

RESTRAINING ORDER

Served by fax to (905)-573-8911, e-mail to trucktrainingacademy@cogeco.net and tta@cogeco.net, and courier

May 4, 2010

Ivor Trans Inc.
o/a Truck Training Academy of Stoney Creek
298 Grays Road
Stoney Creek, Ontario, L8E 1V5

Attention: Emir Smajlagic, Director

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 Ivor Trans Inc. o/a Truck Training Academy of Stoney Creek (Truck Training Academy) TO STOP OPERATING IN CONTRAVENTION OF THE PRIVATE CAREER COLLEGES ACT, 2005 (PCCA, 2005).

The detailed reasons supporting my order are set out in Schedule A, attached. In brief, Truck Training Academy has:

- offered vocational programs that were not approved by the Superintendent of Private Career Colleges, contrary to section 8 of the PCCA, 2005;
- charged fees for an unapproved vocational program contrary to section 9 of the PCCA, 2005;
- made substantial changes to an approved vocational program without the prior approval of the Superintendent, contrary to section 23(6) of the PCCA, 2005;
- advertised a program that is not a vocational program without using the prescribed wording, contrary to section 33 of the PCCA read with O. Reg 415/06 s. 16 (1) paragraph 5; and
- published an advertisement in a language other than French or English without maintaining a translation of the advertisement, contrary to section 17 of O. Reg 415/06.

Truck Training Academy 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 **immediately** by registered mail or courier to my attention and confirm that Truck Training Academy:

- has stopped providing unapproved vocational programs that require approval;

- has stopped charging fees for unapproved vocational programs that require approval;
- has stopped delivering its approved vocational programs with substantial differences compared to how they were approved;
- has added the required wording to any non vocational programs that do not require approval; and
- has removed any advertisements using a language other than French or English for which Truck Training Academy has not maintained a translation.

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. Application for a court order from the Superior Court of Justice to Truck Training Academy to comply;
2. The issuance of further Administrative Monetary Penalties;
3. Prosecution for offences under the Act. Upon conviction by a court of that offence, a corporation is subject to a fine of up to \$100,000; an individual, including 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.

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.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.

Sincerely,

ORIGINAL SIGNED BY

Allan Scott
Superintendent
Private Career Colleges

Attachments: Schedule A – Detailed Reasons for Decision

Schedule A

Contravention of section 8 of the PCCA, 2005 - Prohibition against providing vocational programs

Truck Training Academy was registered as a private career college on July 23, 2004. Initially, Truck Training Academy was approved to deliver a 136 hour Tractor Trailer Driver Training program (AZ) for \$4,000. On July 21, 2006, Truck Training Academy received Ministry approval to increase the contact hours to 150, and the cost to \$5,200. The cost was later increased to \$5,900 on February 7, 2008.

During an April 1, 2010 inspection of Truck Training Academy, Ministry staff found a letter dated July 17, 2009 acknowledging the acceptance of ██████ to a 100 hour DZ Tractor Trailer Driver Training program for \$4,400. On April 21, 2010, Ministry staff requested further information about this student's interaction with Truck Training Academy. On April 23, 2010, Tanya Smajlagic, Operations Manager of Truck Training Academy, confirmed via e-mail that this student was admitted into a D-Z program.

This course corresponds to National Occupational Classification (NOC) code 7411 – Other Truck Drivers, is over 40 hours in length and \$1,000 in cost and is thus a vocational program within the meaning of the Private Career Colleges Act, 2005 and is required to be approved by the Superintendent pursuant to section 23 of the Act. As Truck Training Academy had not received approval to deliver this program, the school was prohibited from provided it in accordance with section 8 as noted above.

Contravention of section 9 of the PCCA, 2005 – Charging Fees for Unregistered Private Career College and Unapproved Programs

Truck Training Academy was registered as a private career college on July 23, 2004. Initially, Truck Training Academy was approved to deliver a 136 hour Tractor Trailer Driver Training program for \$4,000. On July 21, 2006, Truck Training Academy received Ministry approval to increase the contact hours to 150, and the cost to \$5,200. The cost was later increased to \$5,900 on February 7, 2008.

