

Ministry of Training,  
Colleges and Universities

Office of the Superintendent

Private Career Colleges Branch  
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Ministère de la Formation  
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Bureau du Surintendant

Direction des collèges  
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900, rue Bay  
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# SECOND RESTRAINING ORDER

By Email ([janet\\_tso@hotmail.com](mailto:janet_tso@hotmail.com)) and by Courier

May 25, 2011

Ka Man Tso, Director  
2166807 Ontario Inc. operating as Modern Pets Grooming Academy  
10 East Wilmot Street #19  
Richmond Hill, ON L4B 1G9  
Date

Dear Ka Man Tso:

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 2166807 Ontario Inc. operating as Modern Pets Grooming 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 unapproved vocational programs that require approval, in contravention of section 11 of the Act;
- Holding yourself out as the operator of a private career college, in contravention of section 7 of the Act; and
- Failure to comply with an order of the Superintendent made under section 46 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 **June 1, 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 itself out as the operator of a private career college; and
- Will comply with an order of the Superintendent under section 46 of the Act.

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

Allan Scott  
Superintendent of Private Career Colleges

## **Schedule “A”**

### **Detailed Reasons and Findings**

#### **Contravention of section 11 of the Act - Restrictions on advertising and soliciting**

Under section 11 of the Act, no person shall advertise a private career college, advertise the provision of a vocational program or solicit another person to enrol as a student unless the person is registered and the vocational program has been approved by the Superintendent of Private Career Colleges (“Superintendent”).

On February 11, 2011, the Private Career Colleges Branch (PCCB) received a complaint from a student who had taken unapproved professional pet groomer training at this School at a cost of \$7,600 for the duration of 7 weeks during the fall of 2010.

On March 24, 2011, the Superintendent of Private Career Colleges (“Superintendent”) issued a Restraining Order against this School. In that order, the Superintendent determined that this School had contravened section 11 of the Act for advertising an unregistered private career college and two unapproved programs; a Professional Dog Groomer Course and a Professional Assistant Dog Groomer Course. Both courses were over 40 hours in duration at a cost over \$1,000. In exceeding the exemption limits under Section 9(1) of Ontario Regulation 415/06, these programs were determined to be vocational.

Subsequent to the issuance of that Restraining Order, on March 31, 2011, Ms. Tso, the Director of the School, confirmed by email that the School had stopped advertising an unregistered private career college and unapproved vocational programs that require approval. A written confirmation signed by Ms. Tso followed by Xpresspost on April 5, 2011. On March 31, 2011, a Designate reiterated in an email to Ms. Tso that “...The Restraining Order orders you not to advertise vocational programs requiring approval nor hold yourself out as a private career college...”

To date, this School is not registered as a private career college and has not obtained approval to offer the referenced programs or any other vocational programs.

On May 5, 2011, Ms. Tso emailed the Research Analyst in the Compliance and Enforcement Unit, Private Career Colleges Branch to inquire about her pre-screening application. Pre-screening is a free service afforded to the public that allows vocational programs to be assessed, and a School is told whether or not a program requires approval under the Act. In outlining the expected timeline for review of Ms. Tso’s application, the Research Analyst stated: “...In the

meantime, you are advised not to offer any training until you have received the initial *[sic]* response from the Ministry...”

On May 18, 2011, a Designate spoke on the telephone with the complainant student. The student advised that Ms. Tso had “offered [redacted] classes again,” had told the student [redacted] would be registered soon and had offered to give the student a different certification. The same day, the student forwarded to the Designate a copy of the email which was sent by Ms. Tso to the student using the email address tso janet <janet\_tso@hotmail.com earlier that morning (May 18, 2011) at 1:35 a.m. This is the same email address Ms. Tso has used to communicate with the Ministry. The text of that email to this student appears here:

“First, you have already taken all the classes, therefore, we can't refund the fee to you.  
Second, we have already did the application and registered for the pcc college, so now we can offer you additional classes and issue you a new certificate.  
Please let me know if you agree to the above offer. If you need further information please let me know or we can setup a meeting to discuss with you.”

On May 19, 2011, in further correspondence with this student by email, Ms. Tso asked to schedule this student's class on Tuesday at 10:00 if the student was available.

On May 18, 2011, an email, dated May 17, 2011 at 10:39 a.m., from Ms. Tso (tso janet <janet\_tso@hotmail.com) to a different former student of the School was forwarded to the Designate. The text of that email appears here:

“First, you have already taken most of the classes, therefore, we can't refund the full amount to you. According to our record, you still have two classes left before you finish the course. Therefore, we can only give you refund for that two classes.  
Second, we have already did the application and registered for the pcc college, so if you finish the rest of your classes and pass the quiz and exam, we can issue you a certificate.  
Please let me know if you agree to the above offer. If you need further information please let me know or we can setup a meeting to discuss with you.”

A Designate came to the reasonable belief that this School is advertising itself as a private career college, advertising unapproved vocational programs, and soliciting former students to enrol as current students in an unapproved vocational program at an unregistered school based on Ms. Tso's actions between May 18 and May 19, 2011 in which she:

- Told former students that the School has completed their registration application and that the School is registered as a private career college when in fact it has not;
- Offered a former student additional classes and the issuance of a new certificate;
- Offered to set up meetings with students to discuss her offer of training;
- Advised a former student that the student could finish the remaining training in the program the student had been enrolled in and that the School would issue the student a certificate.

Pet grooming programs correspond to National Occupational Classification (NOC) code 6483 Pet Groomers and Animal Care Workers and require the approval of the Superintendent to be offered as vocational programs.

