

Ministry of Training,
Colleges and Universities

Office of the Superintendent

Private Career Colleges Branch
9th Floor, Mowat Block
900 Bay Street
Toronto ON M7A 1L2

Ministère de la Formation
et des Collèges et Universités

Bureau du Surintendant

Direction des collèges
privés d'enseignement professionnel
9^e étage, édifice Mowat
900, rue Bay
Toronto ON M7A 1L2



Notice of Contravention #99

By Email: (hmithon@hotmail.com), Fax (416-745-2752) and Courier

September 28, 2010

Best Class Truck Driving School and Forklift Ltd. operating as A Best Class Driving School
207-2428 Islington Avenue
Toronto, ON M9W3X8

and

71 Cinrickbar Drive
Toronto, ON M9W 6X3

NOTICE OF CONTRAVENTION

This letter is to inform you, Harjinder Singh Mithon as the Director of Best Class Truck Driving School and Forklift Ltd. operating as A Best Class Driving School ("A Best Class Driving School") that on September 27, 2010, it was determined that A Best Class Driving School contravened the following section of the *Private Career Colleges Act, 2005* and/or regulations made under the Act:

- Act, s. 11 - Restrictions on advertising and soliciting (\$1,000)

For a Summary of each contravention see attached Schedule A.

As per section 51 of *Ontario Regulation 415/06* made under the *Private Career Colleges Act, 2005*, A Best Class Driving School is subject to a penalty in the total amount of \$1,000 per day. It is important to note that the penalty is levied daily. The total penalty amount is calculated by multiplying the penalty amount indicated above by the number of successive days that the contravention continues.

For example: following 5 successive days that the contravention continues the penalty amount due will be \$5,000.

following 15 successive days that the contravention continues the penalty amount due will be \$15,000.

At this time you are required to provide the ministry with written confirmation of compliance with the *Private Career Colleges Act, 2005* and its regulations. Please supply the ministry with the following documents confirming that you have come into compliance with the Act:

- Written confirmation that you have stopped advertising an unregistered Private Career College and unapproved vocational programs that require approval.

Once you have confirmed compliance with the Act, the penalties will cease to accumulate and you will receive an invoice that sets out the total penalty outstanding. Payment of the full amount is due within **30 days** of the date of your notification.

If payment is not received within **30 days** after the date the notification was received, the amount will be subject to interest at the current postjudgment interest rate beginning on the 31st day following the date of the invoice. The current rate can be found at the following address:

www.attorneygeneral.jus.gov.on.ca/english/courts/interestrates.asp.

Review

If you believe that the decision made above is inaccurate you may request a review of this decision by submitting a Request for a Review of a Notice of Contravention form to the Minister of Training, Colleges and Universities within **15 days** of receipt of the Notice of Contravention.

ORIGINAL SIGNED BY

Allan Scott
Superintendent of Private Career Colleges

Schedule A

OPERATION "Brake Down"

Pursuant to subsection 23(1) of the *Private Career Colleges Act, 2005* ("Act"), private career colleges that offer commercial driver programs which lead to commercial driver licensing examinations, governed under the Ontario Regulation 341/94 Driver Licence Examinations of the *Highway Traffic Act*, must have the programs approved by the Superintendent of Private Career Colleges.

In response to a concern about unapproved commercial driver programs, and their potential impact on public safety, Operation "Brake Down" was launched. Its purpose was to identify illegal operators offering unapproved vocational programs that require approval under the Private Career Colleges Act, 2005 and to take the necessary enforcement action against them. This institution was identified as part of this operation.

Contravention of section 11 of the Act – Advertising Unregistered Private Career College and Unapproved Programs

After examining internet advertising for Best Class Truck Driving School and Forklift Ltd. operating as A Best Class Driving School (<http://www.411.ca/business/Ontario/Mississauga/Best-Class-Car-Truck-Forklift-Driving-School/1161532.html>) on the Canada 411 website, a designate of the Superintendent of Private Career Colleges telephoned the school on September 14, 2010.

The designate spoke to a male person who advised that they offer three levels of AZ program training:

- The first level costs \$1,000 and consisted of 20 lessons. Lessons last for 1 hour in duration;
- The second level costs \$2,000 and consists of 40 lessons. Lessons last for 1 hour in duration, totaling 40 hours; and
- The third level costs \$3,000 and consists of 20 in-class lessons and 50 lessons on the road. Lessons last for 1 hour in duration, totaling 70 hours.

AZ training corresponds to National Occupational Classification (NOC) code 7411 – Other Truck Drivers.

Based on the preceding information, the AZ programs comprising 40 and 70 hours at fees of \$2,000 and \$3,000 respectively fit the definition of vocational programs requiring the approval of the Superintendent according to the Act. Since A Best Class Driving School is not registered and these programs are not approved, advertising of same is prohibited in accordance with Section 11(1) and (2) of the Act respectively.