

## 3<sup>rd</sup> RESTRAINING ORDER

Served by fax to (416)593-1849, e-mail to [jasonj@wtccanada.com](mailto:jasonj@wtccanada.com), and courier

September 24, 2010

1397280 Ontario Ltd.  
Known as Western Town College  
2040 Yonge St. Suite 300  
Toronto ON M4S 1Z9

Attention: Jason Joo

This is a 3<sup>rd</sup> **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 1397280 Ontario Ltd. known as Western Town College (Western Town College) 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, Western Town College is:

- advertising an unregistered private career college and advertising unapproved vocational programs, contrary to sections 11(1) and (2) of the PCCA, 2005, respectively;
- 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; and
- charging fees for an unapproved vocational program contrary to section 9 of the PCCA, 2005.

Western Town College 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 Western Town College:

- has stopped advertising an unregistered Private Career College and unapproved vocational programs that require approval;
- has stopped operating as a private career college;
- has stopped providing unapproved vocational programs that require approval;
- has stopped charging fees for unapproved vocational programs that require approval;

- has provided the ministry with a list including the names and addresses of all current students;
- has provided refunds to students who request refunds in writing and who were enrolled in unapproved vocational programs that require approval;
- is not holding, directly or indirectly, any monies owing to current, former, or prospective students of unapproved vocational programs that require approval;
- is 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.

### **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 Western Town College 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. a corporation is subject to a fine of up to \$250,000;
  - b. an individual is subject to a fine of up to \$100,000, a prison term of up to one year, or both; and
  - c. 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 <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.

Sincerely,

ORIGINAL SIGNED BY

Allan Scott  
 Superintendent  
 Private Career Colleges

Attachments:        Schedule A – Detailed Reasons for Decision

## Schedule A – Detailed Reasons for Decision

### Contravention of section 11 of the PCCA, 2005 – Advertising Unregistered Private Career College and Unapproved Programs

On September 16, 2010 Ministry staff received an e-mail from an anonymous person who advised that she was referred to Western Town College by a recruitment agency for a Teaching English to Speakers of Other Languages (TESOL) course. In response to the tip, a Designate of the Superintendent (Designate) reviewed Western Town College's website and found advertisements for both a TESOL course and a Teaching Young Children course, though the website stated that they were only available in Vancouver.

The screenshot shows a Microsoft Internet Explorer browser window displaying the Western Town College website. The address bar shows the URL: [http://www.wtccanada.com/english/program\\_0301.jsp](http://www.wtccanada.com/english/program_0301.jsp). The website header includes the Western Town College logo, navigation links (LOGIN, JOIN MEMBERS, SITEMAP, OTHER LANGUAGE), and a language dropdown set to English. Below the header is a navigation menu with links for Registration, Campus, Life @ WTC, News, Electives, and About WTC. The main content area features a large banner for the 'WTC Program' with the text: 'To help students reach their education and career goals, WTC offers students a safe and friendly studying environment.' Below the banner is a breadcrumb trail: Home > Program > Teacher Training Programs > TESOL. The 'TESOL' section is titled '(Vancouver Only)' and describes the program as consisting of eight weeks of classroom instruction followed by a four-week practicum. It also mentions that the program is divided into AM and PM portions and that there are no classes on Friday afternoons. A sidebar on the left lists various programs under 'General English', 'Test Preparation Courses', and 'Teacher Training (Vancouver Campus Only)'. The browser's status bar at the bottom shows 'Done, but with errors on page.' and the system tray displays the date 'September 21, 2010' and the time '4:05 PM'.

On September 20, 2010, a Designate attended Western Town College at 300-2040 Yonge St to obtain further information. During the visit the Designate interviewed staff members, Andy An, Vice President, and Helen Song, Academic Coordinator. When the Designate asked Andy and Helen if Western Town College is delivering a TESOL or Teaching Young Children (TYC) course, they stated that the school stopped offering those courses pursuant to the July 8, 2010 restraining order. They did,

however, acknowledge that Western Town College is delivering two similar programs named Teacher Training Preparation Program (TTPP) (which replaced TESOL) and English as a Second Language Methods for Children (EMC) (which replaced TYC). Andy stated that TTPP is eight weeks long and costs \$2,600 and EMC is four weeks long and costs \$1,300. A class schedule was provided to the Designate which stated that each day has 5.6 classroom hours. Therefore, TTPP is 224 hours and EMC 112 hours in length.

The Designate proceeded to speak with a Western Town College instructor who described the TTPP program as being “TESOL lite” and confirmed that the focus of the course is teaching people how to teach English. The Designate also obtained a copy of Western Town College’s syllabus for the TTPP and EMC courses, and compared their contents against that of the Western Town College’s former TESOL and TYC courses. The Designate found them to have extremely similar content, except TTPP and EMC have no practical component.

