

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
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9^e étage, édifice Mowat
900, rue Bay
Toronto ON M7A 1L2



RESTRAINING ORDER

By Email (kingswaydriving@gmail.com), Fax (416-298-8616) and by Courier

April 21, 2011

Zhan Wu Li
Director
Kingsway Driving School Inc.
o/a Kingsway Professional Trucking College
302-4168 Finch Avenue East
Toronto On M1S 5H6

Dear Zhan Wu Li:

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 Kingsway Driving School Inc. ("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 unapproved vocational programs that require approval, in contravention of section 11 of the Act;
- Charging fees for unapproved vocational programs that require approval, in contravention of section 9 of the Act;
- Operating an unregistered private career college and holding yourself out as the operator of a private career college, in contravention of section 7 of the Act; and
- Providing unapproved vocational programs that require approval, in contravention of 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 April 27, 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 charging fees for unapproved vocational programs that require approval;
- Has stopped operating an unregistered private career college and holding yourself out as the operator of a private career college; and
- Has stopped providing unapproved vocational programs that require approval.

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
BRADLEY FAUTEAUX 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 a website belonging to the School (<http://kingswaydriving.com/>) and found it to be advertising a 150 hour, \$5,127 Tractor Trailer Driver program. The website lists the School’s address (318-4168 Finch Ave E, Scarborough Ontario), phone numbers (416-298-0883 and 416-298-1838), fax number (416-298-8616), e-mail address (kingswaydriving@gmail.com) and office hours. The “about us” page of the website falsely states that the School is registered as a private career college.

The screenshot shows a Mozilla Firefox browser window displaying the website <http://kingswaydriving.com/bencandy.php?fid=59&id=341>. The website header includes the Kingsway Driving School logo with the phone number (416)298-1838 and the Chinese name 環球駕駛學院. Below the header is a navigation menu with items like 网站首页, 学院简介, 申请驾照, G1 G2 G, A-Z商业牌, 考试经验, 驾驶经验, 校长论坛, 租车服务, 交通告票, 分校机构, and 汽车保险. The main content area features a section for the "AZ Truck Trailer Program" with a "TOP" button and a table of program details. The table lists the "Tractor Trailer Driver Training" program with 150 hours, \$4,900 tuition, and \$50 in books, for a total fee of \$177. A note states "Package starts from \$780, call (416)298-0883 for more information." A sidebar on the right contains a "相关栏目" (Related Categories) section with links to 学院简介, 申请驾照, G1 G2 G, A-Z商业牌, 考试经验, 驾驶经验, 校长论坛, 租车服务, 交通告票, 分校机构, 汽车保险, and 教练. Below this is a "最新文章" (Latest Articles) section with links to 欢迎白或福利金人士申请, Contact Us, Kingsway Professional Trucking Coll., Medical Report Form, and AZ Truck Trailer Program. The browser's taskbar at the bottom shows the date as April 20, 2011, and the time as 12:29 PM.

Program	Weeks	Hours	Tuition	Books (estimated)	Fees
Tractor Trailer Driver Training	6	150	\$4,900	\$50	\$177

On April 14, 2011 Designates attended the School's campus at 318-4168 Finch Ave E and found printed advertisements for A and B, C, and D class licensing programs.

The printed advertisement for the class A licensing programs included a listing for a \$2,600 course consisting of 35 driving lessons with unlimited in-class and observation hours, and a \$3,600 program with unlimited driving lessons, observation and in-class hours.

The printed advertisement for the class B, C and D licensing programs listed a \$1,700 program with unlimited driving lessons and an Air Brake course. The course would cost an additional \$400 to practise with standard transmission vehicles.

The A class licensing course corresponds to National Occupational Classification (NOC) code 7411 - Truck Drivers. The B, C, D class licensing course corresponds to NOC code 7412 - Bus Drivers, Subway Operators and Other Transit Operators. Based on the evidence gathered these courses 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 8(1) of the Act - Prohibition against providing vocational programs

On April 14, 2011 Designates attended the School's campus at 318-4168 Finch Ave E and obtained copies of registration forms entered into between the School and its students. An employee of the School confirmed that they serve as contracts. Upon reviewing these documents a Designate found seven completed registration forms for vocational programs:

- ██████████ enrolled in the \$3,500 AZ program on March 19, 2011. This student had paid in full by March 27, 2011.
- ██████████ enrolled in the \$2,600 AZ program on December 21, 2010. This student had paid in full by December 22, 2010. Two other students also enrolled in this program, one on February 18, 2011, and another on April 11, 2011.
- ██████████ enrolled in the \$2,000 BZ program on November 27, 2010. This student paid a \$100 deposit
- ██████████ enrolled in the \$1,700 BZ program on March 1, 2011. This student had paid \$990 as of March 28, 2011. Another student enrolled in this program as well, and made a payment as recently as April 3, 2011.

As described above, these programs each include more than 40 hours of training. Each of these registration forms indicate that the students were attending, enrolling or paying fees to the School in 2011. The School has, therefore, offered or provided vocational programs in contravention of section 8 of the Act.

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

On April 14, 2011 Designates attended the School's campus at 318-4168 Finch Ave E and obtained copies of registration forms entered into between the School and its students. An employee of the School confirmed that they serve as contracts. Upon reviewing these documents a Designate found seven completed registration forms for vocational programs:

- [REDACTED] enrolled in the \$3,500 AZ program on March 19, 2011. This student had paid in full by March 27, 2011.
- [REDACTED] enrolled in the \$2,600 AZ program on December 21, 2010. This student had paid in full by December 22, 2010. Two other students also enrolled in this program, one on February 18, 2011, and another on April 11, 2011.
- [REDACTED] enrolled in the \$2,000 BZ program on November 27, 2010. This student paid a \$100 deposit
- [REDACTED] enrolled in the \$1,700 BZ program on March 1, 2011. This student had paid \$990 as of March 28, 2011. Another student enrolled in this program as well, and made a payment as recently as April 3, 2011.

As described above, these programs each include more than 40 hours of training. Each of these registration forms indicate that the students were paying fees to the School in 2011. The School has, therefore, charged fees for vocational programs in contravention of section 9 of the Act.

Contravention of section 7 of the Act - 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 and offering vocational programs for a fee;

- The website <http://kingswaydriving.com/> provides the School's address, as well as a contact phone number, fax number, hours of operation and e-mail address and states that the School is registered as a private career college;
- On April 14, 2011 Designates attended the School's campus at 4168 Finch Ave E and found that the School was displaying its expired 2008 and 2010 certificates of registration of a private career college in its office and classroom. The certificates were framed and wall mounted;
- According to ONBIS, Kingsway Driving School Inc. was registered on January 27, 1998 and its address is currently listed as being 318-4168 Finch Avenue East, Scarborough Ontario.

By advertising unapproved vocational programs, offering or providing vocational programs, charging fees for vocational programs and displaying expired certificates of registration of a private career college in its office and classroom, 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

Kingsway Driving School Inc. was registered as a private career college on January 31, 2007. On September 5, 2010, Joe Sum, the campus administrator for the School, sent an e-mail to Ministry staff advising that the School is closing.

On September 10, 2010, a Designate sent a letter to Joe Sum acknowledging that the School has closed as of September 5, 2010, and advising, among other things that the School must not enrol students in vocational programs, and must cease advertising that it is a registered private career college.

Legal and Operating Entities

According to ONBIS, Kingsway Driving School Inc. was registered in Ontario on January 27, 1998. Its head office is currently listed as being 318-4168 Finch Avenue East, Scarborough Ontario. Zhan Wu Li began as a director of the corporation on August 1, 2006.