

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



**VIA FAX 416-260-9997 AND REGISTERED MAIL**

## RESTRAINING ORDER

October 6, 2009

Toronto School of Music Inc., operating as Toronto School of Music Canada  
3396 Bayview Avenue  
North York, ON M2N 3S3

Attention: Mr. Colin Yip

This is a **Restraining Order** issued under the authority of section 46 of the *Private Career Colleges Act, 2005* (PCCA, 2005). As the Superintendent of Private Career Colleges, I hereby order Toronto School of Music Inc., operating as Toronto School of Music Canada, to cease operating in contravention of the PCCA, 2005. The specific contraventions include: operating as an unregistered private career college, contrary to section 7 of the PCCA, 2005; offering vocational programs that are not approved by the Superintendent of Private Career Colleges, contrary to section 8 of the PCCA, 2005; charging a fee in respect of an unapproved program at an unregistered school, contrary to section 9 of the PCCA, 2005; advertising an unregistered private career college and unapproved vocational programs, contrary to subsections 11 (1) and (2) of the PCCA, 2005 and charging and accepting fees for vocational programs in a foreign currency, contrary to subsection 44(6) of Ontario Regulation 415/06.

The detailed reasons supporting my order are set out in Schedule A, attached.

Toronto School of Music Inc., operating as Toronto School of Music Canada must **immediately** take the steps outlined below in this order to comply with the PCCA, 2005. Toronto School of Music Inc., operating as Toronto School of Music Canada must also 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 registered mail or courier to my attention **by October 20, 2009**.

Toronto School of Music Inc., operating as Toronto School of Music Canada must confirm that it:

1. has stopped operating as a private career college;
2. has stopped advertising unapproved vocational programs;
3. is not enrolling students in unapproved vocational programs;
4. has attached a list including the names and addresses of all current students enrolled in unapproved vocational programs;
5. has issued refunds to students who were enrolled in unapproved vocational programs;
6. is not holding, directly or indirectly, any monies owing to current, former, or prospective students of unapproved vocational programs;
7. is holding student files and will make them available for the Superintendent's staff to review if need be; and
8. a) will not continue offering unapproved vocational programs, OR  
b) will not continue offering unapproved vocational programs until and unless it is properly registered as a private career college and has obtained approval for all vocational programs as required under the PCCA, 2005.

If Toronto School of Music Inc., operating as Toronto School of Music Canada proposes to offer vocational programs, it may only do so if it is registered under the PCCA, 2005 and its vocational programs are approved by the Superintendent of Private Career Colleges. Toronto School of Music Inc., operating as Toronto School of Music Canada must apply for registration and approval by **October 20, 2009** by doing the following:

9. Submit completed online applications for registration of a private career college and for approval of all vocational programs as listed in Schedule A.
10. Submit required hard copy documents for the application for registration of a private career college and for approval of all vocational programs.
11. Explain in writing why Toronto School of Music Inc., operating as Toronto School of Music Canada was advertising, offering, and enrolling students in vocational programs prior to obtaining approval of those programs from and prior to registration of Toronto School of Music Inc., operating as Toronto School of Music Canada, by the Superintendent.
12. Provide the Superintendent with documents showing current business name registration in Ontario.
13. Undertake to charge and accept payment of fees for approved vocational programs in Canadian dollars only.

Further information regarding applications for registration and approval is found in Schedule B, attached.

## **Consequences of Failure to Comply with this Order**

Failure to comply with this order may result in any or all of the following actions by the Superintendent:

1. Publication of this order on the Ministry's public website;
2. Application for a court order from the Superior Court of Justice to compel Toronto School of Music Inc., operating as Toronto School of Music Canada to comply;
3. Prosecution for the offence of failure to comply. Upon conviction by a court of that offence, a corporation may be subject to a maximum fine of \$100,000; an individual, including an officer or director of a corporation who concurs in the commission of the offence, may be subject to a maximum fine of \$25,000, a prison term of up to one year, or both.

## **Obtaining a Copy of the PCCA, 2005**

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

Sincerely,

Noah Morris  
Superintendent  
Private Career Colleges

Attachments:

- Schedule A – Detailed Reasons for Decision
- Schedule B – Compliance with the PCCA, 2005

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

### **Background**

On September 16, 2009, Ministry staff visited Toronto School of Music Inc., operating as Toronto School of Music Canada to determine if the school is offering diploma programs in professional music, which is considered to be vocational within the meaning of the PCCA, 2005.

### **Legal and Operating Names**

The legal name of the business is Toronto School of Music Inc., operating as Toronto School of Music Canada. The Ontario business name registration expired on January 1, 2004. A business name search conducted on August 16, 2009 indicates that the business is registered as an Ontario corporation.

### **Contravention of sections 7 and 8 of the PCCA, 2005 – Operating an Unregistered Private Career College and Delivering Unapproved Programs**

An internet search of the school's website (<http://www.torontoschoolofmusic.com/>) conducted on September 3, 2009 indicated the school offers two full-time unapproved diploma programs: (i) a four year Diploma I Program designed for high school graduates who wish to become professional musicians; and (ii) a two year Diploma Program II which prepares students for sole performance careers or entry level positions as music instructors.

Tuition fees for Canadian/landed immigrant and non-Canadian Visa students for both programs are listed on the school's website.

An in person interview was conducted on September 16, 2009 with a staff member who identified herself as [REDACTED]. [REDACTED] advised that the President of the school, Colin Yip, was presently in China. [REDACTED] advised that she did not know how many students were currently enrolled in the school and gave Ministry staff a tour of the facility, which included several classrooms with pianos and an office for Mr. Yip and other administrative staff of the school.

