

RESTRAINING ORDER

Served by email(msmith@sontair.com), by Fax(519-676-8433) and by Courier

February 3, 2011

Danny Rocheleau, President
Sontair Limited
291 Front Street,
Belleville, ON K8N 2Z6

and

2275 Cabana Road West
Windsor, ON N9G 1C7

and

8528 14th Line Raleigh Twp.
RR#2
Merlin, ON N0P 1W0

Dear Mr. Rocheleau:

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 Sontair Limited ("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;
- Providing unapproved vocational programs, contrary to subsection 8(1) of the Act; 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 10, 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. 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

OPERATION "Icarus"

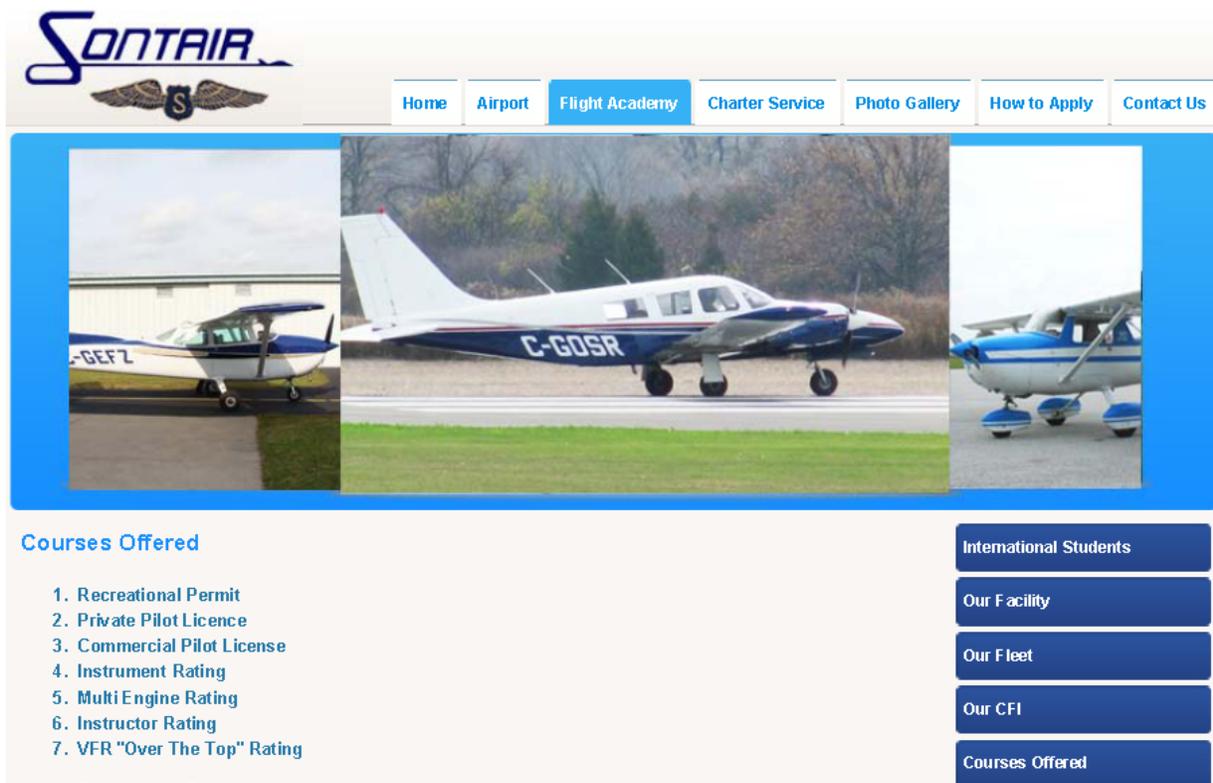
Pursuant to subsection 23(1) of the *Private Career Colleges Act, 2005* ("Act"), private career colleges that offer flight training programs which lead to Commercial Pilot License, Flight Engineer, Flight Instructor Rating or Integrated courses such as CPL and Instructor Rating, must have the programs approved by the Superintendent of Private Career Colleges.

In response to a concern about unapproved flight training programs, and their potential impact on public safety, Operation "Icarus" was launched. Its purpose was to identify illegal operators offering unapproved vocational programs that require approval under the Private Career Colleges Act, 2005 and to take the necessary enforcement action against them. This institution was identified as part of this operation.

