

Ministry of Training,  
Colleges and Universities

Office of the Superintendent

Private Career Colleges Branch  
9<sup>th</sup> Floor, Mowat Block  
900 Bay Street  
Toronto ON M7A 1L2

Ministère de la Formation  
et des Collèges et Universités

Bureau du Surintendant

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



# COMPLIANCE ORDER

By email ([citytrucktraining@hotmail.com](mailto:citytrucktraining@hotmail.com)) and courier

December 8, 2010

City Truck & Forklift Driving School Ltd. operating as City Truck & Forklift Driving School Ltd.

7003 Steeles Avenue West, Unit 9  
Etobicoke, ON M9W 0A2

and

35 Cabernet Circle  
Toronto, ON M9V 5A3

Attention: Jagjeet Singh Deol, Director

This is a Compliance Order issued under s. 46(2) of the *Private Career Colleges Act, 2005* ("Act"). As the Superintendent of Private Career Colleges, I believe that City Truck & Forklift Driving School Ltd. operating as City Truck & Forklift Driving School Ltd. ("Registrant"), a registered private career college, has contravened or failed to comply with a provision of the Act or regulations. I order that the Registrant stop:

- advertising unapproved vocational programs that require approval, in contravention of s. 11 of the Act;
- providing unapproved vocational programs that require approval, in contravention of section 8(1) of the Act;
- charging fees for unapproved vocational programs that require approval, in contravention of section 9 of the Act;
- using advertising which misleads or is likely to mislead the public, in contravention of s. 33 of the Act read with s. 16(1) paragraph 2 of the Regulation; and

- using advertisements that do not contain its legal, business or operating name, in contravention of s. 33 of the Act read with s. 16 (1) paragraphs 1, 3, 4, 5 and 6.

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 Registrant, together with all available supporting evidence, that the steps outlined below have been taken. This written confirmation must be delivered by **December 15, 2010** by registered mail or courier to my attention and confirm that you:

- Have stopped advertising unapproved vocational programs that require approval;
- Have stopped providing unapproved vocational programs that require approval;
- Have stopped charging fees for unapproved vocational programs that require approval;
- Have stopped using advertising which misleads or is likely to mislead the public; and
- Have stopped using advertisements that do not contain its legal, business or operating name.

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. You are also reminded that pursuant to s. 39 of O.Reg. 415/06, you are required to keep an up-to-date copy of the Act and all regulations at each campus.