The Designate asked Andy and Helen how Western Town College recruits its students. They advised that all of their students are sent to them by agents. The Designate found several copies of two brochures; one in Japanese and the other in English. The Designate was advised that the content was the same in both documents. The English version was found to promote Western Town College’s TESOL and TYC programs. The Designate asked Andy if these brochures are still in circulation. Andy confirmed that all of Western Town College’s agents still have and use these brochures. The Designate also obtained confirmation that the agent listed by the abovementioned anonymous person does work with Western Town College.

Further, the aforementioned brochures are still being used by Western Town College’s agents, who are in turn sending students to their school for their TTPP and EMC programs. Western Town College is, therefore, using promotional materials for its TESOL and TYC programs to recruit students for its TTPP and EMC programs.

On July 8, 2010 in response to the Superintendent’s Restraining Order, Jason Joo of Western Town College sent a letter to the Superintendent containing the statement: “All advertising of Western Town College as a career college and advertising of all its vocational programs (TESOL/TYC) in Toronto have been stopped.” Contrary to Jason Joo’s claim, Western Town College did not, in fact, come into compliance with the July 8, 2010 Restraining Order as it knowingly left a brochure in circulation that promoted TESOL and TYC programs.

TTPP, EMC, TYC and TESOL programs correspond to National Occupational Classification (NOC) code 4131 – College and Other Vocational Instructors. Based on the evidence gathered the TTPP, EMC, TYC and TESOL programs offered by Western Town College fit the definition of vocational programs requiring the approval of the Superintendent according to the PCCA, 2005. Since these programs are not approved, advertising of same is prohibited in accordance with Section 11 (2) of the PCCA, 2005.

**Contravention of section 7 of the PCCA, 2005 - Prohibition against operating a private career college and**

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

On September 20, 2010, a Designate attended Western Town College at 300-2040 Yonge St to make inquiries into the training being delivered by that school. The Designate interviewed staff members Andy An, Vice President, and Helen Song, Academic Coordinator, who confirmed that Western Town College was currently delivering a TTPP and a EMC program. Upon request, Andy and another Western Town College staff member provided the Designate with a list of 13 students who are currently enrolled in the TTPP program and 10 others who are enrolled in the EMC program.

By enrolling students in and delivering these programs, Western Town College has operated an unregistered private career college and provided unapproved vocational programs in contraventions of sections 7 and 8 of the *Private Career Colleges Act, 2005*.

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

On September 20, 2010, a Designate attended Western Town College at 300-2040 Yonge St to make inquiries into the training being delivered by that school. The Designate interviewed staff members Andy An, Vice President, and Helen Song, Academic Coordinator, who confirmed that Western Town College was currently delivering a TTPP and a EMC program. Upon request, Andy and another Western Town College staff member provided the Designate with a list of 13 students who are currently enrolled in the TTPP program and 10 others who are enrolled in the EMC program.

On September 21, 2010 at 3:10pm a Designate required Helen Song of Western Town College to confirm whether the students enrolled in the TTPP and EMC programs had paid fees. At 4:47pm Helen sent an e-mail to the Designate confirming that they had.

As Western Town College has not received approval to deliver its TTPP or EMC programs, charging fees for these programs is prohibited by section 9 of the *Private Career Colleges Act, 2005*.

### **Background**

On September 15, 2009 the Superintendent of Private Career Colleges issued a Restraining Order to Western Town College, ordering the school to stop operating as a private career college, stop advertising unapproved vocational programs, and stop enrolling students in unapproved vocational programs.

On November 6, 2009, Ministry staff sent a letter to Western Town Business College Ltd. in response to a pre-screening application for their TYC and TESOL programs. The letter advised that both of these programs required the approval of the Superintendent.

On July 8, 2010 a Notice of Contravention and Restraining Order were issued to Western Town College for offences under sections 7, 8, 9 and 11 of the *Private Career Colleges Act, 2005*. On July 8, 2010 Jason Joo of Western Town College

wrote a letter to the Superintendent stating that they had stopped the contraventions listed on the Restraining Order.

On August 5, 2010 Raju of Western Town College sent an e-mail to a Designate of the Superintendent asking if they may offer TTPP and EMC as part of their ESL program. On August 6, 2010 the Designate advised them that the pre-screening applications for these programs had not been reviewed, and that a normal timeline for applications is 4-6 weeks. Rather than wait for a formal response to their pre-screening application, Western Town College began offering TTPP on August 3, 2010 and EMC on August 30, 2010.

### **Legal and Operating Entities**

On September 21, 2010, Ministry staff conducted an ONBIS search and found that on January 20, 2000, 1397280 Ontario Ltd. was incorporated with Jason Joo as the director. The registered head office is 300-2040 Yonge St., Toronto, Ontario.

On July 28, 2010, the business name Western Town College for ESL was registered to 1397280 Ontario Ltd.

On October 20, 2009, Western Town Business College Ltd. was incorporated with Jae Sung Joo as the director. The registered head office is 300-2040 Yonge St., Toronto, Ontario.