

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

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



SERVED BY COURIER and REGULAR MAIL

November 25, 2009

Green Beauty Esthetics College of Canada Ltd.
o/a Green Beauty Esthetics College of Canada
Unit 212C – 7077 Kennedy Road
Markham, Ontario
L3R 0N8

Attention: Shu Fang (Joey) Zhang, President

Dear Madam,

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

This is the **Second and Final Restraining Order** issued under the authority of section 46 of the *Private Career Colleges Act, 2005* against Green Beauty Esthetics College of Canada Ltd. o/a Green Beauty Esthetics College of Canada. As the Superintendent of Private Career Colleges, I hereby order Green Beauty Esthetics College of Canada Ltd. o/a Green Beauty Esthetics College of Canada and Shu Fang (Joey) Zhang, to cease operating in contravention of the *Private Career Colleges Act, 2005* (“PCCA, 2005”).

Contraventions of the *Private Career Colleges Act, 2005*

It has been determined that that Green Beauty Esthetics College of Canada Ltd. o/a Green Beauty Esthetics College of Canada and Shu Fang (Joey) Zhang (“Green Beauty”) has:

1. Failed to comply with the Restraining Order of January 5, 2009 in contravention of clause 48(1)(b);
2. Continued holding itself out as a private career college in contravention of subsection 7(2) of the PCCA, 2005;

3. Advertised as an unregistered private career college and unapproved vocational programs, contrary to subsections 11 (1) and (2) of the PCCA, 2005;
4. Continued to claim that they are offering an unapproved vocational program entitled Registered Massage Therapy which is misleading to the public as students. This is a regulated profession. Only graduates from an accredited and approved program would be permitted to write Certification examinations in Ontario.

The reasons in support of this Order are contained in Schedule A (attached).

Direction to Comply Immediately

Pursuant to s. 46 of the PCCA, 2005, I am writing to direct you to comply and restrain from contravening this Act. To comply with the PCCA, 2005, Green Beauty Esthetics College of Canada Ltd. o/a Green Beauty Esthetics College of Canada and Shu Fang (Joey) Zhang must **immediately** take the steps outlined below in this order. I am directing you Shu Fang (Joey) Zhang, as the President of Green Beauty to immediately cease and desist:

- Holding yourself out as a registered private career college;
- Offering and taking applications for unapproved vocational programs;
- Distributing any promotional program information or website advertisements, in whatever form, that use statements that mislead, or are likely to mislead, the public for the purpose of inducing a student or prospective student to enroll in an unapproved vocational program or to enter into a contract with an unregistered private career college.

Required Response

Green Beauty Esthetics College of Canada Ltd. o/a Green Beauty Esthetics College of Canada and Shu Fang (Joey) Zhang must also 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. I am directing you, Shu Fang (Joey) Zhang, as the President of Green Beauty to deliver to me **by registered mail or courier and by no later than Thursday, December 10, 2009** a written confirmation that Green Beauty:

- a) has ceased operating as a private career college;
- b) has ceased delivering or holding itself out as delivering unapproved vocational programs;
- c) has ceased soliciting or accepting applications from students for unapproved vocational programs;
- d) has ceased all related activities, including advertising in any media;
- e) does not hold, directly or indirectly, any monies owing to current, former or prospective students with contracts for unapproved vocational programs with the unregistered school.

Furthermore, Green Beauty Esthetics College of Canada Ltd. o/a Green Beauty Esthetics College of Canada and Shu Fang (Joey) Zhang must provide the following:

1. An explanation in writing as to why Green Beauty Esthetics College of Canada Ltd. o/a Green Beauty Esthetics College of Canada and Shu Fang (Joey) Zhang continued advertising unapproved vocational programs and an unregistered private career college after receipt of the January 5, 2009 Order.
2. A list including the names and addresses of any current students enrolled in unapproved vocational programs;
3. Evidence that refunds have been paid to students who were enrolled in unapproved vocational programs where required under section 25 of Ontario Regulation 415/06.
4. Confirmation as to whether or not they are holding, directly or indirectly, any monies owing to current, former, or prospective students of unapproved vocational programs.
5. Confirmation that they are holding student files and will courier them forthwith to the Ministry for the Superintendent's staff to review.

Information regarding the private career college application process is found in Schedule B, attached.

Consequences of Failing to Comply with the *Private Career Colleges Act, 2005*

Failure to respond to and comply with this Order by **Thursday, December 10, 2009**, will put Green Beauty in violation of the *Private Career Colleges Act, 2005*. If that occurs, I will be forced to consider further enforcement steps, including any one or more of the following:

1. Publication of this order on the Ministry's public website;
2. Application for a court order for compliance;
3. Prosecution of Green Beauty under section 48 of the Act for the offence of failing to comply with my Orders and the specific contraventions of the PCCA, 2005 noted above.

Upon conviction by a court of an offence, a corporation may be subject to a maximum fine of up to \$100,000; an individual, including an officer or director of a corporation who concurs in the commission of the offence, may be subject to a maximum fine of up to \$25,000, a prison term of up to one year, or both.

Obtaining a Copy of the *PCCA, 2005*

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, or if you have questions regarding this Order, you may contact Margot Devlin at 416-314-0500.

Sincerely,

ORIGINAL SIGNED BY

Noah Morris
Superintendent
Private Career Colleges