

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

Ministère de la Formation  
et des Collèges et Universités  
Direction du soutien aux étudiants  
9<sup>e</sup> étage, édifice Mowat  
900, rue Bay  
Toronto ON M7A 1L2



**SERVED BY FACSIMILE, REGISTERED AND REGULAR MAIL**

Friday, August 28, 2009

Ontario Academy of Science and Technology  
o/a Ontario Academy of Science and Technology  
3768 Bathurst Street, Suite 300  
Toronto, ON M3H 3M6

Attention: Ken Miller

Dear Sir:

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

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For the reasons set out in Schedule A, attached, I am of the view that the Ontario Academy of Science and Technology is not operating in compliance with the *Private Career Colleges Act 2005*.

**Unregistered Campus**

Pursuant to subsection 46(1) of the *Private Career Colleges Act, 2005*, I am directing you as the sole proprietor of Ontario Academy of Science and Technology to immediately cease and desist:

- Operating as an unregistered private career college at 3768 Bathurst St. Suites 208, 300 and 304 Toronto, ON M3H 3M6
- Offering unapproved vocational programs

The Ontario Academy of Science and Technology will deliver to me **by registered mail or courier and by no later than September 12, 2009** a written confirmation signed by an authorized officer or other official of the Ontario Academy of Science and Technology:

- a) that the Ontario Academy of Science and Technology is no longer in operation;
- b) that the Ontario Academy of Science and Technology has ceased advertising unapproved vocational programs;
- c) that the Ontario Academy of Science and Technology is no longer enrolling students;

- d) that the Ontario Academy of Science and Technology has issued refunds to students who were enrolled in unapproved vocational programs; and
- e) that the Ontario Academy of Science and Technology does not hold, directly or indirectly, any monies owing to current, former or prospective students with contracts with the school for vocational programs.

That letter must also provide:

- a) the names and addresses of all current and former Ontario Academy of Science and Technology students (vocational);
- b) the location of all the Ontario Academy of Science and Technology student (vocational) files; and
- c) a date and time that all files will be made available forthwith to Ministry staff for review.

If you will not operate your school in future, Ontario Academy of Science and Technology must confirm this in writing by September 12, 2009 as well.

If you wish to begin operating as a registered private career college, you must submit your applications for registration of a private career college and for approval of your vocational programs to the Superintendent by September 12, 2009. You must also provide a letter by September 12, 2009 setting out an explanation of the offering of and delivery of vocational programs prior to registration of your school and approval of your programs by the Superintendent. If you are not certain if a program requires approval, you must submit a pre-screening form for each such program by September 12, 2009.

### **Contraventions of the Private Career Colleges Act, 2005**

Pursuant to subsection 46(1) of the *Private Career Colleges Act, 2005*, I am directing you as the Ontario Academy of Science and Technology operating as the Ontario Academy of Science and Technology to comply with the legislation as follows:

1. The Ontario Academy of Science and Technology will **immediately** remove all unapproved vocational programs and any false or misleading information from its advertising and website.
2. The Ontario Academy of Science and Technology will provide my office with confirmation and evidence of the removal **by September 12, 2009**.
3. The Ontario Academy of Science and Technology will **immediately** stop enrolling students in unapproved programs, and refund tuition to those currently enrolled.
4. The Ontario Academy of Science and Technology will provide my office with confirmation and evidence that it has ceased enrolling students in non-approved programs and refunded tuition to those currently enrolled **by September 12, 2009**.

Letters to the Superintendent must be sent by registered mail or courier to the address above.

## **Failure to Comply with the *Private Career Colleges Act, 2005***

Note that if fees are collected from students in an unapproved program, the students will have the right to a full refund of those fees regardless of whether your institution has delivered the training.

If you continue to operate an unregistered campus and offer unapproved vocational programs despite this Restraining Order, you will be operating in violation of sections 7 and 8 of the *Act* and may be subject to penalties pursuant to s. 48 of the *Act*. This may preclude subsequent registration under the *Act* on the grounds that you are carrying on activities in contravention of the *Act*.

Note that a corporation that is found guilty of an offence under section 48 of the *Act* is subject to a fine of up to \$100,000, and any officer or director of a corporation who concurs in the commission of such an offence is also guilty of an offence, and on conviction subject to a fine of up to \$25,000 or imprisonment for a term of up to one year, or both.

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](http://www.e-laws.gov.on.ca).

In the event that you are unable to access any relevant information on e-laws, you may contact our offices at 416-314-0500 to request that copies of the relevant legislation be sent to you. You may also contact the above number if you have questions regarding this Order.

