

# PHOENIX DRIVER TRAINING

## Fee Refund Policy as Prescribed under s. 24 (2) to 33 of O.Reg. 415/06

24. (2) In sections 25 to 27,

“earned fees” means the amount of all fees paid for a vocational program that is proportional to the number of instruction hours that have taken place when a withdrawal or expulsion occurs; (“droits acquis”)

“program mid-point” means the point in the progress of a vocational program where half of the scheduled hours of instruction for the program have taken place; (“mi-parcours du programme”)

“service fee” means the lesser of 20 per cent of all vocational program fees and \$500. (“frais de service”)

### Full refunds

25. If a student has entered into a contract with a career college for a vocational program, the college shall give a refund of all fees paid for the program in the following circumstances:

1. The student rescinds (cancels) the contract in writing within two days of receiving a copy of it, in accordance with section 36 of the Act.
2. Before the student completes the program, the college discontinues the program or the college’s approval to provide the program is revoked by the Superintendent, but the college remains registered under the Act.
3. The college collects any fees before receiving a certificate of registration from the Superintendent.
4. The college collects any fees before the program was approved by the Superintendent.
5. The college collects any fees other than a service fee before the student has entered into a contract with the college.
6. The college expels the student in a manner or for reasons that are contrary to the college’s expulsion policy.
7. The college does not provide an evaluation, in writing, of the student’s progress as required under section 12.
8. The student voids the contract under subsection 18 (2) due to a statement, image or video made by the college that is prohibited under subsection 18 (1).
9. The student voids the contract under section 22 because it is missing a term required under section 20.
10. The student receives instruction from an instructor who is not qualified under section 41 for more than 10 per cent of the program’s duration.

### Full refunds minus service fee

26. A career college shall give a refund of all fees paid for a vocational program, except the service fee, in the following circumstances:

1. The student gives written notice to the college, before the program start date specified in the student’s contract with the college, that the student is withdrawing from the program.
2. The student is admitted to the program on the condition that the student meet specified admission requirements before the program start date specified in the student’s contract with the college, and the student does not meet the requirements before that day.
3. The student does not attend the program within the first 14 days of the program after the program start date specified in the student’s contract with the college and is given written notice that the contract is cancelled from the college within the first 45 days of the program.
4. The college is notified by or on behalf of an international student before the program mid-point that the international student has not been issued a temporary resident visa as a member of the student class under the *Immigration and Refugee Protection Act (Canada)*.

### Partial refunds

27. (1) A career college shall give a student a refund of the fees paid for a vocational program in accordance with this section if,

- a) the student withdraws from the program after the program start date specified in the student’s contract with the college; or
- b) the student is expelled from the program for a reason permitted under the college’s expulsion policy.

(2) If a student's program is scheduled to be up to 12 months in duration, the career college shall give a refund for the program as follows:

1. If the withdrawal or expulsion occurs before the program mid-point, the college shall give a refund equal to the amount of all fees paid, less the service fee and any earned fees.
2. If the withdrawal or expulsion occurs after the program mid-point, no refund is required for the program.

(3) If a student's program is scheduled to be more than 12 months in duration, the career college shall give a refund for the initial 12-month period of the program and any subsequent period as follows:

1. If the withdrawal or expulsion occurs before half of the scheduled hours of instruction have taken place for the period, the college shall give a refund equal to the amount of all fees paid for the period, less the service fee and any earned fees.
2. If the withdrawal or expulsion occurs after half of the scheduled hours of instruction have taken place for the period, no refund is required for that period.
3. If a period has not yet started at the time of the withdrawal or expulsion, the college shall give a refund of all fees paid for that period.

### **Refund of compulsory fees**

**28.** (1) A career college may only charge or collect compulsory fees in relation to a vocational program after the fees have been published by the Superintendent under subsection 43 (2).

(2) If a career college collects a compulsory fee that has not been published by the Superintendent under subsection 43 (2), the college shall give a refund of the fee to the student on written request from the student.

### **No retention of refund**

**29.** A career college shall not retain any refund of fees payable to a student under sections 25 to 28 in order to recover or set-off an amount a student owes the college for any service or program other than a vocational program offered by the college.

### **Timing of refunds**

**30.** A refund payable by the career college must be issued to students within 30 days after the day a student,

- (a) delivers a written notice to withdraw from the program to the college;
- (b) is given a written notice of expulsion by the college; or
- (c) delivers a written request for a refund to the college under subsection 28 (2).

### **Treatment of books and equipment**

**31.** In calculating a refund under sections 25 to 28, a career college may retain the retail cost of books or equipment that the career college supplied to the student if the student,

- (a) fails to return the books or equipment to the career college within 10 days of the student's withdrawal or expulsion from the program, or
- (b) returns the books or equipment to the career college within the 10-day period referred to clause (a), but fails to return it unopened or in the same state it was in when supplied.

### **Notice of withdrawal for international students**

**32.** A notice to a career college that is provided by or on behalf of an international student or of a prospective international student and that states that the student has not been issued a temporary resident visa as a member of the student class under the *Immigration and Refugee Protection Act* (Canada) is deemed to be written notice to the college that a student is rescinding (cancelling) the contract under section 36 of the Act or withdrawing from the program.

### **Currency**

**33.** Any refund of fees that a career college is required to pay under the Act shall be paid in Canadian dollars.