

PRIVATE TRAINING INSTITUTIONS BRANCH

Registrar's Rules of Practice and Procedure for Reconsiderations under Division 1 of Part 5 of the *Private Training Act*

Introduction

These rules apply to reconsiderations of the registrar and are made under s. 49 of the *Private Training Act*. They must be read together with the *Private Training Act* and the associated regulations.

On request by an institution or on the registrar's own initiative, the registrar may reconsider a decision of the registrar in respect of:

- (a) a refusal to grant a certificate to the institution under s. 7 of the *Private Training Act*;
- (b) the imposition of an administrative penalty on a certified institution under s. 33 of the *Private Training Act*; or
- (c) the suspension of a certificate under s. 36 of the *Private Training Act*.

A reconsideration of a decision to suspend an institution's certificate does not operate as a stay of the suspension unless it is a reconsideration on the registrar's own initiative.

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Definitions

1 In these rules:

“Act” means the *Private Training Act*;

“Institution” has the same meaning as in the Act;

“Reconsideration record” means the record produced by the registrar under rule 10.

“Request for reconsideration” means a written notice in the form provided on the website of the Private Training Institutions Branch of the Ministry of Advanced Education and Skills Training;

“PTIB” means the Private Training Institutions Branch of the Ministry of Advanced Education and Skills Training.

Addresses for Delivery

2 An institution that is required by these rules to deliver a submission or other document to the registrar must do so by delivering it via email to: PTI@gov.bc.ca or via personal delivery to 203 – 1155 West Pender Street, Vancouver, B.C., V6E 2P4.

3 Where these rules require the registrar to deliver a submission or other thing to an institution, unless the institution has provided a different address in the request for reconsideration, the registrar will use the email address for service provided to PTIB per s.62(3) of the Act.

Date of Receipt

4 A submission or other document delivered to the registrar under these rules will be deemed to have been received:

(a) if delivered in person, by courier, or by mail, on the actual date of receipt by the PTIB.

(b) if sent by email, on the day it was sent unless it was sent after 4:30 pm PST on a weekday or any time on a day on which the PTIB’s office is closed in which case it will be deemed to have been received on the next business day.

5 A submission or other document delivered to an institution under these rules will be deemed to have been received:

(a) if sent by ordinary or registered mail, on the fifth day after it is mailed.

(b) if sent by email, on the third day after it is sent.

(c) if delivered in person, on the date of delivery.

Requesting a Reconsideration

- 6** A request for reconsideration must:
- (a) contain the name of the institution;
 - (b) contain the name of the institution representative or the name of the lawyer representing the institution;
 - (c) If applicable, contain an email address for service that will serve as a substitute for the email address provided to PTIB per s.62(3) of the Act;
 - (d) identify the decision subject to the request for reconsideration;
 - (e) identify the grounds, set out in rule 7, on which reconsideration is requested; and
 - (f) include the **\$100 reconsideration fee** prescribed by s. 13(a) of the *Fees and Student Protection Fund Regulation* which must be paid by cheque, payable to the Minister of Finance, credit card or electronic funds transfer [s.47(1) of the *Fees and Student Protection Fund Regulation*].
- 7** A request for reconsideration may be made on one or more of the following grounds:
- (a) the registrar erred in law;
 - (b) the registrar failed to observe the principles of natural justice in making the decision;
 - (c) evidence has become available that was not available at the time the decision was made.
- 8** To request a reconsideration under s. 47 of the Act, the institution must deliver a request for reconsideration to the registrar by sending it to an address included in rule 2.
- 9** A request for reconsideration must be received, in accordance with s. 47(4) of the Act:
- (a) within 30 days of receipt of:
 - (i) a refusal to grant a certificate to the institution under s. 7 of the Act; or
 - (ii) a suspension of a certificate under s. 36 of the Act.
 - (b) within 15 days of service of the determination in relation to the imposition of an administrative penalty under s. 33 of the Act.

Reconsideration Record

- 10** Within 10 days of receipt of a request for reconsideration, the registrar will deliver a reconsideration record to the institution.
- 11** The reconsideration record must contain all documents, including records and correspondence, which may be relevant to the decision being reconsidered.

Reconsideration Submissions

- 12** Reconsiderations will be conducted by way of written submissions.

- 13 The institution must deliver submissions and any additional information or record relevant to the decision being reconsidered to the registrar within 21 days of receipt of the reconsideration record.
- 14 If the institution does not deliver submissions, the registrar will advise the institution in writing the reconsideration has been closed and no substantive decision will be rendered.

Investigations

- 15 The registrar may perform any further investigations he or she considers appropriate to address any submissions or additional information the PTIB has received and the registrar may appoint inspectors for the purpose of such further investigations.
- 16 Where the registrar receives or acquires new information or records relevant to the decision to be reconsidered, he or she will make that information or record available to the institution, and provide the institution an opportunity to respond.

Applications

- 17 Applications must:
 - (a) be made in writing to the registrar;
 - (b) be delivered:
 - (i) in the case of an application under rule 22 [extension of time], no later than the date upon which the time limit subject to the application expires; and
 - (ii) in the case of an application under rule 23 [consolidation], no later than 15 days after the date upon which the institution delivers submissions under rule 13 in any of the reconsiderations subject to the application; and
 - (c) include an explanation of the basis on which the application is made.
- 18 The filing of an application under rule 22 or 23 operates as a stay of the reconsideration process otherwise set out in these rules until such time as an order is made.

Application Orders

- 19 The registrar will issue written reasons to the institution respecting an application within 15 days of receipt of the application.

Reconsideration Decisions

- 20 The registrar will issue written reasons respecting the reconsideration decision to the institution.
- 21 The registrar may, within seven days of the date a reconsideration decision is issued, amend the decision to:
 - (a) correct a typographical, an arithmetical or another similar error in the decision; and
 - (b) correct an obvious error or omission in the decision.

Extension of Time

- 22** The registrar may, on an application by the institution or on his or her own initiative, extend or shorten any time limit provided for in these rules except those referred to in rule 9.

Consolidation

- 23** If two or more requests for reconsiderations are extant, the registrar may, on an application by the institution or on his or her own initiative, consolidate those reconsiderations.