

Trustee Decision on Student Complaint

Complainant: [REDACTED]

Institution: 4224 – Sunny International College

1. Introduction

The Complainant was enrolled in the Private Home Caregiver Training program [Program]. The Program was a 25-week program delivered 100% online. The Complainant filed a complaint against the Institution [Complaint] on July 3, 2025, after having completed the Program on December 23, 2024, alleging the Institution engaged in false and misleading advertising, including representations the Program was designed for nanny immigration and was recognized by Canadian immigration authorities. The Institution denies misleading the Complainant as alleged, or at all. It says that, at the time of the Complainant's enrolment, the Program was fully compliant with requirements for the caregiver immigration scheme and the Complainant's refund request is premised on policy changes made by Immigration Refugees and Citizenship Canada (IRCC) that took effect after the Complainant had completed the Program.

The Complainant exhausted the Institution's dispute resolution process [DRP] prior to filing this Complaint.

The matter at issue is: Was the Complainant misled in relation to representations made by the Institution that completion of the Program would assist with the Canadian immigration process?

For the reasons outlined below I find the Institution did not mislead the Complainant regarding a significant aspect of the Program and, accordingly, deny the claim.

2. Statutory Scheme

Section 23(1) of the *Private Training Act* [PTA] provides that, a student may file a claim against the Student Tuition Protection Fund [Fund] on the ground that a certified institution misled the student regarding any significant aspect of an approved program of instruction in which that student was enrolled. Claims are filed with the Trustee, being the minister or the person to whom the minister has delegated the relevant powers or duties.

Claims must be filed no later than one year after the student completed or was dismissed or withdrew from the program and only after the student has exhausted the institution's dispute resolution process.

Following receipt of the complaint, the process is as follows:

Claim the student was misled		
Who	What	When
Trustee	Gives a copy of the claim to the institution	As soon as practicable
Institution	May respond to the claim [Response]	Within 15 days of receiving a copy of the claim from the Trustee

Trustee	Gives the Response from the institution, if any, to the student	Within 15 days of receiving the Response from the institution
Student	May reply to the Response from the institution [Reply]	Within 15 days of receiving the Response from the Trustee
Trustee	Must give the Reply from the student, if any, to the institution	Within 15 days of receiving the Reply from the student
Trustee	Adjudicates the claim to determine whether any refund should be issued, and provides written reasons to the student, the institution, and the registrar.	

If a claim is approved, the Trustee may authorize payment from the Fund of all or a portion of the tuition paid to the institution by or on behalf of the student. Section 25(4) of the *Fees and Student Tuition Protection Fund Regulation* requires that payments from the Fund be directed first to the government if all or a portion of the tuition was paid using funds from a provincial or federal student assistance program, and then to the claimant.

3. Program Information

Program:	Private Home Caregiver Training
Start date:	July 2, 2024
End date:	December 23, 2024
Graduation date:	December 23, 2024
Total charged:	\$ 7,700
Tuition:	\$ 7,700
Amount paid to date by Complainant:	\$ 7,700
Amount of tuition paid to date by Complainant:	\$ 7,700

4. Issues

The following issue arises for consideration: Was the Complainant misled in relation to representations made by the Institution that completion of the Program would assist with the Canadian immigration process?

5. Chronology

June 29, 2024	Complainant enrolls in Program
July 2, 2024	Complainant starts Program
December 23, 2024	Complainant completes Program
February 26, 2025	IRCC policy update (effective March 31, 2025) – online training excluded from eligibility criteria for caregiver immigration programs
May 7, 2025	Complainant makes refund request alleging “regulatory breach”
May 13, 2025	Institution denies refund request
July 3, 2025	Complainant files Complaint

6. Analysis

The Complainant is an international student who attended the Program 100% online from their home country. They did not require a study permit to attend the Program.

At the time the Complainant enrolled in the Program, the Institution held a registration certificate issued by the Private Training Institutions Regulatory Unit (PTIRU) and the Program was approved by the registrar. The Institution was subsequently issued a designation certificate.

On February 26, 2025, IRCC announced changes to the eligibility criteria for the caregiver immigration stream [IRCC Update]. Of significance to the Complainant, effective March 31, 2025, IRCC would no longer accept online training programs as meeting the training requirements for the Home Care Worker Pilot program.

