

Ministry of Training,
Colleges and Universities

Office of the Superintendent

Private Career Colleges Branch
9th 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^e étage, édifice Mowat
900, rue Bay
Toronto ON M7A 1L2



RESTRAINING ORDER

By Email (mandixie@yahoo.ca) and Courier

September 28, 2010

Dixie Truck & Forklift Driving School Inc.
2299 Drew Road
Mississauga, ON L5S 1A3

and

356 Mill Street
Brampton, ON L5S 1A2

Dear Darshan Maan and Darshan Mann:

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 Dixie Truck & Forklift Driving School Inc. has contravened the Act and/or regulations, and I order the School to stop contravening the following provisions of the Act and/or regulations:

- Soliciting the enrolment of students to enrol in unapproved vocational programs at an unregistered private career college, contrary to section 11 of the Act;
- Holding yourself out as the operator of a private career college without being registered, contrary to section 7 of the Act; and
- Offering vocational programs that are not approved by the Superintendent of Private Career Colleges, contrary to section 8(1) 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 soliciting the enrolment of students to enrol as students in unapproved vocational programs that require approval at an unregistered private career college;
- Have stopped holding yourself out as the operator of a private career college without being registered;
- Have stopped offering vocational programs that are not approved by the Superintendent of Private Career Colleges;
- Have stopped enrolling students into unapproved vocational programs that require approval;
- Have provided the ministry with a list including the names and addresses of all current and former students;
- Have provided refunds to students who were enrolled in unapproved vocational programs that require approval;
- Are not holding, directly or indirectly, any monies owing to current, former, or prospective students of unapproved vocational programs that require approval; and
- Are holding student files to be available for the Superintendent's staff to review.

If Dixie Truck & Forklift Driving School Inc. is currently *operating* as an unregistered Private Career College, this action would also be contrary to section 7 of the Act. Dixie Truck & Forklift Driving School Inc. would then be required to **immediately** take the steps outlined below in this order to comply with the Act.

Specifically, Dixie Truck & Forklift Driving School Inc:

- Must stop operating an unregistered Private Career College; and
- Will 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. 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

Schedule A

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 illegal operators 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 – Restrictions on advertising and soliciting

Dixie Truck & Forklift Driving School Inc. was registered as a private career college until October 8, 2009 to deliver a tractor trailer driver training program. The school advised the Private Career Colleges Branch (PCCB) of its closure on September 25, 2009. In setting out a number of conditions of closure, the Superintendent of Private Career Colleges advised in a letter to the school dated October 13, 2009 that the school's cooperation in the closure would be reviewed when the matter of disbursement of its financial security comes due (which is 1 year from the date of closure). Dixie Truck & Forklift Driving School Inc. was told to immediately cease operating as a private career college (PCC) and to cease advertising of any vocational programs of 40 hours or greater in duration of \$1,000 or greater in tuition fees.

Subsequent to the issuance of the Superintendent's letter, on December 2, 2009, a program consultant from the PCCB sent Darshan Mann an email (mandixie@yahoo.ca) advising that the program consultant had found three websites on google where Dixie Truck & Forklift Driving School Inc. was still being advertised. The PCC was told to stop advertising any vocational courses that require registration and to make sure there were no references to the school being a PCC in such advertising.

As part of the PCCB's follow-up to ensure that this institution's closure was bonifide, on June 9, 2010 a designate of the Superintendent telephoned Dixie Truck & Forklift Driving School Inc. at 905-671-3633 and spoke to Jas, who identified himself as the owner. Jas told the designate that they offer an AZ course consisting of unlimited lessons (the student can either take 40, 50 or 75 lessons, for example) for \$1,500. The student has to pay an additional fee of \$85 for the Ministry test and a \$200 fee for "medical." Jas told the designate that not all of the fees have to be paid upfront and that students can pay \$500 upfront and then another \$500 after two weeks. Jas specified that courses run Monday to Saturday and that people were currently training.

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

The preceding information demonstrates that Dixie Truck & Forklift Driving School Inc. is currently soliciting the enrolment of students for an unapproved vocational program (unlimited AZ package costing \$1,500). Since Dixie Truck & Forklift Driving School Inc. is no longer registered as a private career college under the Act, and the AZ program is not approved, soliciting of students to enrol in the program is prohibited in accordance with section 11(3) of the Act.

Contravention of section 7 of the Act – Prohibition against operating a private career college

On June 9, 2010 a designate of the Superintendent telephoned Dixie Truck & Forklift Driving School Inc. at 905-671-3633 and spoke to Jas, who identified himself as the owner. Jas told the designate that they offer an AZ course consisting of unlimited lessons (the student can either take 40, 50 or 75 lessons, for example) for \$1,500. The student has to pay an additional fee of \$85 for the Ministry test and a \$200 fee for "medical." Jas told the designate that not all of the fees have to be paid upfront and that students can pay \$500 upfront and then another \$500 after two weeks. Jas specified that courses run Monday to Saturday and that people were currently training.

Under section 7(2) of the Act, no person shall hold themselves out as the operation of a private career college unless the person is registered. Based on the fact that Jas identified himself as the owner of Dixie Truck & Forklift Driving School Inc. and described the unapproved vocational courses at the school, Dixie Truck & Forklift Driving School Inc. is in contravention of section 7(2) of the Act.

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

During the telephone conversation on June 9, 2010 with Jas, he told the designate that they offer an AZ course consisting of unlimited lessons (the student can either take 40, 50 or 75 lessons, for example) for \$1,500. The student has to pay an additional fee of \$85 for the Ministry test and a \$200 fee for "medical."

Jas specified that courses run Monday to Saturday and that people were currently training.

This information demonstrates that Dixie Truck & Forklift Driving School Inc. is offering or providing a vocational program for a fee without being registered and having the vocational program approved by the Superintendent, in contravention of section 8 of the Act.

Background

i) Previous Contact/Registration Details

Dixie Truck & Forklift Driving School Inc. operating as Dixie Truck & Forklift Driving School Inc. was registered as a private career college until October 8, 2009. It had the approval of the Superintendent to deliver a 126 hour tractor trailer driver training program at a disclosed fee of \$4,550.

On September 25, 2009, Mr. Darshan S. Mann wrote a letter to the Branch advising of the closure of the PCC. On October 13, 2009, the Superintendent of Private Career Colleges sent Mr. Mann a letter advising that the official date of closure of Dixie Truck & Forklift Driving School Inc. was October 8, 2009. A number of conditions of closure were outlined including that Dixie Truck & Forklift Driving School Inc. was not permitted to enrol students in courses that require registration under the Act and that the school's cooperation in the closure would be reviewed when the matter of disbursement of its financial security comes due (1 year from date of closure). Dixie Truck & Forklift Driving School Inc. was told in that correspondence to immediately cease operating as a PCC and to cease advertising of any vocational programs of 40 hours or greater in duration of \$1,000 or greater in tuition fees.

The Ministry is still in possession of this institution's financial security as it has not yet been closed for a year from the date of closure.

ii) Legal & Operating Names

An ONBIS search conducted on September 13, 2010 shows that Dixie Truck & Forklift Driving School Inc. is an active Ontario business corporation which was incorporated on May 10, 2002. There is no business name registered for this corporation. The registered business address is 2299 Drew Road, Mississauga, ON, L5S 1A3. Darshan Mann is listed as a Director and an Officer at 2299 Drew Road, Mississauga, ON, L5S 1A3. Darshan Maan is listed as a Director and an Officer 356 Mill Street, Brampton, ON L6Y 3H3.