

Ministry of Training,
Colleges and Universities

Advanced Education Learner
Supports Division

Office of the Superintendent

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Particulars of Notice of Refusal to Renew Registration

S. 49 (1) Private Career Colleges Act, 2005 (“Act”)

April 12, 2019

These particulars are posted following the withdrawal of appeal of Flycanadian Inc. (“FCI”) to require a hearing of the Licence Appeal Tribunal under s. 19(3) of the *Private Career Colleges Act, 2005* (the “Act”).

On May 24, 2018, the Superintendent issued a Notice of Proposal to Refuse to Renew Registration of FCI. On June 8, 2018, FCI filed a notice of appeal with the Licence Appeal Tribunal. The hearing was scheduled to begin March 25, 2018 however FCI withdrew the appeal on March 24, 2019. The Proposal to Refuse to Renew Registration was, therefore, carried out on March 25, 2019, pursuant to s. 19(4) of the Act.

Original service date: May 24, 2018 (Notice of Proposal to Refuse to Renew Registration).

George Scott (Director)

Flycanadian Inc.

1114 Len Birchall Way

Kingston, ON, K7M9A1

Contraventions

The Superintendent has refused to renew FCI's registration because:

The Superintendent was no longer satisfied that Flycanadian Inc. would operate a private career college (PCC) in compliance with the Act and its regulations pursuant to clauses 18(2)(a) and (c) under the Act, read together with clause 14(1)(b) of the Act. In particular, Flycanadian Inc. has failed to comply with the following provisions of the Act and its regulations:

Security

- **Private Career Colleges Act, 2005, Section 6 – Security**
- **Ontario Regulation 414/06, Section 32 – Security required**

November 20, 2017, pursuant to 33.6(a) of O. Reg. 414/06 under the Act, the Superintendent notified FCI of a required \$5000 increase of financial security which would be due December 29, 2017. Despite numerous efforts by the Superintendent's staff and Designates to encourage compliance, the increase to the financial security was never made.

Duty to Notify

- **Private Career Colleges Act, 2005, Section 34 – Notice of Change**
- **Ontario Regulation 415/06, Section 47 – Notice re: change of ownership**
- **Ontario Regulation 415/06, Section 48 – Notice of other changes**

In April 2018, the Superintendent became aware of a substantial body of evidence which indicated that transfer of administration of the PCC, transfer of directorship of the PCC, as well as transfer of all or substantially all of the assets of FCI occurred between January 2017 and November 2017. No notification had been provided as required by the legislation and regulations. Attempts by Designates to gain information and documentation regarding change of administration, directorship and ownership from that time until May, 2018 were unsuccessful.

The above director was appointed to all executive positions, including that of sole director, in October 2017 by the previous director and owner, without notification to the Superintendent. By that time the PCC had been moved from its original location in Lindsay, to its new location in Kingston. In May 2018, FCI provided a Share Purchase Agreement for Superintendent review which contemplated the sale of all FCI corporate shares for the sum of \$1.00.

Duty to Assist / Obstruction

- **Private Career Colleges Act, 2005, Section 38 – Duty to Assist**
- **Private Career Colleges Act, 2005, Section 38 – Obstruction**

Designates repeatedly documented to FCI their legislated obligations to notify the Superintendent of changes to a PCC, namely to notify the Superintendent of any change in directorship within 5 days of any such change and to notify the Superintendent of any change in ownership at least 30 days prior to any such change. Beginning September 2017, Designates made multiple requests for information regarding changes which were left unanswered or which were responded to with false or misleading information.

In May of 2018, the director of FCI did provide notification to the Superintendent that he had been occupying all director and executive officer positions of the corporation since October 2017. The Superintendent requires information of all new PCC directors in order to fulfil the Superintendent's duty pursuant to clause 14(1) of the Act. The Act requires the Superintendent to be satisfied that the past conduct of the director of a PCC provides grounds for the belief that the PCC will be operated with integrity and honesty, and in accordance with the law. The FCI director failed to disclose certain information and in so doing failed to satisfy the Superintendent with regard to the ability of FCI to operate with integrity and honesty, and in accordance with the law.