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PARTICULARS OF A NOTICE OF PROPOSAL TO REFUSE RENEWAL OF REGISTRATION WHICH WAS UPHeld BY THE LICENCE APPEAL TRIBUNAL

Toronto College of Technology Inc.

July 5, 2013

These particulars are posted following the issuance of a Notice of Proposal to Refuse Renewal of Registration to the Toronto College of Technology Inc. on October 4, 2012 pursuant to section 18(2) of the *Private Career Colleges Act, 2005* ("Act"). The Notice of Proposal was appealed to the Licence Appeal Tribunal under section 19(3) of the Act and hearing was held before the Licence Appeal Tribunal between May 6, 2013 and May 14, 2013.

The Licence Appeal Tribunal issued a Decision dated July 5, 2013, and made the following Order upholding the Superintendent's proposal to not renew the registration of the Toronto College of Technology Inc.: [7695 v. Registrar, Private Career Colleges Act, 2005, 2013 CanLII 41477 \(ON LAT\)](#)

The Licence Appeal Tribunal Analysis and Order are copied below:

ANALYSIS

The evidence against the Applicant was compelling. Indeed, the Applicant did not seriously defend most of the allegations against it.

Mr. Pu's testimony was self-serving and unconvincing. He tended to blame others for the Applicant's problems. For example, when faced with the incontrovertible evidence that the Applicant had refunded part of QZ's tuition to her, Mr. Pu said the entry in the general ledger of Applicant was a "mistake" of an unnamed part-time bookkeeper.

The most outrageous behaviour of the Applicant related to the refund issue. Mr. Pu, and probably Mary Yang, determined in 2009 to induce students to attend their School. They knew that they could not simply refund part of a student's tuition because the standard contract of Second Career required that such a refund be shared proportionately with Second Career. So they broke the fees down into tuition, materials, books and examinations and proceeded to grant refunds from the latter group. Of course, there were no books, materials or examinations as demonstrated by the ineluctable fact that none of the self-supporting students were charged for them.

The Tribunal found it particularly telling that at least three witnesses emphasized that these funds were made to assist students to buy laptops. However, they knew perfectly well that under the schedule to the Second Career standard contract, Second Career financing did not include the costs of computers and other capital costs".

The Applicant went even further and granted refunds for a microphone and laptop case (Exhibit 1 9); Microsoft Office Pro (Exhibit 20); and professional liability insurance (Exhibit 22).

The Applicant reached its nadir when it reimbursed a student for a kitchen table and a rice cooker.

Counsel for the Applicant attempted to excuse most of the behaviour of Mr. Pu and his confederates as being based on an "honest but mistaken belief". The Tribunal rejects this characterization in the strongest possible terms. Rather, the Tribunal finds that the Applicant failed to operate the private college in accordance with the law and with honesty and integrity.

The Tribunal finds that each and every allegation of the Superintendent in his Notice of Proposal has been proven on a balance of probabilities. It follows, therefore, that this School must be denied registration under the Act.

ORDER

The Superintendent shall refuse to renew the registration of the Applicant under the Act.

LICENCE APPEAL TRIBUNAL