

Ministry of Training,
Colleges and Universities
Student Support Branch
9th Floor, Mowat Block
900 Bay Street
Toronto ON M7A 1L2

Ministère de la Formation
et des Collèges et Universités
Direction du soutien aux étudiants
9^e étage, édifice Mowat
900, rue Bay
Toronto ON M7A 1L2



SERVED BY REGISTERED AND REGULAR MAIL

Thursday, June 19, 2008

Bestech Academy Inc.
429 Dewitt Road
Units 3 & 4
Stoney Creek, Ontario
L8E 4C3

And To

Bestech Academy Inc.
320 Vansickle Road
Units #6 and #7
St. Catharines, Ontario
L2R 6P7

Attention: June Ballegeer, President

Dear Ms. Ballegeer:

Re: Notice of Restraining Order under clause 46 (1) of the *Private Career Colleges Act, 2005*

For the reasons set out in Schedule A, attached, I am of the view that Bestech Academy Inc. is not operating in compliance with the *Private Career Colleges Act 2005*.

Unregistered Campuses

Pursuant to subsection 46(1) of the *Private Career Colleges Act, 2005*, I am directing June Ballegeer, the President of Bestech Academy Inc. to immediately cease and desist:

- Operating as an unregistered private career college, Bestech Academy Inc. at :
 - 429 Dewett Road, Units 3 & 4, Stoney Creek, Ontario L8E 4C3
 - 320 Vansickle Road, Units #6 and #7, St. Catharines, Ontario L2R 6P7
- Offering non-approved vocational programs including Gas Technician G1, Gas Technician G2, Gas Technician G3, Oil Burner Technician 1, Oil Burner Technician 2, Oil Burner Technician 3

- Distributing any promotional program information or website advertisements, in whatever form, that use statements for the purpose of inducing a student or prospective student to enrol in a vocational program.

Bestech Academy Inc. will deliver to me **by registered mail or courier and by no later than Monday, July 7, 2008** a written confirmation signed by an authorized officer or other official of Bestech Academy Inc.:

- a) that Bestech Academy Inc. at 429 Dewett Road, Units 3 & 4, Stoney Creek, Ontario and 320 Vansickle Road, Units #6 and #7, St. Catharines, Ontario is no longer in operation;
- b) that Bestech Academy Inc. does not hold, directly or indirectly, any monies owing to current, former or prospective students with contracts;
- c) that the Bestech Academy Inc.'s application for Registration of a Private Career College, will be delivered to the Ministry by **July 31, 2008**;

and setting out:

- d) the names and addresses of all current and former Bestech Academy Inc. students;
- e) the location of all Bestech Academy Inc. student files;
- f) a date and time that all files will be made available forthwith to Ministry staff for review; and
- g) an explanation of the offering of and delivery of vocational programs prior to approval by the Ministry.

Compliance with the *Private Career Colleges Act, 2005*

The first step to ensuring compliance with the Act is the submission of full and complete registration documents for this unregistered campus. All private career college registration forms and guidelines, can be found at <http://www.serviceontario.ca>. Simply click on *Get the Forms You Need Quickly and Easily*, and follow the *Education and Training* link to *Private Career Colleges*. Once you review these documents, please call the telephone number listed above if you have any questions.

Although we received a letter via fax from your institution on April 3, 2008 indicating that your organization intended to submit forms for both registration and program approval, we have yet to receive said forms as of the date of this order.

If your institution intends to continue to offer a vocational program but is not yet registered under the *Private Career Colleges Act, 2005* and/or the program is not yet approved by the Superintendent of Private Career Colleges, your institution cannot continue to advertise the program, accept/teach new students or collect any fees from new students.

If your institution has chosen not to continue to provide vocational programs, please confirm this with a letter to the Superintendent of Private Career Colleges. This letter must include the names and contact information of current students, the programs in which they are enrolled, and the date their training will be completed.

Contraventions of the *Private Career Colleges Act, 2005*

Pursuant to subsection 46(1) of the *Private Career Colleges Act, 2005*, I am directing you as the President of Bestech Academy Inc. to comply with the legislation as follows:

1. Bestech Academy Inc. will **immediately** remove all non-approved vocational programs from its advertising and website.
2. Bestech Academy Inc. will provide my office with confirmation and evidence of the removal **by July 7, 2008**.
3. Bestech Academy Inc. will **immediately** stop enrolling students in non-approved vocational programs, and refund tuition to those currently enrolled.
4. Bestech Academy Inc. will provide my office with confirmation and evidence that it has ceased enrolling students in non-approved programs and refunded tuition to those currently enrolled **by July 7, 2008**.

Letters to the Superintendent must be sent by registered mail or courier to the address above.

Failure to Comply with the *Private Career Colleges Act, 2005*

Note that if fees are collected from students in a non-approved program, the students will have the right to a full refund of those fees regardless of whether your institution has delivered the training.

If you continue to operate an unregistered campus and offer non-approved vocational programs despite this Restraining Order, you will be operating in violation of sections 7 and 8 of the *Act* and may be subject to penalties pursuant to s. 48 of the *Act*. This may preclude subsequent registration under the *Act* on the grounds that you are carrying on activities in contravention of the *Act*.