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

Noah Morris  
Superintendent of Private Career Colleges

Attachments:            Schedule A – Detailed Reasons for Decision

## Schedule "A"

### Detailed Reasons for Decision

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

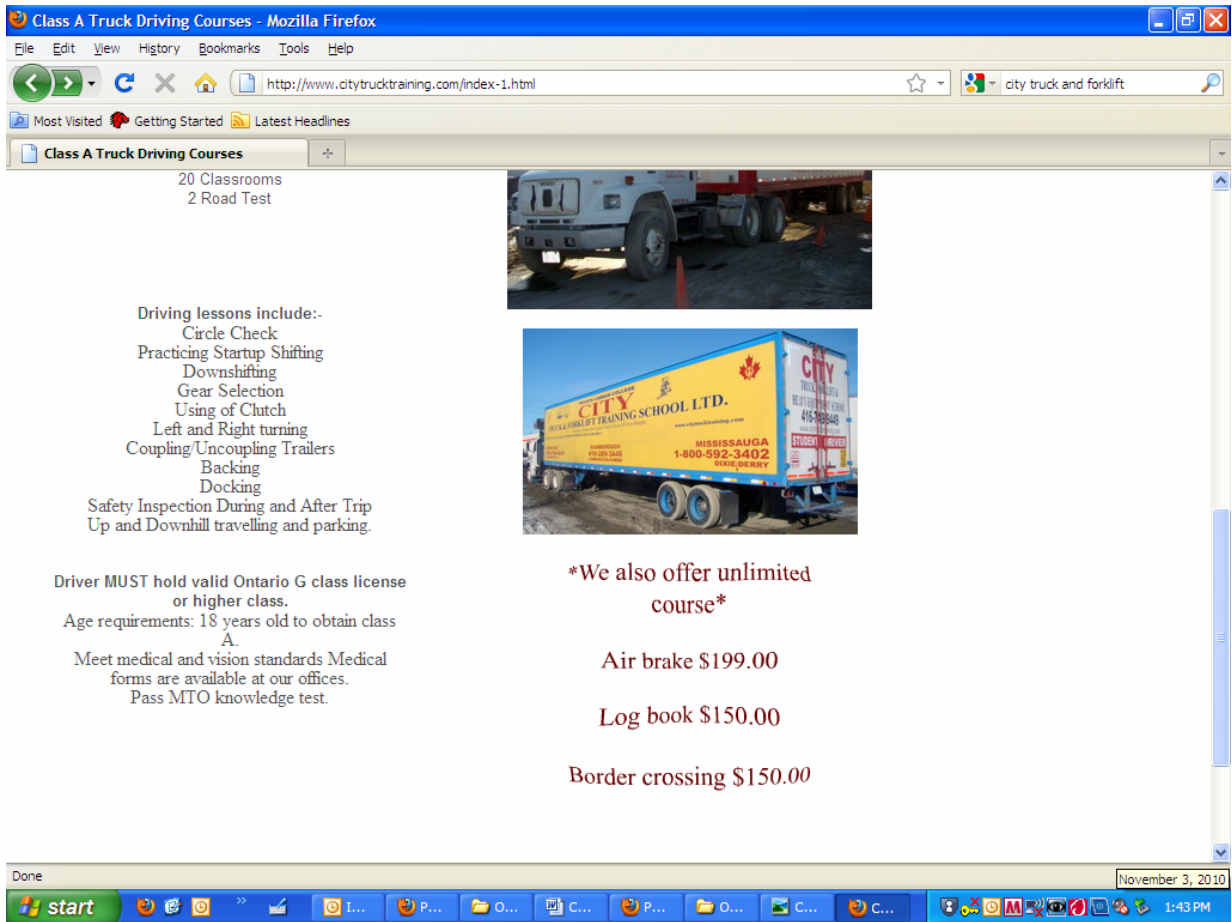
Pursuant to subsection 23(1) of the *Private Career Colleges Act, 2005* ("the Act"), private career colleges that offer commercial driver programs which lead to commercial driver licensing examinations, governed under the Ontario Regulation 341/94 Driver Licence Examinations of the *Highway Traffic Act*, 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 illegal operators offering unapproved vocational programs that require approval under the Act 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 – Restrictions on Advertising and Soliciting**

On November 3, 2010, a Designate of the Superintendent of Private Career Colleges ("Designate") reviewed the website belonging to the school (<http://www.citytrucktraining.com/>) and found an advertisement for an unlimited trucking course. The screen shot appears here:



On October 29, 2010, Designates conducted a field visit at the school at 7003 Steeles Ave West, Unit 9 in Toronto. During the field visit, Designates met with an employee, Ruby, and also with Jagjeet Singh Deol, who identified himself as the owner of the school.

With respect to truck driving programs, this registered school has the approval of the Superintendent to deliver the following vocational programs:

- 3 week/90 hour Backhoe Operator program for \$5,297 + \$150 in other fees;
- 3 week/69 hour DZ Truck Driver program for \$2,497;
- 3 week/90 hour Excavator Operator program for \$5,297 + \$150 in other fees;
- 8 week/268 hour Heavy Equipment Operator program for \$13,999 + \$150 in other fees;
- 3 week/54 hour School Bus Driver program for \$1,997; and
- 5 week/126 hour Tractor Trailer Driver Training program for \$4,999.

During the field visit, Designates reviewed a sampling of student files and removed contracts for a number of vocational students. Those contracts

specified that students had enrolled in AZ, BZ and DZ programs with unlimited training hours for fees ranging between \$1,020 and \$2,200. Below is a summary of the contracts removed from the school:

| <b>Name of vocational student</b> | <b>Course</b>                                     | <b>Duration</b>  | <b>Total Cost</b> | <b>Date of contract</b> |
|-----------------------------------|---|--|-------------------|-------------------------|
| ██████████                        | BZ  | Unlimited lessons + road test + air brake + PIDC (meaning unknown) | \$1,150           | October 14, 2010        |
| ██████████                        | BZ  | Unlimited lessons + road test + air brake + PIDC (meaning unknown) | \$1,150           | October 14, 2010        |
| ██████████                        | AZ  | Unlimited lessons + road test + air brake                          | \$2,150           | October 12, 2010        |
| ██████████                        | AZ  | Unlimited lessons + road test + air brake                          | \$1,500           | October 7, 2010         |
| ██████████                        | AZ  | Unlimited lessons + road test + air brake                          | \$1,717           | September 25, 2010      |
| ██████████                        | DZ  | Unlimited lessons + road test + air brake                          | \$1,099           | September 25, 2010      |
| ██████████                        | A   | Unlimited lessons + test   | \$1,020           | September 13, 2010      |
|                                   | *with certificate for Tractor Trailer Course (AZ) |  |                   |                         |
| ██████████                        | DZ  | Unlimited lessons + road test + air brake                          | \$1,130           | September 4, 2010       |
| ██████████                        | BZ  | Unlimited lessons + road test + air brake + PDIC (meaning unknown) | \$1,482           | July 24, 2010           |
| ██████████                        | AZ  | Unlimited lessons + road test + air brake                          | \$1,300           | July 22, 2010           |
| ██████████                        | AZ  | Unlimited lessons + road test + air brake                          | \$1,500           | July 15, 2010           |
| ██████████                        | A   | Unlimited lessons + road test                                      | \$1,350           | June 19, 2010           |
| ██████████                        | A   | Unlimited lessons + road test                                      | \$1,500           | June 10, 2010           |
| ██████████                        | AZ  | Unlimited lessons + road test + air brake                          | \$2,200           | May 14, 2010            |

