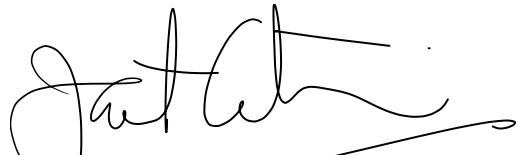


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 521

, Approved and Ordered July 15, 2024



Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective January 1, 2025, the Fees and Student Tuition Protection Fund Regulation, B.C. Reg. 140/2016, is amended as set out in the attached Appendix.



Minister of Post-Secondary Education and Future Skills



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Private Training Act*, S.B.C. 2015, c. 5, s. 64

Other: OIC 375/2016

R10782537

APPENDIX

1 *Section 1 of the Fees and Student Tuition Protection Fund Regulation, B.C. Reg. 140/2016, is amended in the definition of “employer provided program” by adding “, other than an employer or third party that is a public body as defined in Schedule 1 to the Freedom of Information and Protection of Privacy Act” after “other third party”.*

2 *Section 3 is amended*

(a) in subsection (2) by striking out “\$3 300” and substituting “\$4 500”, and

(b) in subsections (3) and (4) by striking out “\$500” and substituting “\$1 500”.

3 *Section 5 is amended*

(a) in subsection (2) (a) by striking out “\$900” and substituting “\$2 000”,

(b) in subsection (2) (b) by striking out “\$500” and substituting “\$1 000”, and

(c) in subsection (4) by striking out “\$150” and substituting “\$400”.

4 *Section 10 (1) is amended by repealing the description of “percentage” and substituting the following:*

percentage = (a) in the case of an institution that is in the language institution class or regulatory body institution class, one of the following:

(i) if the institution has a period of continuous certification or registration of less than 2 years, 0.299%;

(ii) if the institution has a period of continuous certification or registration of 2 or more years, 1.555%;

(b) in any other case, 1.825%.

5 *The following section is added to Division 3:*

Archived student record fees

10.2 Beginning on July 1, 2025, a certified institution must pay a fee of \$8 for each archived student record submitted to the registrar under section 39 (7) [*archived student record compliance standards*] of the Private Training Regulation.

6 *Section 11 (3) is amended*

(a) by striking out “\$1 500” and substituting “\$2 500”,

(b) in paragraph (a) by striking out “\$1 750” and substituting “\$2 500”, and

(c) in paragraph (b) by striking out “\$750” and substituting “\$1 000”.

7 Section 12 is amended

(a) by repealing subsection (1.1) and substituting the following:

(1.1) The fees payable by a certified institution in relation to the changes set out in the following paragraphs of section 56 (2) of the Private Training Regulation are as follows:

- (a) \$100 for a change set out in any of the following:
 - (i) paragraph (a) [*change in tuition or related fees*];
 - (ii) paragraph (c) [*change in full or part time instruction*];
 - (iii) paragraph (m) [*change in maximum number of students*];
 - (iv) paragraph (o) [*change in language of instruction*];
 - (v) paragraph (p) [*change in number of hours of instruction for course*];
- (b) \$750 for a change set out in paragraph (d) [*change in fiscal year*];
- (c) \$4 500 for a change set out in paragraph (g) [*change of control*];
- (d) \$400 for a change set out in paragraph (h) [*change in legal name or operating name*]. ,

(b) in subsection (1.2) (a) by striking out “\$250” and substituting “\$400”,

(c) in subsection (1.2) (b) by striking out “\$500” and substituting “\$900”,

(d) in subsection (1.2) (c) by striking out “\$200” and substituting “\$250”, and

(e) in subsection (1.2) (d) by striking out “\$250” and substituting “\$400”.

8 Section 14.2 is amended by striking out “\$100 000” and substituting “\$1 000 000”.

9 Section 27 (1) is amended by adding the following paragraph:

(b.1) section 13 (c) [*comply with conditions attached to institution’s certificate*]; .