Ministry staff spoke to Mr. Yip on the telephone during the visit to the school on September 16, 2009. Mr. Yip advised he has been working with the federal immigration department with respect to his school, but did not elaborate further. Ministry staff found a number of foreign student passports in the student files examined.

During the visit, Ministry staff examined student files of the school. The following seized records demonstrate that the Toronto School of Music Inc., operating as

Toronto School of Music Canada has been operating as an unregistered school and delivering unapproved vocational training since at least 2002:

### **Student Letters of Acceptance**

- A letter of acceptance for a student into the Artist Diploma Program for the 2009/2010 academic year, dated February 2, 2009, with musical instruction set to begin as of September 1, 2009.
- A letter of acceptance for admission into the Artist Diploma Program in Piano for the 2008/2009 academic year with confirmation full payment of fees has been received, dated November 28, 2007. The letter states: "Music will be pursued at an advanced level, preparing students for solo performance careers or entry level positions as music instructors. A certificate will be awarded to students who successfully complete this program."
- Letters of acceptance for the Professional Performance Diploma Program for the 2007 and the 2006 academic years, dated September 8, 2006 and May 27, 2006 respectively.
- A letter of acceptance for a student into the two year Full time Artist Diploma Program, dated March 26, 2002.

### **Student Forms and Documentation**

- A Student Attendance Sheet for 2009 listing student and teacher names.
- A Student Application Form.
- A Report Card for a student in the Artist Diploma Program in Piano, dated March 21, 2005, copy of diploma, and letter of acceptance.

### **Teacher Forms**

- A Teacher's Timesheet filled in with a teacher's hours for August 2009, the teacher's schedule for August 2009 and the teacher's resume (updated to 2009).
- An Employment Application Form for teachers.
- A Teacher Registration Form for a Voice Teacher/Diction Coach filled in by an applicant.
- A salary list for 20 teachers and employees.

### **Unapproved Program Information**

- A document specifying tuition fees and financial assistance for a doctor degree (music education), professional advanced certificate program (master degree) and professional performance diploma (bachelor degree).
- A handout description of the four year Professional Performance Diploma in Woodwinds with a list of the fourteen credit courses. The description specifies: "This program is designed for both high school graduates who wish to become professional musicians." The handout includes the school's name, address, telephone number, website address and email contact information for the school.

- A handout description for the two year Artist Diploma Program, with a list of the six credit courses. The description specifies: "...Music will be pursued at an advanced level, preparing students for solo performance careers or entry level positions in music instructors..."
- A letter dated May 16, 2005 from the Vice-President of the school to a Canadian university advising that the Toronto School of Music "...offers a variety of diplomas and certificates as well as a BMus degree mostly in voice and piano."

Mr. Yip is holding himself out as the operator of a private career college which is unregistered, which is a contravention of section 7 of the PCCA, 2005.

### **Contravention of section 9 of the PCCA, 2005 – Charging a Fee in Respect of an Unapproved Program at an Unregistered School**

Written documentation seized from the school on September 16, 2009 indicates that this school is charging fees for a four year Diploma I Program and a two year Diploma Program II.

Each letter of acceptance seized by Ministry staff specifies tuition fees for each school year. The letter of acceptance dated February 2, 2009 for the Artist Diploma Program described above specifies that tuition fees for the student are \$15,000 US for each school year. An official receipt indicates the Toronto School of Music Inc., operating as Toronto School of Music Canada received \$20,000 for tuition and living expenses from this student.

Therefore, Toronto School of Music Inc., operating as Toronto School of Music Canada is in contravention of section 9 of the PCCA, 2005 for charging a fee for an unapproved program at an unregistered school.

### **Contravention of Subsections 11(1) and (2) of the PCCA, 2005 – Advertising Unregistered Private Career College and Unapproved Programs**

Toronto School of Music Inc., operating as Toronto School of Music Canada's website advertises the existence of the school and its two unregistered professional music diploma programs.

Written advertising collected at the school on September 16, 2009 specifies that "[the extension division] encompasses classical music and jazz studies and includes curriculum leading to the award of a Diploma or advanced certificate."

There is also large signage on the front lawn of the school advertising the school's existence on both sides of the sign.

Therefore, Toronto School of Music Inc., operating as Toronto School of Music Canada is in contravention of Subsections 11(1) and (2) of the PCCA, 2005.

**Contravention of Subsection 44(6) of Ontario Regulation 415/06 – Charging and Accepting Fees for Vocational Programs in Foreign Currency**

A private career college shall only charge and accept payment of a fee in relation to a vocational program in Canadian dollars. Toronto School of Music Inc., operating as Toronto School of Music Canada is in violation of this provision because the school is charging students tuition fees in US dollars.

## **Schedule B – Compliance with the PCCA, 2005**

If you wish to operate a private career college, the first step towards ensuring compliance with the PCCA, 2005 is the submission of full and complete registration documents for this unregistered private career college and for all unapproved vocational programs. Please note that a separate registration is required for each campus (different location) of a private career college, together with separate approval of programs to be offered at each campus.

**As reflected in the Restraining Order attached, you must not operate the school, advertise, collect fees from or enrol students until and unless your private career college is registered and your programs are approved. If you have been operating, you must stop offering and advertising all unapproved vocational programs until a determination is made by the Superintendent of Private Career Colleges on whether to register the school and approve its programs.**

All private career college registration forms and guidelines can be found at [www.serviceontario.ca](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*.

If you have any questions after reviewing the forms and the manual, please call the Private Career Colleges Unit at (416) 314-0500.