During an April 1, 2010 inspection of Truck Training Academy, Ministry staff found a letter dated July 17, 2009 acknowledging the acceptance ██████ to a 100 hour DZ Tractor Trailer Driver Training program for \$4,400. When Ministry staff requested further information about this student's interaction with Truck Training Academy, on April 23, 2010, Tanya Smajlagic confirmed that this student was admitted into a D-Z program.

The file for this student contained a payment stub from Employment Ontario dated August 12, 2009 for \$4,400. It also contained an invoice dated August 6, 2009 confirming that \$4,400 had been paid for the course.

Contravention of section 26(6) of the PCCA, 2005 – Changes to vocational program

Truck Training Academy was registered as a private career college on July 23, 2004. Initially, Truck Training Academy was approved to deliver a 136 hour Tractor Trailer Driver Training program for \$4,000. On July 21, 2006, Truck Training Academy received Ministry approval to increase the contact hours to 150, and the cost to \$5,200. The cost was later increased to \$5,900 on February 7, 2008. Prior to each of these changes, Truck Training Academy filed the requisite paperwork with the Ministry, and followed the proper procedures. Truck Training Academy, therefore,

was aware not only of the legislation pertaining to changes to vocational programs, but was also familiar with the process to make those changes.

During an April 1, 2010 inspection of Truck Training Academy's facility at 298 Grays Road and the subsequent investigation, Ministry staff found that between January, 2007 and August, 2009, Truck Training Academy enrolled the following students in its Tractor Trailer Driver program: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED], each of whom were funded by Employment Ontario. With the exception of the airbrakes components Truck Training Academy did not provide the practical portion of the training to these students. Instead, Truck Training Academy sent these seven students to an unregistered private career college named Truck Training Academy of Cambridge and Kitchener, of which Emir Smajagic, director of Truck Training Academy of Stoney Creek, was a co-owner. These students received approximately 30% of their training in a location, by an instructor, and with equipment which were not part of the approved program and was therefore substantially different than the program for which Truck Training Academy has received approval to deliver.

Contravention of section 33 of the PCCA read with O. Reg 415/06 s. 16 (1) paragraph 5 – Content of Advertisement

On April 4, 2010, the website belonging to Truck Training Academy was reviewed by Ministry staff who found it bearing the words "Truck Training Academy of Stoney Creek is REGISTERED AS A PRIVATE CAREER COLLEGE UNDER THE PRIVATE CAREER COLLEGES ACT, 2005." The website contained several pages, one of which was titled "Licences" which promotes an AZ, DZ and fork lift course, and another that was called "Seminar Content" which provided a long list of seminars being offered by Truck Training Academy.

Aside from the AZ program for which Truck Training Academy has received the Superintendent's approval, none of the courses listed on these pages required approval under the Private Career Colleges Act, 2005. However, the website's description of these courses was not followed by the wording prescribed by section 33 of the Private Career Colleges Act, 2005 read with O.Reg 415/06.

Contravention of section 17 of O. Reg. 415/06 – Advertising records

On April 4, 2010, the website belonging to Truck Training Academy was reviewed by Ministry staff who found it bearing text which was not French or English. Ministry staff phoned Truck Training Academy and requested a translation. Tanya of Truck Training Academy advised that they did not have a copy of the translation on hand.

As Truck Training Academy published an advertisement in a language other than French or English without having a professional translation available, they contravened section 17 of O.Reg 415/06.



BACKGROUND

Truck Training Academy was registered as a private career college on July 23, 2004. January 2010, Ministry staff became aware of an organization called Truck Training Academy of Cambridge and Kitchener and subsequently launched an investigation into the connection between the two schools.

Legal and Operating Entities

On March 3, 2010, Ministry staff conducted an ONBIS search and found that Ivor Trans Inc. was incorporated on May 30, 2002. Truck Training Academy of Stoney Creek was first registered as a business name on June 22, 2004, but expired on June 21, 2009. Ivor Trans Inc. registered the same business name again on September 3, 2009.