA, 2005, and requiring Trontario to comply with the PCCA, 2005. This order is effective immediately. This order is made under section 46 of the PCCA, 2005. As a result of the serious nature of the contraventions of the PCCA, 2005 and in order to protect the interests of current and potential students of Trontario I have made a decision to refuse Trontario’s application for registration under the Act pursuant to my authority under section 18 of the PCCA, 2005. This letter will also serve as written notice of my decision to refuse to register Trontario under the Act as required by Section 19 (1) of the PCCA, 2005.

You may obtain a copy of the legislation referenced in this order on the e-laws website at www.e-laws.gov.on.ca. If you require a hard copy of the legislation, please contact Trontario’s Program Consultant, Brian Duce at 416-314-6801 or by email at brian.duce@ontario.ca.

PARTICULARS OF CONTRAVENTION/FAILURE TO COMPLY WITH PCCA, 2005

Trontario made application for registration of a private career college and approval of an AZ Trucking program on June 2, 2006. Since that date, Ministry staff attempted to determine whether Trontario could operate in compliance with the Act.

- 1. An inspection of Trontario's premises and files on November 29, 2007 revealed that you were operating Trontario without being registered as a private career college in contravention of Section 7 of the PCCA, 2005.**

Registration of a Private Career College requires the applicant to operate the college in accordance with all provincial and federal laws that apply to its operations with integrity and honesty pursuant to clause 14 (1) (e). During a telephone conversation in the fall of 2006, the school's Program Consultant, Brian Duce provided you with clear direction to immediately cease operating until the college is registered and its programs are approved. Additionally, Mr. Duce referenced in his correspondence to you on November 23, 2006, December 27, 2006 and on September 28, 2007 the fact that it is an offence under the provisions of the Act to operate a private career college unless the school is registered and the provision of a vocational program has been approved by the Superintendent of Private Career Colleges. Despite this direction, you have continued to enrol students and deliver vocational training without being registered as a private career college.

This order requires Trontario to immediately cease delivering or holding themselves out as delivering vocational training.

- 2. Trontario has delivered instruction in vocational programs that have not been approved by the Superintendent, contrary to subsections 8 (1) and 23 (1) of the PCCA, 2005. Trontario has also charged and collected fees for vocational programs that have not been approved by the Superintendent, contrary to subsection 9 (1) of the PCCA, 2005.**

Student files retrieved from Trontario during the inspection on November 29, 2007 contained student contracts, receipts and invoices admitting students into the following unapproved programs:

- Tractor Trailer Driver Training Program (AZ licence training)
- School Bus Driver Training (BZ licence training)
- Truck or Motor Vehicle Training >4600 kg and <11000 kg (DZ licence training)

Student files also revealed that students have been receiving vocational training at Trontario since November 20, 2006.

This order requires Trontario to immediately stop delivering these programs.

3. Trontario has generally failed to properly administer its business records and the business as a whole as required by the PCCA, 2005, as revealed by the inspection of its records on November 29, 2007.

Student Files

Thirty-three student files were reviewed during the inspection on November 29, 2007. Deficiencies in content resulting in a contravention of subsection 45 (1) of O. Reg. 415/06 were observed in all thirty-three student files reviewed. In addition, student files did not contain attendance records or a log book. Although not explicitly stated within the legislation, attendance records are required to be maintained by the private career college in order to measure compliance with various provisions of the PCCA, 2005. Student files do not contain the prescribed contents under section 45 of O. Reg. 415/06, as detailed below:

1. Full name, sex, date of birth, residential address while enrolled, permanent address, phone numbers at the residential and the permanent address, and any cell phone number or e-mail address.
2. A record of the results of any academic evaluations of the student by the college.
3. A copy of the signed contract between the college and the student.
4. A copy of evidence verifying that student has met the admission requirements in accordance with subsections 19 (3), (4) and (5) and any other admission requirements established by the college.
5. If the student has withdrawn or been expelled from a program, copies of the withdrawal or expulsion letter, any refund calculation and any refund cheque.
6. A copy of all receipts issued to the student for the payment of fees as required under subsection 44 (7).
7. Each student file shall be kept for at least three years from the date the student completed the program.

Vocational Student Contracts

Students have entered into contracts for unapproved vocational programs, contrary to subsections 8 (1) and 23 (1) of the PCCA, 2005. Twelve of the thirty-three student files reviewed contained a PCCA, 2005 vocational student contract or part thereof. Deficiencies in content resulting in a contravention of subsection section 20 of O. Reg. 415/06 were observed in all twelve vocational student contracts reviewed. Twenty-one student files did not contain a contract at all, contrary to sections 23 and 45 of O. Reg. 415/06. Therefore, the Inspector was unable to determine whether or not any contract was entered into with the student, and whether any contract was in writing as required by subsection 28 (1) of the PCCA, 2005. Student contracts do not contain the required terms pursuant to section 20 of O. Reg. 415/06, as detailed below:

