

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



# RESTRAINING ORDER

By Email ([info@jiada.ca](mailto:info@jiada.ca)), Fax (416-298-8618) and by Courier

April 20, 2011

Mei Yau Fong  
Sole Proprietor  
Operating as First Canada Cosmetician & Hair Design Academy  
And Director  
First Canada Cosmetician & Hair Design Academy Inc.  
Operating as First Canada Cosmetician & Hair Design Academy  
4190 Midland Ave  
Scarborough On, M1V 4S6

Dear Ms. Fong:

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 First Canada Cosmetician & Hair Design Academy ("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 subsections 11(1) and (2) of the Act, respectively; and
- Operating as an unregistered private career college, contrary to section 7 of that 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 April 26, 2011 by registered mail or courier to my attention and confirm that the School:

- Has stopped advertising an unregistered private career college and unapproved vocational programs that require approval;
- Has stopped holding yourself out as an operator of a private career college; and
- Has returned all expired certificates of registration of a private career college to the Private Career Colleges branch.

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  
BRADLEY FAUTEUX ACTING FOR

Allan Scott  
Superintendent of Private Career Colleges

## Schedule "A"

### Detailed Reasons and Findings

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 April 12, 2011 a Designate of the Superintendent ("Designate") reviewed the website belonging to the School, [www.jiada.ca](http://www.jiada.ca). The "programs" and "admissions" pages of this website promote a Hairstyling diploma course which is 1500 hours in length and costs \$8,300, as well as an Advanced Esthetics diploma course which is 1200 hours in length and costs \$8,300. The "contacts" page of the website provides the School's address (4190 Midland Avenue, Toronto, Ontario) and phone number (416-298-8618).

The screenshot shows the website <http://www.jiada.ca> in Microsoft Internet Explorer. The page has a purple and white color scheme. At the top, there is a navigation bar with links for "Contact Us" and "News" (with a "中文" button). The main content area is divided into several sections:

- Welcome:** A purple box with a daisy flower icon. Text: "Welcome to First Canada Cosmetician and Hair Design Academy! We are specialized in delivering professional cosmetician training for last 20 years. We have dedicated ourselves to realizing your dreams. May your dream come true! [Learn more about us!](#)"
- Diploma:** A section with a graduation cap icon. Text: "Today's cosmetology school is a world of style, hair design, and beauty. It's a chance to express your individuality, a chance to share your unique outlook with others. Start your chance here, we offer vocational programs in:"
  - Hairstyling
  - Advanced estheticsA blue box highlights: "These programs have been approved as vocational programs registered as a private career college under the Private Career Colleges Act, 2005." Below this, it says: "As a cosmetologist, you'll devote your talents to making others look their best. You'll keep pace with the fashion world and stand ready to meet constantly changing skills of"
- Service Center:** A section with an image of cosmetics. Text: "Beautiful decor, soothing color, a warm welcome, soft music, relaxing herbal tea combined with the natural, aroma therapeutic fragrance are waiting for you in our service center." Below this, it says: "Our relaxing facial treatment nurtures your face and reduces stress and tension built up in your neck and shoulders. A condensed version of our Great Skin Basic, it is laden with soothing aromatic massage and extra care for de-vitalized skin." At the bottom of this section, it says: "At our Service Center, you will enjoy the most relax Facial, Body and Hair care services. We offer special cares on:"
  - Skin care & make up
  - Hair care and design
  - Body care
  - And more
- Health Care Product:** A section with the text: "Whole Sale and Retail Agents Required! Create world without blemish wrinkles!"

As seen above, the homepage of this site states that the School is a registered private career college and that its Hairstyling and Advanced Esthetics diploma courses are approved. Although as a sole proprietor, Mei Yau Fong had approval to provide these programs in the past, her registration expired on August 28, 2010. The corporation First Canada Cosmetician & Hair Design Academy Inc. has never been a registered private career college. Therefore, contrary to the statements on its website, the School is not a registered private career college and its programs are not approved.

The Advanced Esthetics course corresponds to National Occupational Classification (NOC) code 6482 Estheticians, Electrologists and Related Occupations and the Hairstyling course corresponds to NOC code 6271 – Hairstylists and Barbers. Based on the evidence gathered the courses offered by the School fit the definition of vocational programs requiring approval of the Superintendent according to the Act. Since these programs are not approved, advertising of same is prohibited in accordance with Section 11 of the Act.

### **Contravention of section 7 of the PCCA, 2005 - Prohibition against operating a private career college**

Under section 7(2) of the Act, no person shall hold themselves out as the operator of a private career college unless the person is registered. Under the Act, if an institution provides one or more vocational programs to students for a fee they are by definition a private career college.

The following evidence has formed the basis for the Designate's reasonable belief that the School is holding itself out as the operator of a private career college:

- the evidence offered in the previous section clearly indicates that the School is advertising vocational programs for a fee;
- the School states on its website that it is a registered private career college;
- on April 14, 2011, Designates attended 4190 Midland Ave and found a sign with the words "First Canada Cosmetician & Hair Design Academy". Through the front window, the Designates saw three expired certificates of registration issued by the Superintendent of Private Career Colleges, hanging in frames in the School's front room. They appeared to be for the years 2004-2006; and
- according to ONBIS, First Canada Cosmetician & Hair Design Academy Inc. was registered in Ontario on October 23, 2002, and registered the business name First Canada Cosmetician & Hair Design Academy on January 18, 2010. Currently, its head office is listed as 4190 Midland Ave, Toronto, Ontario.

By advertising unapproved vocational programs, claiming in its advertisements to be a registered private career college, and displaying expired certificates of registration of a private career college in its storefront, the School has held itself out to be a private career college in contravention of section 7 of the Act.

### **Previous Efforts to Obtain Compliance Had No Effect**

Mei-Yau Fong registered a private career college as a sole proprietor with the operating name "First Canada Cosmetician & Hair Design Academy" on April 13, 2000. As the School did not submit the documentations required to renew its registration, its registration expired on August 28, 2010.

On September 8, 2010, the Superintendent of Private Career Colleges sent a letter to Mei-Yau Fong advising of the expiration and instructing her to stop advertising vocational programs, stop advertising that it is a registered private career college, and immediately return all certificates of registration to the Private Career Colleges Branch.

### **Legal and Operating Entities**

According to an ONBIS search, First Canada Cosmetician & Hair Design Academy is a business name that was registered to Mei Yau Fong as a Sole Proprietor on December 29, 1995; the registration is currently active and was last renewed on January 18, 2010.

Additionally, Mei Yau Fong had registered a Private Career College as a sole proprietor on April 13, 2000; this registration expired on August 28, 2010.

First Canada Cosmetician & Hair Design Academy Inc. was registered in Ontario on October 23, 2002, and registered the business name First Canada Cosmetician & Hair Design Academy on January 18, 2010. Currently, its head office is listed as 4190 Midland Ave, Toronto, Ontario. Its director is Mei Yau Fong.