**Failure to comply with the terms of this Order may result in publication of the Order on the Ministry's public website and an application to the Superior Court of Justice for an Order compelling you to comply with Superintendent's Order. You may also be prosecuted for failing to comply with the Order and if convicted, liable as an individual to maximum fine of \$25,000, a maximum term of imprisonment of one year or both, and as a corporation, to a maximum fine of \$100,000.**

Sincerely,

Noah Morris  
Superintendent  
Private Career Colleges

Attachments:     Schedule A – Reasons for Decision  
                          Schedule B – Compliance with the *Private Career Colleges Act, 2005*

## **Schedule A – Reasons for Decision**

### **Facts in support of Restraining Order:**

#### **Background:**

On August 25, 2009, Ministry staff attended at 3768 Bathurst Street, Suites 208, 300 and 304, Toronto, ON M3H 3M6.

At that time, Ministry staff found a sign on the door of Suite 300 for the Ontario Academy of Science and Technology and Professional Development College of Ontario. Mr. Ken Miller, the owner was contacted and presented at the office to meet with Ministry staff. Mr. Miller informed Ministry staff that he was operating and teaching a PSW/Nursing Assistant program through the Ontario Academy of Science and Technology and that the Professional Development College of Ontario never existed. He also indicated that he currently had 12-15 students enrolled in the program and provided Ministry staff with a copy of the credential provided by the Ontario Academy of Science and Technology to graduating students.

#### **Legal and Operating Entities**

The Ontario Academy of Science and Technology was registered as a sole proprietorship on June 26, 1992. Its registered operating name is Ontario Academy of Science and Technology.

#### **Contravention of s.7 and 8 of the *Private Career Colleges Act, 2005* – operating an unregistered campus and delivering unapproved vocational programs**

Ministry staff found on the premises binders of training curriculum, student files of former and current students including student contracts and examinations and a classroom equipped with tables and chairs, whiteboard, a hospital bed, bed lift, wheelchair, crutches and other equipment used to teach personal support worker (“PSW”) programs. In addition, advertising material found on premises indicated that the Ontario Academy of Science and Technology was advertising the following non-approved vocational programs:

- Personal Support Worker
- Programmable Logic Controller
- Electronic Technician
- Electromechanical Technician
- Dental Technology
- Nursing Assistant
- Medical Assistant
- Health Services Administration
- Dietary Assistant
- Food Processing Technician
- Hospital Central Services Technician
- Industrial Laboratory Technician

- Cosmetic Technology
- Food Technology
- Pharmaceutical Technology

**Contravention of section 9 of the Private Career Colleges Act, 2005 – charging a fee in respect of an unapproved vocational program;**

One student was in attendance and indicated to Ministry staff that she was enrolled in a PSW/Nursing Assistant program offered by the Ontario Academy of Science and Technology.

Staff reviewed 6 student files, all of which stated a fee charged for the vocational program. These files were for the following students:

Name of Student	Program	Fee	Date of Contract
	No Program Listed on Contract	\$1800.00	September 15, 2007
	PSW/NA	\$2500.00	July 6, 2009
	PSW/NA	\$2,000.00	May 4, 2009
	PSW/NA/MT	None listed	December 10, 2008
	PSW/NA	None listed	August 13, 2007
	PSW/NA	None listed	August 13, 2007

**Contravention of section 11 of the Private Career Colleges Act, 2005 – advertising unapproved vocational programs.**

Ministry staff obtained at the school two brochures advertising the following headings:

- Computer Courses
- Professional Development Courses (including Dental Technology, PSW, Pharmaceutical Technology)
- Short Courses and Seminars Food Product Design

And two ‘notice’ type flyers (with easy-to-pull contact information tabs) advertising:

- PSW Training
- Certified Nursing Assistant/Personal Support Worker Training

Ontario Academy’s advertising of unapproved vocational programs is in contravention of Section 11 of the Private Career Colleges Act, 2005.

## Schedule B:

### Compliance with the *Private Career Colleges Act, 2005*

The first step towards ensuring compliance with the Act is the submission of full and complete registration documents for this unregistered campus and unapproved vocational programs. All private career college registration forms and guidelines, can be found at <http://www.serviceontario.ca>. Simply click on *Get the Forms You Need Quickly and Easily*, and follow the *Education and Training* link to *Private Career Colleges*. Once you review these documents, please call the telephone number listed above if you have any questions. A CD (instruction manual for registering your institution as well as a list of documentation required to complete registration) was provided to the Ontario Academy of Science and Technology on August 25, 2009.

If your institution intends to continue to offer a vocational program but is not yet registered under the *Private Career Colleges Act, 2005* and/or the program is not yet approved by the Superintendent of Private Career Colleges, your institution **cannot continue to advertise the program, accept/teach new students or collect any fees from new students.**

If your institution has chosen not to continue to provide vocational programs, please confirm this with a letter to the Superintendent of Private Career Colleges, September 12, 2009. This letter must include the names and contact information of current vocational students, the programs in which they are enrolled, and the date their training will be completed.