

2nd RESTRAINING ORDER

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

July 8, 2010

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

Attention: Jason Joo

This is a 2nd **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 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 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 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 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 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 May 23, 2010, Ministry staff received copies of e-mails from a member of the public. They were sent by Amy, a Korean coordinator for Western College's Toronto campus. As the e-mails were written in the Korean language, Ministry staff arranged to have them translated.

On June 1, 2010 Ministry staff received the English translation and found that the Western College employee was providing information about Western's Teaching Young Children (TYC) and Teaching English to Speakers of Other Languages (TESOL) programs. The e-mails state that there is a four week TYC course, and 8 week and a 12 week TESOL courses. The 8 week course is described as being entirely theoretical, while the 12 week course includes a 4 week practical. The employee states that the TESOL program start dates were June 7, July 5, and August 3, and directs the student to the school's schedule found at www.wtccanada.com. The employee proceeds to mention that the four week (TYC) program costs \$1,220, the eight week (TESOL) program costs \$2,440, and the twelve week (TESOL) program costs \$3,420 (not including a \$100 registration fee and \$45 per month in teaching materials), and that the school is currently promoting its courses with a 5% discount on tuition fees.

On July 5, 2010, the website belonging to Western, www.wtccanada.com, was reviewed by Ministry staff who found it advertising TYC and TESOL programs at the Toronto campus.

The screenshot shows a Microsoft Internet Explorer browser window displaying the website http://www.wtccanada.com/english/registration_03.jsp. The page content includes:

- A table with columns for course type, days, and times.

	Friday	
Part-time AM (15 hrs/wk)	Monday ~ Friday	9:00 ~ 12:00
Part-time PM (12 hrs/wk)	Monday ~ Thursday	1:00 ~ 4:00
- A "Fee Estimate" section with buttons for Tuition, Material, Registration, Homestay, and Airport.
- A "Course Menu" table listing various courses and their durations.

Course	Full-time	Part-time AM	Part-time PM	Duration
ESL	V / T	V / T	V / T	1 TO 12 M
Power Talk	V / T	V / T	V / T	1 TO 3 M
Media Communications			V / T	1 TO 3 M
TOEIC			V / T	1 TO 3 M
TOEFL	V	V / T	V	1 TO 4 M
GTP		V	T	1 TO 2 M
TYC	V / T			1 M
TESOL	V / T			2 M
TESOL(including practicum)	V / T			3 M
UPP			V / T	1 TO 3 M
ITI	V	V	V	1 TO 2 M
Business Communications	V	V	V	1 TO 3 M
International Business	T	T	T	1 TO 6 M
Global Marketing & Trade	V			1 TO 3 M
Hospitality(Hotel) Management	V			1 TO 8 M
- A note at the bottom: "Course availability, fees, and descriptions are subject to change. V = Vancouver, T = Toronto, M = Month(s)"

According to table found on the “fees” section of the site, TYC is a full time program that lasts one month. According to other tables of fees and hours found on the same site, a one month full time program costs \$1,220 and is 108 hours in duration. Using the same tables, Ministry staff concluded that Western’s two month, full time TESOL program costs \$2,440 and is 216 hours in duration, and the three month full time TESOL program costs \$3,420 and is 324 hours in length. This information is consistent with the statements made by Western’s employee in the above mentioned e-mails.

The screenshot shows the Western Town College website in Microsoft Internet Explorer. The address bar shows the URL: http://www.wtccanada.com/english/registration_03.jsp. The page features the Western Town College logo and navigation links for Registration, Campus, Life @ WTC, News, Electives, and About WTC. A sidebar lists various programs under 'General English' (ESL, Power Talk, Media Communications, University Preparation Program (UPP), Grammar for Test Preparation (GTP)), 'Test Preparation Courses' (TOEIC, TOEFL iBT), and 'Teacher Training (Vancouver Campus Only)' (TESOL, Teaching Young Children (TYC), Online TESOL). The main content area is titled 'Registration' and includes a banner 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 'Fees' section with a 'Tuition Fee' table.

Month	Full-time or Part-time AM+PM	Part-time AM	Part-time PM
1	\$ 1,220	\$ 690	\$ 600
2	\$ 2,440	\$ 1,380	\$ 1,200
3	\$ 3,420	\$ 1,950	\$ 1,710
4	\$ 4,560	\$ 2,600	\$ 2,280
5	\$ 5,700	\$ 3,250	\$ 2,850
6	\$ 6,540	\$ 3,720	\$ 3,120
7	\$ 7,630	\$ 4,340	\$ 3,640

On July 6, 2010, Ministry staff attended Western College at 2040 Yonge St. Suite 300, Toronto, Ontario and found posters pinned to a corkboard near the entrance to the school’s third floor suite. The posters promoted Western College’s TYC and TESOL programs.

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TYC and TESOL programs correspond to National Occupational Classification (NOC) code 4131 – College and Other Vocational Instructors. Based on the evidence gathered the TYC and TESOL programs offered by Western 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 July 6, 2010, Ministry staff attended Western College at 2040 Yonge St. Suite 300, Toronto, Ontario and spoke with Suzy, a representative of Western College about the programs being offered by the school. Suzy acknowledged that Western College had students enrolled in its TESOL and TYC programs. During the investigation, Ministry staff obtained lists of the current students enrolled in TESOL and TYC. According to the lists, Western College has 22 students enrolled in its TESOL program, and 8 students enrolled in its TYC program.

Ministry staff proceeded to review a sampling of student files and database entries and collected copies of documents that confirmed students had enrolled TESOL and TYC programs at Western college. These documents include acceptance letters, invoices, receipts, and database pages that state the student is currently or was recently enrolled in a TYC or TESOL program, or both. By enrolling students in and delivering these programs, Western 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 July 6, 2010, Ministry staff attended Western College at 2040 Yonge St. Suite 300, Toronto, Ontario and spoke with Suzy, a representative of Western College about the programs being offered by the school. Suzy acknowledged that Western College had students enrolled in its TESOL and TYC programs. During the investigation, Ministry staff obtained lists of the current students enrolled in TESOL and TYC. According to the lists, Western College has 22 students enrolled in its TESOL program, and 8 students enrolled in its TYC program.

Ministry staff proceeded to review a sampling of student files and found that these files contained receipts and invoices for students who were enrolled in TESOL and TYC programs. The invoices confirm that students had been charged, and had paid for enrolment in Western College's TYC and TESOL programs.

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

Background

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. Western College has submitted an application to the Ministry but has not yet received approval.

Legal and Operating Entities

On July 5, 2010, Ministry staff conducted an ONBIS search and found 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 April 27, 2010, the business name Western Town College was registered to 1397280 Ontario Ltd. This registration was cancelled on June 14, 2010.

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.