1. The name of the vocational program as approved by the Superintendent under section 23 of the Act.
2. The student's address and telephone number and, if applicable, his or her e-mail address.
3. The start and expected completion date for the vocational program.
4. The language of instruction for the vocational program.
5. The admission requirements for the vocational program.
6. The fees, expressed in Canadian dollars, payable by the student and a schedule indicating the time and amount of each payment.
7. A statement in bold face type that the private career college does not guarantee employment for any student who successfully completes a vocational program offered by the college.
8. A statement in bold face type that the contract is subject to the *Private Career Colleges Act, 2005* and the regulations made under the Act.
9. An acknowledgement by the student that he or she has received a copy of the college's fee refund policy, as required under subsection 29 (3) of the Act.
10. An acknowledgement by the student that he or she has received a copy of the statement of student rights and responsibilities developed by the Superintendent, as required under section 32 of the Act.
11. An acknowledgement by the student that he or she has received a copy of the college's student complaint procedure, as required under subsection 31 (3) of the Act.
12. A copy of the consent to the collection and use of personal information required under subsection 50 (3) of the Act in the wording required under subsection (2).
13. An acknowledgement by the student that he or she has received a copy of the private career college's policy relating to the expulsion of students.
14. The schedule of hours of instruction.
15. The location of a practicum, if applicable. O. Reg. 415/06, s. 20 (1).
16. Student Consent to use Personal Information.

Advertising

Advertisements do not comply with the standards prescribed under section 33 of the PCCA, 2005. The particulars of the non-compliance are as follows:

1. Advertising records are not maintained at the school in contravention of section 17 of O. Reg. 415/06.
2. The college advertises the following unapproved vocational programs in the Employment News weekly newspaper in contravention of subsection 11(2) of the PCCA, 2005:
 - AZ Licence Training
 - B Licence Training
 - C Licence Training
 - D Licence Training

Instructors

Instructor files are not maintained and therefore do not contain an Instructor Qualification Form (“IQF”) and supporting documents as required by sections 41 and 42 of O. Reg. 415/06.

- 4. I am further advised that during the November 29, 2007 inspection you refused to provide the Inspector with access to the school’s files and business records in contravention of subsection 38 (10) of the PCCA, 2005.**

This order requires Trontario to immediately remedy these contraventions of the various provisions of the PCCA, 2005, as set out above.

DECISION – REFUSAL TO REGISTER

I am proposing under section 18 of the PCCA, 2005 to refuse to register Trontario on the grounds that the requirements in clauses 14 (1) (a), (b), (c), (d) and (t) of the Act are not being met.

STEPS YOU MUST TAKE TO COMPLY WITH THIS ORDER

As a result of my decision,

1. Trontario will immediately cease delivering or holding themselves out as delivering vocational training, that is, providing programs or offering to provide programs which provide fee paying members of the public with the skill and knowledge requisite for employment in a recognized vocation and which require registration as a private career college under the Act.
2. Trontario will immediately cease soliciting or accepting applications from students for vocational training programs.
3. Trontario will immediately cease related activities, including the distribution of any advertisements, in whatever form.
4. Trontario will deliver to me by registered mail or courier no later than **Monday, February 4, 2008** a written confirmation signed by you confirming the following:
 - a. that Trontario is no longer in operation or, if they are operating, that they are not providing vocational training which requires registration under the Act;
 - b. that Trontario has provided full program fee refunds to all students presently enrolled in vocational training;

- c. a list of students presently enrolled in vocational training programs, including the students name, address and telephone number; and
- d. a copy of Trontario's accounting general ledgers for the years 2006, 2007 and 2008.

Trontario has the right to appeal my decision to revoke its registration; it is entitled to appeal to the licence Appeal Tribunal. Information on the appeals process is set out in Schedule "A", attached to this letter.

Failure to comply with this order by Monday, February 4, 2008 may also be found to be an offence under section 48 of the PCCA, 2005, and may lead to your prosecution for knowingly committing an offence.

Sincerely,

ORIGINAL SIGNED BY

Richard Jackson
Superintendent of Private Career Colleges

Attachments:

- Schedule A – Entitlement to Hearing by Licence Appeal Tribunal
- Schedule B – Advertisement – Employment News Newspaper

Schedule "A"

Entitlement to Hearing by Licence Appeal Tribunal:

If Trontario Truck Driving School disagrees with the Superintendent's decision to refuse to register the school under the Private Career Colleges Act, 2005, it is entitled to a hearing by the Licence Appeal Tribunal (the "Tribunal") if it mails or delivers to both the Superintendent of Private Career Colleges and the Tribunal a notice in writing, requesting such a hearing.

Such notice must be delivered, **by registered mail or courier**, to the Superintendent and to the Tribunal **by Monday, February 4, 2008**.

If Trontario Truck Driving School does not require a hearing by the Tribunal, as set out above, the decision to refuse to register the school under the Private Career Colleges Act, 2005 will be final as of **Monday, February 4, 2008**.

If Trontario Truck Driving School does choose to request a hearing by the Tribunal, the notice to the Tribunal should be addressed to:

Licence Appeal Tribunal
CIBC Building, 12th Floor
1 St. Clair Avenue West
Toronto, ON M4V 1K6

Service of the required notice on the Superintendent should be sent to:

Superintendent of Private Career Colleges
Ministry of Training, Colleges and Universities
10th Floor, Mowat Block
900 Bay Street
Toronto, ON M7A 1L2

Please note that the Tribunal has its own forms for filing applications with the Tribunal. You may contact the Tribunal directly at 416-314-4260 or 1-800-255-2214 for information on the Tribunal and its application forms, or obtain such information from the Tribunal's website at: www.llat.gov.on.ca.