

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.

The registrar may delegate to one or more employees of the ministry any of the registrar's powers or duties under the *Private Training Act*. The delegation must be in writing and may include any terms or conditions the registrar considers advisable.

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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 15 and may include new evidence introduced under rules 17 and/or 22;

“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;

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

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 to: PTI@gov.bc.ca or 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, he or she will do so using the address provided by the institution in the request for reconsideration.

Date of Receipt

- 4** A submission or other document delivered to the registrar under these rules will be deemed to have been received:
- if delivered in person, by courier, or by mail, on the actual date of receipt by the PTIB.
 - 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:
- if sent by ordinary or registered mail, on the fifth day after it is mailed.
 - if sent by email, on the third day after it is sent.
 - if delivered in person, on the date of delivery.

Requesting a Reconsideration

6 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.

7 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.

8 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.

9 A request for reconsideration must:

- (a) contain the name of the institution;
- (b) contain the name and contact information, including an address or email address for service, for the institution representative making the request;
- (c) identify the decision subject to the request for reconsideration;
- (d) identify the grounds, set out in rule 6, on which reconsideration is requested;
- (e) if applicable, authorize a representative to act for the institution;
- (f) be signed by the institution or, if applicable, the institution's representative; and
- (g) include the \$100 reconsideration fee prescribed by s. 13(a) of the *Fees and Student Protection Fund Regulation*.

10 If the request for reconsideration is deficient, the registrar will notify the institution and allow seven days for the institution to make any necessary corrections.

11 If the institution does not make the corrections required by the registrar under rule 10 within the time provided, the registrar will advise the institution in writing the reconsideration has been closed and no substantive decision will be rendered.

12 If, at the time the registrar's notice is provided under rule 11, the period set out in rule 8:

- (a) has not yet expired, the institution may submit a new request for reconsideration within that time period.
- (b) has expired, the institution may not submit a new request for reconsideration and the original decision of the registrar subject to the request for reconsideration is final.

Acknowledgment of Receipt of Request for Reconsideration

- 13** The registrar will, within five days of receipt of a request for reconsideration, provide written acknowledgment to the institution.

Reconsideration Record

- 14** A reconsideration by the registrar is a reconsideration on the record.
- 15** Within 10 days of receipt of a request for reconsideration, the registrar will deliver a reconsideration record to the institution.
- 16** The reconsideration record must contain all documents, including records and correspondence, which may be relevant to the decision being appealed.
- 17** Notwithstanding rule 14, the institution may apply to the registrar to tender new evidence that is not part of the record and the registrar may allow such evidence only where it is found to be reasonably required for full and fair disclosure of all matters related to the decision being reconsidered.

Reconsideration Submissions

- 18** Reconsiderations will be conducted by way of written submissions.
- 19** The institution must deliver submissions to the registrar within 21 days of receipt of the reconsideration record.
- 20** 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

- 21** Notwithstanding rule 14, 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.
- 22** 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 person identified in rule 9(b), and provide that person an opportunity to respond to the information.

Applications

23 Applications must:

- (a) be made in writing to the registrar;
- (b) be delivered:
 - (i) in the case of an application under rule 17, within 10 days of receipt of the reconsideration record;
 - (ii) in the case of an application under rule 28, no later than the date upon which the time limit subject to the application expires; and
 - (iii) in the case of an application under rule 29, no later than 15 days after the date upon which the institution delivers submissions under rule 19 in any of the reconsiderations subject to the application.
- (c) include an explanation of the basis on which the application is made.

24 The filing of:

- (a) an application under rule 17, 28, or 29 operates as a stay of the reconsideration process otherwise set out in these rules until such time as an order is made;
- (b) any other application does not operate as a stay of the reconsideration process unless otherwise ordered by the registrar at his or her own discretion.

Application Orders

25 The registrar will issue written reasons to the institution respecting an application within seven days of receipt of the application.

Reconsideration Decisions

26 The registrar will issue written reasons respecting a reconsideration decision to the institution within 30 days of receipt of the institution's submissions under rule 19.

27 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

28 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 8.

Consolidation

29 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.