

Ministry of Training,  
Colleges and Universities

Advanced Education Learner  
Supports Division

Office of the Superintendent

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au niveau postsecondaire

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## Particulars of Notice of Immediate Suspension of Registration and Revocation of 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 November 5, 2018, the Superintendent issued a Notice of Immediate Suspension of Registration and Revocation of Registration to FCI. On November 20, 2018, FCI filed a notice of appeal with the Licence Appeal Tribunal.

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

FCI’s withdrawal of appeal effected cessation of registration therefore FCI ceased to be a ‘registrant’ or ‘applicant’ in the definition of the Act with regard to s.19(3)(4).

Original service date: November 5, 2018 (Notice of Proposal to Suspend Registration and Notice to Revoke Registration).

George Scott (Director)  
Flycanadian Inc.  
1114 Len Birchall Way  
Kingston, ON, K7M9A1

## **Contraventions**

The Superintendent Suspended and Revoked 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:

### **Private Career Colleges Act, 2005**

- **Subsection 8 (1) – Prohibition against providing vocational programs**
- **Subsection 9 (1) – Prohibition against charging a fee**
- **Subsection 11 (2) – Restriction on advertising and soliciting**
- **Subsection 23 (6) – Changes to vocational program**
- **Subsection 28 (1) – Contract to be in writing**
- **Subsection 28 (2) – Copy to student**
- **Subsection 31 (3) – Complaint procedure - Inclusion in contracts**
- **Subsection 32 (4) – Sexual Violence policy - Inclusion in contracts**
- **Subsection 38 (6) – Duty to assist**

### **O. Reg. 415/06 made under the Private Career Colleges Act, 2005**

- **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**

During a site visit on October 25, 2018, Delegates discovered the following:

Despite being enrolled at Flycanadian Inc. for over one year, none of the students at issue had completed their vocational training;

FCI was found to have instituted a policy which resulted in students being required to pay an additional \$6000 in fees which were not approved by the Superintendent of Private Career Colleges;

Students were not given any statements tracking how their prepaid fees were being applied or how much they had left;

International students reported that their prepaid training flights were being cancelled without notice;

Students were required to sit in the FCI classroom 7 days a week self-studying an online ground school program and waiting to train with FCI instructors, and were not permitted to leave the premises.

Furthermore, FCI was found to be offering programs in a manner not approved by the Superintendent of Private Career Colleges. The sum of the evidence caused the Superintendent to have no confidence that Flycanadian Inc. would complete the students' vocational training.

Following the October 25, 2018 site visit, the Superintendent's Delegates found evidence that the Director of Flycanadian Inc. had engaged in a pattern of abusive and inappropriate behaviour towards international students including, but not limited to, compelling students to waive their rights under the *Human Rights Code* and to waive any right of claim pursuant to statute, contract, common law tort or otherwise.

Having regard for all of the evidence, and in consideration of the circumstances, the Superintendent of Private Career Colleges was not satisfied that FCI was being operated in accordance with the law and with integrity and honesty. Furthermore, the Superintendent of Private Career Colleges determined that the behaviour of FCI toward its students caused the students to be in a vulnerable situation. As a result, the Superintendent was left with no other option than to take the necessary action to protect the students' personal and financial interests. The Superintendent believed that the behaviour of FCI would, absent an immediate suspension, leave the students at continued and elevated risk.

On November 5, 2018, the Superintendent issued a Notice of Immediate Suspension of Registration and Revocation of Registration to FCI.