

1980

c 392 Private Vocational Schools Act

Ontario

© Queen's Printer for Ontario, 1980

Follow this and additional works at: <http://digitalcommons.osgoode.yorku.ca/rso>

Bibliographic Citation

Private Vocational Schools Act, RSO 1980, c 392

Repository Citation

Ontario (1980) "c 392 Private Vocational Schools Act," *Ontario: Revised Statutes*: Vol. 1980: Iss. 6, Article 32.

Available at: <http://digitalcommons.osgoode.yorku.ca/rso/vol1980/iss6/32>

CHAPTER 392

Private Vocational Schools Act

1. In this Act,

Interpre-
tation

- (a) "Board" means the Private Vocational School Review Board;
- (b) "Minister" means the Minister of Colleges and Universities;
- (c) "private vocational school" means a school or place at which instruction in any vocation is offered or provided by class room instruction or by correspondence, other than a college of applied arts and technology, a university recognized by the Ministry of Colleges and Universities or a school or course of instruction maintained under any other Act of the Legislature;
- (d) "regulations" means the regulations made under this Act;
- (e) "Superintendent" means the Superintendent of private vocational schools appointed under this Act;
- (f) "vocation" means the skill and knowledge requisite for employment in any vocation prescribed by the regulations. 1974, c. 48, s. 1.

2.—(1) There shall be a Superintendent of private vocational schools who shall be appointed by the Lieutenant Governor in Council. ^{Superintendent}

(2) The Superintendent may exercise the powers and shall perform the duties conferred or imposed upon him by or under this Act. 1974, c. 48, s. 2. ^{Duties}

3.—(1) The Private Vocational School Review Board is continued and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council. ^{Board continued}

Term of Office

(2) No member of the Board shall hold office for more than five consecutive years.

Chairman

(3) The Lieutenant Governor in Council may designate one of the members of the Board as chairman and another of the members as vice-chairman.

Quorum

(4) A majority of the members of the Board constitutes a quorum. 1974, c. 48, s. 3.

Expenditures

4. The expenditures necessary for the purposes of the Board shall be payable out of moneys appropriated therefor by the Legislature. 1974, c. 48, s. 4, *revised*.

Registration required

5.—(1) No person shall conduct or operate a private vocational school unless he is registered by the Superintendent under this Act.

Expiration of registration

(2) Every registration under this Act expires on the 31st day of December of the year in respect of which the registration is effected. 1974, c. 48, s. 5.

Registration of private vocational schools

6.—(1) An applicant is entitled to registration or renewal of registration by the Superintendent to conduct or operate a private vocational school and to be issued a certificate of registration except where,

- (a) having regard to his financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of the private vocational school; or
- (b) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on the private vocational school in accordance with law and with integrity and honesty; or
- (c) the applicant is a corporation and,
 - (i) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of the private vocational school, or
 - (ii) the past conduct of its officers or directors affords reasonable grounds for belief that the

private vocational school will not be carried on in accordance with law and with integrity and honesty; or

- (d) it can reasonably be expected that the course or courses of study or the method of training offered by the private vocational school will not provide the skill and knowledge requisite for employment in the vocation or vocations for which the applicant is offering instruction; or
- (e) the applicant is carrying on activities that are, or will be, if the applicant is registered, in contravention of this Act or the regulations.

(2) A registration is subject to such terms and conditions to give effect to the purposes of this Act as are imposed by the Board or prescribed by the regulations. Conditions of registration

(3) A registration is not transferable. 1974, c. 48, s. 6. Registration not transferable

7.—(1) Subject to section 8, the Superintendent may refuse to register an applicant where in the Superintendent's opinion the applicant is disentitled to registration under section 6. Refusal to register

(2) Subject to section 8, the Superintendent may refuse to renew or may suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 6 if he were an applicant, or where the registrant is in breach of a term or condition of the registration. 1974, c. 48, s. 7. Revocation and refusal to renew

8.—(1) Where the Superintendent proposes to refuse to grant or renew a registration or proposes to suspend or revoke a registration, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or registrant. Notice of proposal to refuse or revoke

(2) A notice under subsection (1) shall inform the applicant or registrant that he is entitled to a hearing by the Board, if he mails or delivers to the Superintendent and the Board within fifteen days after the notice under subsection (1) is served on him, notice in writing requiring a hearing, and he may so require such a hearing. Notice requiring hearing

(3) Where an applicant or registrant does not require a hearing by the Board in accordance with subsection (2), the Superintendent may carry out the proposal stated in his notice under subsection (1). Powers of Superintendent where no hearing

Powers
of Board

(4) Where an applicant or registrant requires a hearing by the Board in accordance with subsection (2), the Board shall appoint a time for and hold the hearing and, on the application of the Superintendent at the hearing, may by order direct the Superintendent to carry out his proposal or refrain from carrying out his proposal and to take such action as the Board considers the Superintendent ought to take in accordance with this Act and the regulations, and for such purposes the Board may substitute its opinion for that of the Superintendent.

