

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

**Served by email (Karen@muskokatraining.com), by Fax(705-645-7304) and by Courier**

February 2, 2011

Gary Douglas Pilger , President  
Severn-Washago Enterprises Ltd.  
Operating as Muskoka Training  
1677 Winhara Road  
Gravenhurst, ON P1P 1R1

and

Severn-Washago Enterprises Ltd.  
RR #2  
Bracebridge, ON P1L 1W9

Dear Mr. Pilger:

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 Severn-Washago Enterprises Ltd. operating as Muskoka Training ("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 **February 9, 2011** by registered mail or courier to my attention and confirm that you:

- Have stopped advertising an unregistered private career college and unapproved vocational programs that require approval;
- Have stopped enrolling students into unapproved vocational programs that require approval;
- Have provided the ministry with a list including the names and addresses of all current and former students;
- Have provided refunds to students who were enrolled in unapproved vocational programs that require approval;
- Are not holding, directly or indirectly, any monies owing to current, former, or prospective students of unapproved vocational programs that require approval;
- Are holding student files to be available for the Superintendent's staff to review; and
- Will not reopen as a Private Career College until such time, if any, as it has been registered.

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

Attachments:            Schedule A – Detailed Reasons for Decision

## Schedule A – Detailed Reasons for Decision

### Contravention of s. 11 – Restrictions on advertising and soliciting

On January 10, 2011, Superintendent's Designate ("Designate") reviewed the website [www.muskokatraining.com](http://www.muskokatraining.com), maintained by Muskoka Training. Muskoka Training is a formerly registered Private Career College. On December 27, 2010 Muskoka Training voluntarily decided to close as a Private Career College. As stated in correspondence to the school dated November 15, 2010, one of the stipulations to close is that they "must immediately cease advertising in any form that it is a registered PCC."

The website advertises the following two programs:

- Heavy Equipment Operator Training
- Truck Drivers Training

Muskoka Training Web Site Template

11-01-27 9:30 AM

The screenshot shows the Muskoka Training website. The header includes the logo "MUSKOKA TRAINING MT" and the text "MUSKOKA'S PREMIERE TRAINING INSTITUTION FOR HEAVY EQUIPMENT OPERATORS & TRUCK DRIVERS". Navigation links include Home Page, Why Choose Us, Course Outlines, Job Placement Assistance, Industry Resources, and Contact Us. The phone number 1-800-479-5339 is displayed. The "COURSE OUTLINES" section lists: Competitive tuition rates, High quality, up-to-date training, and Variable length programs to meet your needs. The "TRAINING for SUCCESS" section includes the slogan "LIVE • WORK • ENJOY" and a photo of a yellow excavator. The main content area describes the training as a premier school for entry-level operators and truck drivers. It lists "Heavy Equipment Operator Training" with equipment like Excavator, Bulldozer, Wheel Loader Backhoe, Road Grader, Crawler Loader, 4 Wheel Drive Loader, Skid Steer Loader, and Mini Excavator. It also lists "Truck Drivers Training" with topics like Vehicle operation/backing, Equipment coupling & uncoupling, Load Security, Evaluations, Log Book, Border Crossing, Procedures & Dangerous Goods, Government Regulations, and Air Brake Course. A section for "Training on various types of Trucks & Trailers" lists Flatbed, B/Trains, Tri-axle Dump Trucks, Loaded Trailers, and Roll-off. The footer contains the copyright notice "© 2010 Muskoka Training".

Both programs were formerly approved by the Superintendent and were part of the registered school's offerings before they closed as a Private Career College.

In response to an email sent by a designate on January 11, 2011, Karen McKenzie, who was the designated administrator when the school was registered, responded with the following regarding the Heavy Equipment Operator Training:

*"it is a 6 week program Monday thru Friday 8-5pm. The cost is \$9500.00 and the next course is February 14<sup>th</sup>, 2011 depending on enrolment. In the past we have run year round however we must have at least 3 students to put on a course. We also do the truck driver training as well for AZ."*

A calculation of the above schedule brings the program's total hours to at least 240 hours. Both the cost and the hours cited for the Heavy Equipment Operator Training meet the requirement for Superintendent approval for the program.

Based upon the evidence obtained, the Designate came to the reasonable belief that Muskoka Training is advertising a vocational program that requires approval by the Superintendent under the Act. The school has not obtained approval to offer this program since they closed on December 27, 2010 and is therefore in contravention of Section 11 of the Act.

#### **Act, s.7- Prohibition against operating a private career college**

The following evidence has formed the basis for the Designate's reasonable belief that Severn-Washago Enterprises Ltd. is holding itself out as the operator of a private career college:

- the evidence offered in the previous section that clearly indicates that the School is advertising vocational programs;
- when the School was registered the legal name of the school was listed as Severn-Washago Enterprises Ltd. ; and
- Severn-Washago Enterprises Ltd. is identified as the Owner/Operator of Muskoka Training on the school's website (see image below).



MUSKOKA'S PREMIERE TRAINING INSTITUTION  
FOR  
HEAVY EQUIPMENT OPERATORS & TRUCK DRIVERS

Home Page   Why Choose Us   Course Outlines   Job Placement Assistance   Industry Resources   Contact Us

1-800-479-5339

**CONTACT Us**

- Experienced Staff
- Excellent Job Placement record
- Strong Industry reputation

**TRAINING for SUCCESS**



LIVE ? WORK ? ENJOY



Muskoka Training is owned and operated by Severn Washago Enterprises, a successful family business for 3 decades.

**Located between Barrie and North Bay, Muskoka Training is well positioned to serve Central & Northern Ontario**

MUSKOKA TRUCK & HEAVY EQUIPMENT  
HEAVY EQUIPMENT OPERATOR TRAINING  
1677 Winhara Road  
GRAVENHURST, ONTARIO  
P1P 1R1

1-705-645-0000  
1-800-479-5339  
Contact Karen McKenzie:  
[karen@muskokatraining.com](mailto:karen@muskokatraining.com)



CLICK TO ENLARGE

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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.

**BACKGROUND:**

Severn-Wahago Enterprises Ltd operating as Muskoka Training registered as a Private Career College on February 22, 2002. On November 15, 2010, the School was sent both an email and a letter from a Designate which stated that they must cease advertising vocational programs when they close the school on December 27, 2011. The email stated the following:

*Cease advertising vocational programs or that you are a PCC as defined in section 11(1) of the PCC Act, 2005. This includes websites.*

The letter, sent on the same day, states the following:

*Please note that Muskoka Training is subject to the following requirements:*

1. **Muskoka Training** may not enroll students in programs that require approval under the *Private Career Colleges Act, 2005*.
2. **Muskoka Training** must immediately cease advertising in any form that it is a registered PCC.

On January 10, 2011, a Designate reviewed the website [www.muskokatraining.com](http://www.muskokatraining.com), maintained by Muskoka Training and found that the school was still advertising. A follow-up email on January 11, 2011 verified that they were still offering vocational programs.

### **Legal and Operating Entities**

Muskoka Training is a registered business name under the corporation Severn-Washago Enterprises Ltd. registered in the Province of Ontario. The corporation's president is Gary Douglas Pilger. The corporation has been registered since May 31, 1973.