|        |    |   |         |                   |
|--------|----|---|---------|-------------------|
| ██████ | AZ | Unlimited lessons + road test + air brake | \$1,500 | May 12, 2010      |
| ██████ | AZ | Unlimited lessons + road test + air brake | \$2,100 | May 6, 2010       |
| ██████ | AZ | Unlimited lessons + road test + air brake | \$1,700 | February 22, 2010 |

Ruby confirmed to the Designates that “unlimited” means that students can take as many classes as they wished.

AZ, BZ and DZ truck training corresponds to National Occupational Classification (NOC) code 7411 –Truck Drivers.

Based on the student file information found during the field visit, a determination can be made that the “unlimited course” advertised on the school’s website comprises unlimited AZ, BZ and DZ truck training programs, all of which fit the definition of vocational programs requiring the approval of the Superintendent according to the Act.

Although this registered school has the approval of the Superintendent to deliver a Tractor Trailer Driver Training Program (which covers “A” truck training) DZ Truck Driver program and a School Bus Driver program (which covers “BZ” truck training), the evidence collected via the school’s website and during the field visit shows that some of the programs actually being delivered by the school are not the same programs which have been approved by the Superintendent for delivery by this registered school. The names of the programs being advertised are different from the names of the registered programs (for example, Tractor Trailer Driver Training Program versus the “AZ” program being delivered in many cases), as well as the cost and duration of the programs. It is unclear whether the subject/modules for the programs being delivered mirror those of the registered vocational programs as no subject/module outline is available for the advertised unregistered programs.

Since the school does not have the approval of the Superintendent to offer or deliver these unapproved vocational programs, advertising of same is prohibited in accordance with subsection 11(2) of the Act.

**Contravention of section 8(1) of the Act – Prohibition against providing vocational programs**

During the field visit to the school on October 29, 2010, Designates reviewed a sampling of student files and removed student contracts for a number of vocational students. Those contracts specified that students had enrolled in AZ, BZ and DZ programs with unlimited training hours for fees ranging between \$1,020 and \$2,200. A summary of student contracts removed from the school are provided in the previous section.

Ruby confirmed to the Designates during the field visit that “unlimited” meant that students can take as many classes as they wished.

It is clear that this school has been delivering unapproved vocational programs in contravention of section 8 of the Act as evidenced by the student driving logs found in the student files. For example, for student [REDACTED], a one page log of time spent training in the truck was found with the log commencing on June 11 and ending on July 26, 2010. The log outlines the date of the training, time spent in the truck (e.g., 5:00 – 5:45) and hours (e.g., 45 minutes), a space for the student’s signature and instructor signature.

Designates removed a certificate for “Tractor Trailer Course (AZ)” found in the student file of [REDACTED]. The certificate is dated October 6, 2010. The name of one of the school’s approved vocational programs is extremely similar, namely “Tractor Trailer Driver Training”. An instructor has signed the certificate. The issuance of a certificate of successful completion for an unapproved vocational program provides further evidence that this school is delivering unapproved vocational programs.

The above evidence demonstrates that this registered school is delivering unapproved vocational programs for a fee without having first obtained the approval of the Superintendent, in contravention of subsection 8(1) of the Act.

### **Contravention of section 9 of the Act – Prohibition against charging fee**

On October 29, 2010, Designates conducted a field visit at the school at 7003 Steeles Ave W, Unit 9 in Toronto. During the field visit, Designates reviewed a sampling of student files and removed contracts for a number of vocational students. Those contracts specified that students had enrolled in AZ, BZ and DZ programs with unlimited training hours for fees ranging between \$1,020 and \$2,200.