Conditions
of order

(5) The Board may attach such terms and conditions to its order or to the registration as it considers proper to give effect to the purposes of this Act.

Parties

(6) The Superintendent, the applicant or registrant who has required the hearing and such other persons as the Board may specify are parties to the proceedings before the Board under this section.

Oral
evidence

(7) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Voluntary
cancellation

(8) Notwithstanding subsection (1), the Superintendent may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his certificate of registration.

Continuance
pending
renewal

(9) Where, before expiry of his registration, a registrant has applied for renewal of his registration and paid the prescribed fee, his registration shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice that the Superintendent proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired and, where a hearing is required, until the Board has made its order. 1974, c. 48, s. 8.

Extension
of time

9. The Board may extend the time for requiring a hearing under section 8, either before or after expiration of the time fixed therein, where it is satisfied that there are *prima facie* grounds for granting relief to the applicant or registrant pursuant to a hearing and that there are reasonable grounds for applying for the extension and may give such directions as it considers proper consequent upon the extension. 1974, c. 48, s. 9.

10. Notwithstanding subsection 8 (9), the Superintendent, by notice to a registrant and without a hearing, may provisionally refuse renewal of or suspend registration of the registrant where in the Superintendent's opinion it is necessary to do so for the immediate protection of the interests of the students of the private vocational school and the Superintendent so states in such notice giving his reasons therefor, and thereafter the provisions of section 8 apply as if the notice given under this section were a notice of a proposal to revoke the registration under subsection 8 (1). 1974, c. 48, s. 10.

Provisional
suspension

11. A further application for registration may be made upon new or other evidence or where it is clear that material circumstances have changed. 1974, c. 48, s. 11.

Further
applications

12.—(1) Any party to a hearing before the Board may appeal from the decision of the Board to the Divisional Court in accordance with the rules of court.

Appeal
to court

(2) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Minister
entitled to
be heard

(3) The chairman of the Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board if it is not part of the Board's record, shall constitute the record in the appeal.

Record to
be filed
in court

(4) The Divisional Court may confirm or alter the decision of the Board or direct the Superintendent to do any act he is authorized to do under this Act and as the court considers proper and the court may substitute its opinion for that of the Superintendent or the Board.

Powers of
court on
appeal

(5) Notwithstanding that an applicant or registrant has appealed under this section from a decision of the Board, unless the Board, or the Divisional Court upon an application, otherwise directs, the decision of the Board is effective until the appeal is disposed of. 1974, c. 48, s. 12.

Effect of
decision
of Board
pending
disposal
of appeal

13. Every private vocational school shall, within five days after the event, notify the Superintendent in writing of,

Notice of
material
changes

(a) any change in its address for service;

(b) any change in the officers or directors in the case of a corporation or of the members in the case of a partnership. 1974, c. 48, s. 13.

- Inspection** **14.**—(1) The Superintendent, or any person authorized by him in writing, may inspect any private vocational school at any reasonable time to examine the operation thereof, to observe the method of instruction given therein or to inspect the books, records or other documents relating to the operation of the private vocational school including the inspection of any circulars, pamphlets or other material used for advertising the private vocational school.
- Obstruction of inspector** (2) No person shall obstruct the Superintendent or a person authorized to make an inspection under subsection (1) or withhold from such a person or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the inspection. 1974, c. 48, s. 14.
- Goods or services of students not to be sold** **15.** No person who owns or operates a private vocational school shall sell or permit to be sold to the public, the goods or services of any student of the school. 1974, c. 48, s. 15.
- Court proceedings** **16.** No person who owns or operates a private vocational school which is not registered under this Act is capable of maintaining an action or other proceeding in any court in Ontario in respect of any contract made in whole or in part within Ontario, or against any person domiciled in Ontario, in the course of or in connection with the conduct or operation of the private vocational school. 1974, c. 48, s. 16.
- Service** **17.**—(1) Any notice or order required to be given, delivered or served under this Act or the regulations is sufficiently given, delivered or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at his last-known address.
- Idem** (2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date. 1974, c. 48, s. 17.
- Offences** **18.**—(1) Every person who,
- (a) knowingly, furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
 - (b) fails to comply with any order, direction or other requirement made under this Act; or

- (c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or to both.