Contravention of s. 11 – Restrictions on advertising and soliciting

On January 25, 2011, Superintendent's Designate ("Designate") reviewed the website www.sontair.com, maintained by the School. The website clearly indicated that it is offering both Commercial Pilot License and Instructor Rating programs. The Ministry considers both programs to be vocational under the Act.

Flight Academy :: Sontair



The screenshot shows the Sontair website's Flight Academy page. At the top left is the Sontair logo, which includes the word "SONTAIR" in a stylized blue font and a winged "S" emblem. To the right of the logo is a navigation menu with buttons for "Home", "Airport", "Flight Academy" (which is highlighted in blue), "Charter Service", "Photo Gallery", "How to Apply", and "Contact Us". Below the navigation menu is a large image gallery with three photos of small aircraft. The middle photo shows a white and blue Cessna 441 with the registration "C-GOSR" on the fuselage. Below the image gallery is a section titled "Courses Offered" with a list of seven items: 1. Recreational Permit, 2. Private Pilot Licence, 3. Commercial Pilot License, 4. Instrument Rating, 5. Multi Engine Rating, 6. Instructor Rating, and 7. VFR "Over The Top" Rating. To the right of this list is a vertical column of seven blue buttons: "International Students", "Our Facility", "Our Fleet", "Our CFI", and "Courses Offered".

3. Commercial Pilot License

Prerequisites:

- Applicants must be a minimum age of 18 years prior to the issuance of this permit. Training may begin prior to this age.
- Applicants must be a Canadian citizen, landed immigrant or a person lawfully admitted into Canada for flight training.
- The applicant must hold a valid Private Pilot Licence issued in Canada or by a contracting state prior to commencing the training
- Prior to undergoing any Flight Tests or Written Examinations, the applicant must successfully complete a Category 1 Medical Examination performed by a Transport Canada approved Aviation Medical Examiner.

Training Program:

Ground School

- A minimum of 80 hours ground instruction is required.

Flight Training

- 35 Hours dual (with instructor); and 30 Hours Solo Note: These flight training times are based on Transport Canada minimums and more training may be required.

Graduation Requirements

- The applicant must obtain a minimum of 60% on all four sections of the Transport Canada written

<http://www.sontair.com/Courses-Offered.html#cpl>[01/25/2011 10:10:44 AM]

Flight Academy :: Sontair

examination Commercial Pilot Aero plane (CPAER)

- The applicant must pass a Practical Flight Test conducted by a Transport Canada Designated Flight Test Examiner.
- The applicant must satisfy all training criteria as outlined in the Canadian Aviation Regulations (CARs).
- Also, 200 hours total flying experience is required including 100 hours as Pilot-In-Command prior to the issuance of this licence.

Privileges Of The Recreational Reemit Holder:

The commercial pilot licence entitles the holder to fly as Pilot-In-Command or Co-Pilot of an aircraft operated in a commercial air service. Also, the holder may exercise the privileges of a Private Pilot Licence, VFR Over-The-Top, Night Rating and on any class and type of aero plane endorsed on their licence that is not required to be operated by more than one pilot. For more information regarding the Commercial Pilot Licence, please contact us

6. Instructor Rating

Prerequisites:

- An applicant must hold a valid Canadian Commercial Pilot Licence or higher with 20 hours Instrument time, of which 10 hours shall be instrument flight time.
- Applicants must be a Canadian citizen, landed immigrant or a person lawfully admitted into Canada for flight training.
- Before commencing ground training, an applicant shall have successfully completed the written examination and flight test for the Commercial Pilot Licence.

Training Program:

Ground School

- A minimum of 25 hours of Instructor rating ground instruction.

Flight Training

- A minimum of 30 hours of dual flight instruction on overall pilot proficiency and the presentation of all exercises set forth in the Flight Instructor Guide. A minimum of 5 hours of training in the teaching of instrument flight skills. A maximum 5 of the 30 hours may be conducted on an approved aeroplane simulator or flight training device.

Graduation Requirements

- The applicant must pass a Practical Flight Test conducted by a Transport Canada Flight Test Examiner.
- An applicant shall obtain a minimum of 70% in the written examination Flight Instructor Rating - Aeroplane Class 4 (AIRAF).
- The applicant must satisfy all training criteria as outlined in the Canadian Aviation Regulations (CARs).