The crux of the Complaint is the Complainant's allegation the Institution engaged in false and misleading advertising when it represented that the Program was recognized by IRCC for the nanny immigration stream. She says the Institution was not designated by PTIB to accept international students at the time of her enrolment.

The Complainant provided screenshots of Chinese advertisements on WeChat Moments with English translation and points to the following statements which she says are untrue and misleading:

- “Designed specifically for nanny immigration”
- “Officially recognized by Canada”
- “One-person training, family immigration”
- “After graduating from the training, you can obtain a certificate recognized by the Canadian government, which will facilitate family immigration”

On December 23, 2024, the Complainant graduated from the Program. On May 7, 2025, the Complainant issued a “final notice” and demanded a tuition refund for a “regulatory breach” and misleading advertising.

On May 13, 2025, the Institution denied the refund request and responded as follows:

- Denies engaging in false or misleading advertising regarding program content, duration or post-graduate outcomes
- Program was delivered as described and was intended for students seeking to enhance their caregiving skills or pursue caregiver-related immigration opportunities
- Prior to the IRCC Update, there were no restrictions on the delivery method for the training program required for the caregiver immigration stream
- At the time of enrolment, the Program was compliant with IRCC requirements
- Complainant completed the Program prior to the IRCC Update
- Following the IRCC Update, the Institution discontinued promotion of the Program as meeting the updated immigration requirements
- Refund request was submitted after the IRCC update

In its response to the Complaint, the Institution adds the following points:

- All promotional material was created and published by Sunny International Consulting Ltd., which is an immigration consulting company that is unaffiliated with the Institution
- Institution, at no time, made any guarantees regarding immigration outcomes
- Following the IRCC Update, the Institution revised the description of the Program to reflect that it is a “PTIRU -approved training program” and removed the phrase “specifically designed for caregiver immigration”

7. Decision

The question for me to determine is whether the Complainant was misled when she relied on promotional material which described the Program as fulfilling part of the eligibility requirements for the Canadian caregiver immigration stream. I find she was not misled.

While I have sympathy for the Complainant's predicament and can appreciate her frustration, given the timing of the sequence of events, and specifically the Complainant's enrolment and completion of the Program followed by the IRCC Update, there is no evidentiary basis upon which to approve the claim.

At the time of the Complainant's enrolment (June 2024), IRCC required applicants for the Home Care Worker Pilot program complete a caregiver-related training program. The Program, which was a 25-week program delivered 100% online, met the criteria for this requirement. In February 2025, after the Complainant had completed the Program, the policy changed such that online training no longer satisfied the IRCC training requirement. This means that at the time the Complainant enrolled in the Program, the representations were accurate, in that the Program did meet part of the eligibility criteria for Home Care Worker Pilot program. The advertisements may have embellished the degree to which completion of the Program would facilitate the immigration process and lead to employment opportunities in Canada, but that is not the focus of the Complaint. Rather, the crux of the Complaint is that the Institution misrepresented the Program as "recognized" by IRCC for immigration purposes. Until the IRCC Update, the Program was, in effect, recognized by IRCC as meeting its training requirement.

The Complainant also claims she is entitled to a refund on the basis of a "regulatory breach": "The institution was not designated by PTIB to accept international students at the time of my enrollment, which violates regulations." Based on my understanding of the regulatory scheme, this is not an accurate statement. At the time the Complainant enrolled in the Program, the Institution held a **registration certificate**. It is true that only institutions that hold a **designation certificate** are eligible to host international students on a study permit, however there is nothing precluding the Institution from offering the Program to international students attending online from outside Canada. In any event, even if I am wrong, compliance issues are properly within the purview of the PTIRU registrar and generally fall outside my jurisdiction. It is only in very specific circumstances that a "regulatory breach" on its own will amount to a finding that a student was misled within the meaning of PTA 23(1)(b).

For these reasons, the claim is denied.

As a final note, I would like to comment on the argument made by the Institution that the advertisements in question were created by an unaffiliated immigration consulting company that, coincidentally, bears a remarkably similar name to the Institution. I remind the Institution that it remains accountable for its marketing materials and recruitment activities regardless of whether advertising is done in-house or through a Third Party.

This decision is final. The Trustee does not have authority to re-open or reconsider the decision and there is no appeal under the PTA. Parties may wish to seek legal advice regarding a judicial review by the BC Supreme Court.

20 November 2025



Joanna White
Trustee, Student Tuition Protection Fund