(2) Where a corporation is convicted of an offence under ^{Corporations} subsection (1), the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

(3) No proceeding under clause (1) (a) shall be commenced more ^{Limitation} than one year after the facts upon which the proceeding is based first came to the knowledge of the Superintendent.

(4) No proceeding under clause (1) (b) or (c) shall be commenced ^{Idem} more than two years after the time when the subject-matter of the proceeding arose.

(5) Any person who enters into a written contract with ^{Rescission of contract} a private vocational school in respect of a course or courses of instruction may rescind the contract by delivering a notice personally or by registered mail addressed to the private vocational school at the address shown in the contract within two days after the duplicate original copy of the contract first comes into the possession of the person and, where the contract is rescinded, the person shall immediately return any goods received under the contract and the private vocational school shall return any moneys received or realized in respect of the contract. 1974, c. 48, s. 18.

19.—(1) A statement as to,

**Certificate
as evidence**

- (a) the registration or non-registration of any person;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Superintendent;
- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Superintendent;
- (d) any other matter pertaining to such registration, non-registration, filing or non-filing,

purporting to be certified by the Superintendent is, without proof of the office or signature of the Superintendent, receiv-

able in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

Proof of
Minister's
signature

(2) Any document under this Act purporting to be signed by the Minister, or any certified copy thereof, is receivable in evidence in any action, prosecution or other proceeding as *prima facie* proof that the document is signed by the Minister without proof of the office or signature of the Minister. 1974, c. 48, s. 19.

Regulations

20.—(1) The Lieutenant Governor in Council may make regulations,

- (a) prescribing vocations to which this Act and the regulations apply;
- (b) exempting any vocation or class of private vocational school from this Act or the regulations or any provision thereof;
- (c) governing applications for registration or renewal of registration and prescribing terms and conditions of registration;
- (d) requiring the payment of fees on application for registration or renewal of registration, and prescribing the amounts thereof;
- (e) requiring registered private vocational schools to be bonded in such form and terms and with such collateral security as are prescribed, and providing for the forfeiture of bonds and the disposition of the proceeds;
- (f) prescribing further procedures respecting the conduct of matters coming before the Board;
- (g) requiring and governing the books, accounts and records relating to the due compliance with the provisions of this Act that shall be kept by private vocational schools;
- (h) requiring private vocational schools to make returns and furnish information to the Superintendent;
- (i) requiring any information required to be furnished or contained in any form or return to be verified by affidavit;
- (j) prescribing the accommodation and equipment required by private vocational schools and the means of instruction to be used;

- (k) requiring the approval of the Superintendent for courses of study, requirements for admission, qualifications of teachers, methods of instruction, and premises and equipment used, in connection with a private vocational school;
- (l) prescribing the minimum number of hours of instruction in any vocation that shall constitute a course of instruction in that vocation;
- (m) prescribing the maximum fees that shall be paid or received for a course of instruction in a vocation;
- (n) prescribing the terms and conditions upon which money paid for or on account of instruction in a private vocational school shall be either retained by the payee or be repayable to the payer;
- (o) prohibiting the use of any advertising relating to a private vocational school that may tend to mislead, and requiring the discontinuance of any specified advertisement or means of advertisement by the owner of a private vocational school;
- (p) regulating the selling or offering for sale of any course of instruction offered by a private vocational school;
- (q) prescribing the amount that may be charged for the material used by or the services supplied to any student of the private vocational school;
- (r) providing that no certificate or other document as to the competency of any student shall be issued by a private vocational school unless the student has submitted himself to such examination as may be prescribed by the regulations, and prescribing fees for such examination and certificate;
- (s) prescribing the nature of any examinations for certificates of competency, the manner, times and places of holding such examinations, and the persons who shall sit as examiners;
- (t) governing the conduct, operation and management of private vocational schools; and
- (u) prescribing forms and providing for their use.

(2) A regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any publication and may require compliance with any publication that is so adopted. 1974, c. 48, s. 20. ^{Adoption by reference}