Privileges Of The Recreational Permit Holder:

Conduct dual instruction for a pilot permit or licence, or endorsement of a night or VFR OTT rating on the latter
Recommend a trainee for a night or VFR OTT rating
Recommend a trainee for flight tests on permits or licences
Authorize a trainee for solo flight Instruct on ultra light aircraft with out being supervised

The School is currently in the process of registering as a Private Career College but has not yet received approval to operate as such. A pre-screening for the program, Commercial Pilot Licence was submitted by the School on August 11, 2010. A response was sent from the Ministry on September 24, 2010 informing the school that the Commercial Pilot Licence program requires approval by the Superintendent. Their subsequently submitted program information relevant to the Commercial Pilot Licence program describes the program as having a 52 week length with a total of 295 hours, tuition fees of \$42,000, book fees of \$650 and other fees of \$1,660. The other program, Flight Instructor, is also considered to be a vocational program needing the Superintendent's approval. However the program has yet to be submitted. The School is clearly advertising the vocational programs on their website prior to having the superintendent's approval to offer the programs.

Therefore, based on the evidence obtained, the Designate came to the reasonable belief that the School is advertising a vocational program that requires approval by the Superintendent under the Act and is therefore in contravention of Section 11 of the Act.

Contravention of s. 8(1) – Prohibition against providing vocational programs

The preceding sections laid out the evidence that the school is advertising a vocational program and clearly establishes that the Commercial Pilot Licence is a vocational program. On January 25, 2011, a Designate of the Superintendent (Designate) emailed the school requesting information regarding the price of the program, whether the program is currently being offered and advice on when the Designate could start the program. The School responded on January 25, 2011 stating the following:

Currently we do offer both the courses i.e. CPL and instructor, and you could start as soon as you want. I am not sure what stage of training you are at, depending on your requirements I could offer you a price.

The price of the Commercial Pilot Licence program is clearly stated in the submission for registration and has already been established in the previous section as being vocational. The information in this email response demonstrates that the School is currently offering unapproved vocational programs. Therefore, since the School is not registered as a private career college under the Act, and the Commercial Pilot Licence program is not approved by the Superintendent, offering the program is prohibited under section 8 of the Act.

Contravention of s.7- Prohibition against operating a private career college

The following evidence has formed the basis for the Designate's reasonable belief that Sontair Limited is holding itself out as the operator of a private career college:

- the evidence offered in the previous sections that clearly indicates that the School is advertising and offering vocational programs;
- when the School submitted their registration information to the Ministry the legal name of the school was listed as Sontair Limited; and
- in the email response to the Designate's inquiry the signature indicated it was from Farooq Bhatti, Airport Manager, Municipality of Chatham-Kent, General Manager, Sontair Limited (see below)

From: Farooq Bhatti (Farooq.Bhatti@sontair.com)
To:
Date: Tue, January 25, 2011 9:17:53 PM
Cc:
Subject: re: CPL and Instructor Rating

Dear

Thank you for your interest at Sontair Ltd

Currently we do offer both the courses i.e CPL and instructor, and you could start as soon as you want

i am not sure what stage of training you are at, depending on your requirements i could offer you a price.

Farooq Bhatti
Airport Manager
Municipality of Chatham-Kent
General Manager
Sontair Limited
Office-Phone: 519-676-3455
Toll-Free: 1800-716-2162
Fax: 519-676-8433
Email: fbhatti@sontair.com
Website: <http://www.sontair.com>

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:

On August 11, 2010, Sontair Limited submitted a pre-screening for the program Commercial Pilot Licence. The Ministry emailed a response on September 24, 2010 stating that the program required approval and further stated:

Until such time as your institution has been registered and your program has been approved, it is a violation under Sections 7, 8 and 11 of the Private Career Colleges Act, 2005 to deliver or advertise the delivery of your vocational program. In addition, under Section 9 of the Act an institution cannot charge or collect a fee in relation to a vocational program until the registration and program approval process is complete.

Sontair Limited then proceeded to complete the information requirements on the Ministry's database (RICC) but to date the application remains "in progress" on RICC and no hard copy submissions have been received by the Ministry.

On January 25, 2011, Superintendent's Designate ("Designate") reviewed the website www.sontair.com, maintained by the School. The website for the school clearly indicates that it is offering both Commercial Pilot License and Instructor Rating.

Legal and Operating Entities

Sontair Limited is a registered corporation in the Province of Ontario. The corporation's president is Danny Rocheleau. The corporation has been registered since December 29, 1969.