Attached to some of the student contracts was proof of payment of fees for unapproved vocational programs:

- A copy of a cheque for \$1,717 for payment of “truck training” to “City Truck & Forklift School” was found in the student file for [REDACTED]. This student’s contract shows he signed up for an unapproved AZ program with unlimited lessons + road test + air brake on September 25, 2010.
- Student [REDACTED]’s student contract shows that he enrolled in an “A” program. Citations on the back of the student contract specifying \$1,260 had been paid to the school between June 16, 2010 and August 28, 2010. There is a signature beside the notations for payment which can be presumed to be that of someone from the school. The student contact indicates [REDACTED] had paid a \$300 advance by debit.



- ██████'s student contract for AZ unlimited lessons and road test and air brake shows he paid \$750 by cash. A transaction record for payment by credit card was found showing he paid a further \$770 on June 25, 2010.
- The student contract for student ██████ who enrolled in an unlimited lesson AZ course on May 6, 2010 indicates total fees for the program are \$2,100 and that ██████ paid an advance of \$500 by visa. Individual credit card receipts of \$200 paid on October 13, 2010, \$500 paid on August 8, 2010, \$500 paid on July 17, 2010 and \$500 paid on June 12, 2010 were found. A citation on the back of the student contract shows further payment of \$20 on September 24, 2010.

As the school has not received approval to provide such a program, charging fees for same is a contravention of section 9 of the Act.

**Contravention of s. 33 - Advertising, read with O. Reg 415/06, s. 16(1) paragraph 2 – Content of advertisement**

On October 29, 2010, Designates conducted a field visit at the school at 7003 Steeles Ave W, Unit 9 in Toronto.

Designates noticed two trailers at or near the school's premises painted with advertisements for the school. One trailer promoted Etobicoke and Scarborough campuses and the other one promoted Etobicoke, Scarborough and Mississauga campuses. A photograph appears here:



Upon entering the school, Designates also noticed a pile of <sup>37</sup> stickers promoting the school's Etobicoke, Scarborough and Mississauga campuses, as well as business cards promoting the Etobicoke and Scarborough campuses. Designates were given a copy of a one page advertisement which also advertised all three campuses. That advertisement appears here:



The school has only received the approval of the Superintendent to operate out of one campus located at 7003 Steeles Avenue West, Unit 9 in Toronto. By including other locations on its advertisements, the school is likely to mislead its prospective students into believing that it is a substantially larger organization than it is. Such belief may cause prospective students to view the school more favourably, and influence enrolment decisions. Therefore, the school is advertising itself in contravention of section 33 of the Act, read with section 16, paragraph 2 of the Regulation.

**Contravention of s. 33 – Advertising, read with O. Reg 415/06, s. 16(1) paragraphs 1, 3, 4, 5 and 6 – Content of advertisement**

This school has been registered as a private career college since May 6, 2003. To date, this school has not advised the Private Career Colleges Branch that it is seeking to operate under a different business name than the one it is registered with, namely "City Truck & Forklift Driving School Ltd." According to a November 3, 2010 ONBIS search, the school has not registered any business names for its corporation.

During the October 29, 2010 field visit to this school, Designates viewed various promotional materials in which the school identified itself using several different names, including the following:

- City Truck Bus & Forklift Training School Ltd.
- City Bus, Truck & Forklift Training School Ltd.
- City Truck & Forklift, City Truck, Forklift & Heavy Equipment School; and
- City Truck, Bus, Forklift & Heavy Equipment School

These promotion materials do not use the school's registered legal or operating name.

By advertising itself without giving the registered business, operating or legal name the school is contravening section 33 of the Act, read with section 16 paragraph 1 of the Regulation.

## **Background**

### **i) Legal and Operating Names**

According to the results of an ONBIS search conducted on October 15, 2010, City Truck & Forklift Driving School Ltd. is an active Ontario corporation which was incorporated on July 28, 2000. Jagjeet Singh Deol is listed as a director at 35 Cabernet Circle, Toronto, ON M9V 5A3. Business names do not exist for this corporation.

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

The school was registered as a private career college on May 6, 2003. With respect to truck driving programs, this school has the approval of the Superintendent to deliver the following vocational programs:

- 3 week/90 hour Backhoe Operator program for \$5,297 + \$150 in other fees;
- 3 week/69 hour DZ Truck Driver program for \$2,497;
- 3 week/90 hour Excavator Operator program for \$5,297 + \$150 in other fees;
- 8 week/268 hour Heavy Equipment Operator program for \$13,999 + \$150 in other fees;
- 3 week/54 hour School Bus Driver program for \$1,997; and
- 5 week/126 hour Tractor Trailer Driver Training program for \$4,999.

The campus administrator was listed as Jagjeet Singh Doel (note spelling in ONBIS is "Deol").