This School is not registered and has not obtained approval to offer any vocational programs or solicit the enrolment of students and is therefore in contravention of section 11 of the Act based on this evidence.

### **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. In the Restraining Order of March 24, 2011, the Superintendent found this School to have been holding itself out as the operator of a private career college.

The evidence offered in the previous section of this Order clearly indicates that this School is still advertising an unregistered private career college and unapproved vocational programs. Specifically, Ms. Tso stated in her email to a former student that "...we have already did the application and registered for the pcc college, so now we can offer you additional classes and issue you a new certificate..."

This School is not registered as a private career college, and is therefore in contravention of section 7 of the Act for holding itself out as the operator of one.

### **Failure to comply with an order of the Superintendent made under section 46 of the Act**

On March 24, 2011, the Superintendent of Private Career Colleges issued a restraining order under section 46 of the Private Career Colleges Act, 2005 against 2166807 Ontario Inc. operating as Modern Pets Grooming Academy. That order contained the following paragraphs:

"As the Superintendent of Private Career Colleges, I believe that 2166807 Ontario Inc. operating as Modern Pets Grooming 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 unapproved vocational programs that require approval, in contravention of section 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; and
- Operating an unregistered private career college and holding itself out as the operator of a private career college, in contravention of section 7 of the Act.

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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 **March 31, 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 providing unapproved vocational programs that require approval;
- Has stopped charging fees for unapproved vocational programs that require approval; and
- Has stopped operating an unregistered private career college and holding yourself out as the operator of a private career college.”

A Designate came to the reasonable belief that this School is advertising itself as a private career college, advertising unapproved vocational programs, and soliciting former students to enrol as current students in an unapproved vocational program at an unregistered school based on Ms. Tso's actions between May 18 and May 19, 2011 in which she:

- Told former students that the School has completed their registration application and that the School is registered as a private career college when in fact it has not;
- Offered a former student additional classes and the issuance of a new certificate;
- Offered to set up meetings with students to discuss her offer of training;
- Advised a former student that the student could finish the remaining training in the program the student had been enrolled in and that the School would issue the student a certificate.

A Designate also came to the reasonable belief that this School is holding itself out as the operator of a private career college based on the evidence offered in the previous section.

It has therefore also been determined that this School has failed to comply with the order of the Superintendent issued on March 24, 2011 under section 46 of the PCCA, 2005 which specifically prohibited this School from advertising an unregistered private career college and unapproved vocational programs that require approval, as per section 11 of the Act and for holding itself out as the operator of a private career college, as per section 7 of the Act.

### **PRIOR ENFORCEMENT ACTION AND PRE-SCREENING APPLICATION**

On March 24, 2011, this School was issued a Restraining Order for advertising an unregistered private career college and unapproved vocational programs that require approval, operating an unregistered private career college, holding itself out as the operator of a private career college and for charging fees for unapproved vocational programs that require approval. At that time, the Superintendent exercised discretion in favour of the School and did not issue any financial penalties.

This School then submitted a pre-screening application on April 26, 2011 for an "MP Grooming Course." Ms. Tso advised in her application that this course is 34 hours in duration (1 week) and costs \$950. This course is significantly different from the two unapproved professional pet groomer training programs (Professional Dog Groomer Course and a Professional Assistant Dog Groomer Course) which this School was offering and delivering to students, as outlined in the Restraining Order of March 24, 2011. Both of those courses were over 40 hours in duration at a cost over \$1,000. On May 25, 2011, this School was issued an exemption letter for the "MP Grooming Course" stating that it does not require approval based on the fact that the course is less than 40 hours in duration.

Contrary to what the School has been writing to its former students, in an effort to solicit them into returning to complete their former programs, **the School has not even started to file any application for registration or program approval.**

Despite being aware of the requirement to register, this School is currently holding itself out as a private career college, as outlined above.

### **Legal and Operating Names**

An ONBIS search conducted on March 11, 2011 shows that 2166807 Ontario Inc. is an active Ontario business corporation incorporated on March 18, 2008. The registered office address is 10 East Wilmot Street, Suite 19, Richmond Hill, ON L4B 1G9. The business/ mailing/principal office in Ontario is listed as 62 Suncrest Boulevard, Suite 708, Thornhill, ON L3T 7Y6. Ka Man Tso is listed as

both a Director and an Officer at the Suncrest address. An ONBIS search on May 19, 2011 shows that this information has not changed.

The business name registered for this corporation is Modern Pets Grooming Academy. It was registered on March 18, 2008, the same day as the business was incorporated, and expires on March 17, 2013. The business carries on "Pets Grooming Services & Instruction." The corporate address and principal place of business is listed as 10 East Wilmot Street, Suite 19, Richmond Hill, ON L4B 1G9. The mailing address is listed as 62 Suncrest Boulevard, Suite 708, Thornhill, ON L3T 7Y6. An ONBIS search on May 19, 2011 shows that this information has not changed.

The exact same business name was registered for the sole proprietorship Modern Pets Grooming Academy on March 14, 2008. The business name expires on March 13, 2013. The business carries on "Pets Grooming Services & Instruction" at the exact same business location: 10 East Wilmot Street, Suite 19, Richmond Hill, ON L4B 1G9. The mailing address is also the same as the one for the active corporation: 62 Suncrest Boulevard, Suite 708, Thornhill, ON L3T 7Y6. Ka man Tso is listed as the sole proprietor at the Suncrest address. An ONBIS search on May 19, 2011 shows that this information has not changed.

Ms. Tso advised that she does not reside at the Suncrest Boulevard address, therefore the School will not be served at that address.