Note that a corporation that is found guilty of an offence under section 48 of the *Act* is subject to a fine of up to \$100,000, and any officer or director of a corporation who concurs in the commission of such an offence is also guilty of an offence, and on conviction subject to a fine of up to \$25,000 or imprisonment for a term of up to one year, or both.

The legislation applicable to this Order is the *Private Career Colleges Act, 2005* and Ontario Regulation 415/06 made thereunder. The legislation and regulation is available at www.e-laws.gov.on.ca.

In the event that you are unable to access any relevant information on e-laws, you may contact Margot Devlin at 416-314-0497 to request that copies of the relevant legislation be sent to you of if you have questions regarding this Order.

Sincerely,

ORIGINAL SIGNED BY

Richard Jackson
Superintendent
Private Career Colleges

Attachments: Schedule A – Reasons for Decision

Schedule A – Reasons for Decision

Facts in support of Restraining Order

Legal and Operating Entities

Bestech Academy Inc. was incorporated on April 30, 2007. The President of Bestech Academy Inc. is June Ballegeer. She was a former employee of the Technical Standards and Safety Authority (“TSSA”) and is an instructor at Bestech Academy, according to their website.

Pre-Screening

In August 2006, June Ballegeer, President of Bestech Academy Inc. sent in a pre-screening form for the Gas Technician and Oil Burner Technician programs.

In November 2006, the Ministry wrote to June Ballegeer, President of Bestech Academy Inc. advising that these were vocational programs and she must submit an application to register a private career college.

Ms. Ballegeer wrote again requesting an exemption for the Gas Technician (G1) and the Oil Burner Technician (OBT1) programs.

On April 4, 2007, the Ministry wrote to Ms. Ballegeer and advised that all Gas Technician programs and all Oil Burner Technician programs require approval under the Private Career Colleges Act, 2005.

Ms. Ballegeer responded that the Gas Technician programs were exempt under the Private Career Colleges Act, 2005 as the Technical Standards and Safety Act (TSS Act) governs them.

Required to Register

On July 9, 2007, the Ministry wrote to Ms. Ballegeer and stated that “The exemption you referred to apply to programs which an Act of the Legislature other than the Private Career Colleges Act, 2005 or an Act of Canada applies, **if that Act contains protections similar to those in the Private Career Colleges Act, 2005 relating to program quality and to student interests.** The TSSA has been assessed and has been found not to meet this criterion.” The Ministry again stated that Ms. Ballegeer was required to submit the Application for Registration to Operate a Private Career College.

The Ministry advised that the Gas Technician and Oil Burner Technician Programs (Levels 1,2 and 3) were found to provide students with the skills and knowledge required to obtain employment in a recognized vocation and thus required approval of the Superintendent of the Private Career Colleges Act, 2005.

Ms. Ballegeer, President of Bestech Academy Inc., was advised that until such time as it was registered and its programs were approved, it is a violation under Sections 7, 8 and 11 of the Private Career Colleges Act, 2005 to deliver or advertise the delivery of vocational program(s). An institution can not charge or collect a fee in relation to a vocational program until the registration and program approval process is complete under Section 9 of the Act.

There was no response to the July 9, 2007 communication from the Ministry. Ms. Ballegeer, President of Bestech Academy Inc. has not applied for registration of Bestech Academy Inc. as a Private Career College as required by the Ministry.

Contravention of s. 7 and 8 of the *Private Career Colleges Act, 2005*:

On March 25, 2008 Ministry staff wrote to Bestech Academy Inc. as a follow up to the Ministry communications of November 16, 2006, April 4, 2007 and July 9, 2007.

Ministry staff stated that the November 16, 2006, April 4, 2007 and July 9, 2007 communications required Bestech Academy Inc. to submit an application for registration; despite the communications, however, no application had been received. Ministry staff found, however, that Bestech Academy Inc. continued to advertise vocational programs leading to careers in recognized vocations and thus were in contravention of s. 7 and 8 of the Private Career Colleges Act, 2005.

Bestech Academy Inc. was advised, on March 25, 2008, that failure to comply with the Private Career Colleges Act, 2005 could lead to prosecution under s. 48 of the Act.

Bestech Academy Inc. was requested, on March 25, 2008, to advise the Ministry by April 7, 2008 as to whether or not an application for registration was to be submitted.

Although Bestech sent a letter via fax on April 3, 2008 indicating that they intended to submit forms for both registration and program approval, the Ministry has yet to receive said forms as of the date of this order.

As of June 4, 2008, Bestech Academy Inc. continues to advertise their vocational training at two locations in contravention of s. 7 and 8 of the Private Career Colleges Act, 2005.

Meeting with the Technical Standards and Safety Authority (TSSA) on April 23, 2008

On April 23, 2008, the Ministry and their legal counsel met with representatives including TSSA's legal counsel, for the TSSA.

The TSSA acknowledged and supports the consumer protection role of the Private Career Colleges Act, 2005. The TSSA acknowledged and agreed that institutions could be regulated by more than one Act.