

Ministry of Training,  
Colleges and Universities

Office of the Superintendent

Private Career Colleges Branch  
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Toronto ON M7A 1L2

Ministère de la Formation  
et des Collèges et Universités

Bureau du Surintendant

Direction des collèges  
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9<sup>e</sup> étage, édifice Mowat  
900, rue Bay  
Toronto ON M7A 1L2



# RESTRAINING ORDER

**By Email: (hmithon@hotmail.com), Fax (416-745-2752) and Courier**

September 28, 2010

Best Class Truck Driving School and Forklift Ltd. operating as A Best Class  
Driving School  
207-2428 Islington Avenue  
Toronto, ON M9W3X8

and

71 Cinrickbar Drive  
Toronto, ON M9W 6X3

Dear Harjinder Singh Mithon:

This is a Restraining Order issued under s. 46(1) of the *Private Career Colleges Act, 2005* ("Act"). As the Superintendent of Private Career Colleges, I believe that Best Class Truck Driving School and Forklift Ltd. operating as A Best Class Driving School ("Best Class Truck Driving School") has contravened the Act and/or regulations, and I order the School to stop contravening the following provisions of the Act and/or regulations:

- advertising an unregistered private career college and advertising unapproved vocational programs, contrary to section 11 of the Act.

Detailed reasons in support of my decision to issue this order are found in Schedule "A", attached. Failure to comply with this order may result in any or all of the following, further enforcement actions:

- Application for an order from the Superior Court of Justice;
- The issuance of further Administrative Monetary Penalties; and/or
- Prosecution for offences under the Act. Upon conviction by a court,

- A corporation is subject to a fine of up to \$250,000;
- An individual is subject to a fine of up to \$100,000, a prison term of up to one year, or both; and
- 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.

You 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 by October 5, 2010 by registered mail or courier to my attention and confirm that you:

- have stopped advertising an unregistered private career college and unapproved vocational programs that require approval.

If Best Class Truck Driving School is currently operating an unregistered Private Career College, these actions would be contrary to sections 7 and 8 of the Act respectively. Best Class Truck Driving School would then be required to **immediately** take the steps outlined below in this order to comply with the Act.

Specifically, Best Class Truck Driving School:

- 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.

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.gov.on.ca](http://www.e-laws.gov.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.

Pursuant to sections 49(2) and 49(6) of the Act, this order is published on the Ministry of Training, Colleges and Universities' website.

Kindly govern yourself accordingly,

ORIGINAL SIGNED BY

Allan Scott  
Superintendent of Private Career Colleges

## Schedule "A"

### Detailed Reasons and Findings

#### **OPERATION "Brake Down"**

Pursuant to subsection 23(1) of the *Private Career Colleges Act, 2005* ("Act"), private career colleges that offer commercial driver programs which lead to commercial driver licensing examinations, governed under the Ontario Regulation 341/94 Driver Licence Examinations of the *Highway Traffic Act*, must have the programs approved by the Superintendent of Private Career Colleges.

In response to a concern about unapproved commercial driver programs, and their potential impact on public safety, Operation "Brake Down" was launched. Its purpose was to identify unregistered private career colleges 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.

The Superintendent has issued this order based on the following findings and supporting facts and evidence:

#### **Contravention of section 11 of the Act – Advertising Unregistered Private Career College and Unapproved Programs**

After examining internet advertising for Best Class Truck Driving School and Forklift Ltd. operating as A Best Class Driving School (<http://www.411.ca/business/Ontario/Mississauga/Best-Class-Car-Truck-Forklift-Driving-School/1161532.html>) on the Canada 411 website, a designate of the Superintendent of Private Career Colleges telephoned the school on September 14, 2010.

The designate spoke to a male person who advised that they offer three levels of AZ program training:

- The first level costs \$1,000 and consisted of 20 lessons. Lessons last for 1 hour in duration;
- The second level costs \$2,000 and consists of 40 lessons. Lessons last for 1 hour in duration, totaling 40 hours; and
- The third level costs \$3,000 and consists of 20 in-class lessons and 50 lessons on the road. Lessons last for 1 hour in duration, totaling 70 hours.

AZ training corresponds to National Occupational Classification (NOC) code 7411 – Other Truck Drivers.

Based on the preceding information, the AZ programs comprising 40 and 70 hours at fees of \$2,000 and \$3,000 respectively fit the definition of vocational programs requiring the approval of the Superintendent according to the Act. Since A Best Class Driving School is not registered and these programs are not approved, advertising of same is prohibited in accordance with Section 11(1) and (2) of the Act respectively.

## **BACKGROUND**

### **i) Tip**

On May 31, 2010 the Ministry received a tip about Best Class Truck Driving School and Forklift Ltd. operating as A Best Class Driving School and a link to a website (<http://www.411.ca/business/Ontario/Mississauga/Best-Class-Car-Truck-Forklift-Driving-School/1161532.html>) advertising the school. The address listed for the school on the internet is 1150 Eglinton Ave E., Mississauga, ON, L4W2M6.

### **ii) Previous Contact/Registration Details**

Best Class Truck Driving School and Forklift Ltd. was previously registered as a private career college until March 11, 2006. It had the approval of the Superintendent of Private Career Colleges to deliver a 126 hour tractor trailer driver program at a disclosed cost of \$3,425.00. Harjinder S. Mithon was listed as the campus administrator with the email address hmithon@hotmail.com. The address for that campus was 2095 Weston Road, Unit 210, Toronto, ON M9N 1X7 with the telephone number 416-745-2727.

In October 2005, all registered private career colleges were sent an information package containing details for 2006 re-registration, including instructions for using the on-line registration system. That initial package was followed with reminders, including attempted telephone contact by a member of the Superintendent's staff. On March 1, 2006, Best Class Truck Driving School and Forklift Ltd. was sent a letter by the Superintendent advising that her office had not received the school's application for re-registration for 2006 and that the failure to submit a complete registration package and appropriate fees by Friday, March 10, 2006 would result in the PCC not being registered under the Act. The letter also specified that not being registered meant that the PCC may not advertise or offer career training to the public unless and until it became registered under the Act. Best Class Truck Driving School and Forklift Ltd. allowed their registration to lapse by failing to renew their registration for 2006.

On behalf of Best Class Truck Driving School and Forklift Ltd. Harjinder Singh Mithon subsequently submitted a pre-screening application for an "AZ" truck driver training program with the Private Career Colleges Branch (PCCB) on April 9, 2010. He used the same email address [hmithon@hotmail.com](mailto:hmithon@hotmail.com) and provided the address 2428 Islington Avenue, Toronto, ON M9W 3X8 in his pre-screening application.

On May 4, 2010, in response to its pre-screening application, Harjinder Singh Mithon of Best Class Truck Driving School and Forklift Ltd. was advised by the PCCB that its "AZ" truck driver training program requires approval by the Superintendent of Private Career Colleges as it is intended to provide students with the skills and knowledge required to obtain employment in a recognized vocation. That letter also specified that until such time as Best Class Truck Driving School and Forklift Ltd. is registered and has had their program approved, it is a violation under sections 7, 8 and 11 of the Act to deliver or advertise the delivery of their vocational program and charge or collect a fee in relation to a vocational program.

Best Class Truck Driving School and Forklift Ltd. is currently in the process of entering information on the Ministry's Registration Information for Career Colleges system for its "AZ" truck driver training program. The program duration is listed as 125 hours at a cost of \$4,000 tuition. Harjinder Singh Mithon is listed as the applicant. However, this school is not registered and does not have the approval of the Superintendent of Private Career Colleges to offer any vocational programs.

### **iii) Legal & Operating Names**

An ONBIS search conducted on September 20, 2010 shows that Best Class Truck Driving School and Forklift Ltd. is an Ontario corporation which was incorporated on January 18, 2001. The registered address is 71 Cinrickbar Drive, Toronto, ON M9W 6X3. Harjinder S. Mithon is listed as a Director and an Officer at 71 Cinrickbar Drive, although the city is listed interchangeably as Etobicoke and Toronto.

The registered business name for this corporation is A Best Class Driving School. The business name was registered on March 30, 2009 and expires on March 29, 2014. The business carries on "Driver Training." The corporate address is listed as 71 Cinrickbar Drive, Toronto, ON M9W 6X3 and the principal address of the business is listed as 2428 Islington Avenue, Suite 207, Etobicoke, ON M9W 3X8. The name of the person who authorized the registration is Harjinder Singh Mithon.

A Best Class Driving School was also registered as the business name for this corporation between February 22, 2001 and February 21, 2006. The

business carried on “Driver Training (Driving School).” The principal place of business was listed as 71 Cinrickbar Drive, Rexdale, ON M9W 6X3. The name of the person who authorized that registration was Harjinder Singh Mithon.

Based on this information, it is clear that Harjinder S. Mithon was involved in the previously registered private career college, and the corporation which pre-screened in April 2010, and was subsequently told it had to register the “AZ” truck driver training program.