10 Section 28 (2) to (5) is repealed and the following substituted:

(2) A certified institution that contravenes any of the following provisions of the Private Training Regulation is liable to an administrative penalty of \$1 000 for each contravention:

- (a) section 18.1 (2) [*limit on distance education*];
- (b) section 21 (2) (a) [*instructor qualification – academic course*];
- (c) section 21 (2) (b) [*instructor qualification – vocational or practical course*];
- (d) section 21 (2) (c) [*instructor qualification – language course*];
- (e) section 21 (3) [*instructor qualifications required by regulator*];
- (f) section 24 (2) (b) [*term of student enrolment contract*];
- (g) section 36 [*when and how refunds to be made*];
- (h) section 41 (6) [*work experience component compliance standards*];
- (i) section 62.1 [*prohibited advertising and representations*].

- (3) A certified institution that contravenes any of the following provisions of the Private Training Regulation is liable to an administrative penalty of \$750 for each contravention:
- (a) section 23 (2) [*written student enrolment contract*];
 - (b) section 24 (2) (c) [*content of student enrolment contract*];
 - (c) section 24 (8) [*provision of signed student enrolment contract*];
 - (d) section 28 [*tuition refund policy*];
 - (e) section 29 (1) [*when tuition can be accepted*].
- (4) A certified institution that contravenes any of the following provisions of the Private Training Regulation is liable to an administrative penalty of \$500 for each contravention:
- (a) section 18 (2) (f) [*student evaluation*];
 - (b) section 37 [*student record compliance standards*];
 - (c) section 44 [*credential compliance standards*];
 - (d) section 51 (1) [*required financial statements*];
 - (e) section 53 [*additional reporting requirements – student data report*].
- (5) A certified institution that contravenes any of the following provisions of the Private Training Regulation is liable to an administrative penalty of \$250 for each contravention:
- (a) section 17 (2) (a), (f), (i) or (k) [*post information on website*];
 - (b) section 17 (4) (a) (ii) [*post inspection notice on website*];
 - (c) section 21 (2) (d) [*performance evaluation*];
 - (d) section 38 [*student record compliance standards – retention of student records*];
 - (e) section 39 [*archived student record compliance standards*];
 - (f) section 40 [*student attendance compliance standards*];
 - (g) section 48.1 (3) (c) [*post sexual misconduct policy on website*];
 - (h) section 48.2 (4) [*post statement of rights in prominent place*];
 - (i) section 62 (1) (a.1) [*post dispute resolution process on website*].

11 Section 41.1 is repealed and the following substituted:

Determining result for change of control criterion

41.1 An institution's result for the change of control criterion, other than for an institution in the Indigenous institution class, is one of the following:

- (a) 1, if the institution has not had a change of control within the previous 5 years;
- (b) 2, if the institution has had a change of control within the previous 5 years but not within the previous 2 years;
- (c) 3, if the institution has had a change of control within the previous 2 years.

12 Table 2 in the Schedule is amended by repealing Column 2 and substituting the following:

| Column 2 Monthly Flat Rate Fee |
|--------------------------------------|
| \$119 |
| \$119 |
| \$190 |
| \$286 |
| \$452 |
| \$601 |
| \$917 |
| \$1 227 |
| \$1 537 |
| \$1 859 |
| \$2 264 |

13 Table 2.1 in the Schedule is repealed and the following substituted:

Table 2.1 – Graduated Fees for Category 1 or 2 Institutions

| Item | Column 1 Description of Certified Institution | Column 2 Period of Continuous Certification or Registration | Column 3 Percentage of Annual Tuition Review | |
|------|--|---|--|----------------|
| | | | Category 1 | Category 2 |
| 1 | Institution in Indigenous institution class | zero or more years | 0.2% | not applicable |
| 2 | Institution in language institution class or regulatory body institution class | 2 or more years | 0.299% | 0.345% |
| 3 | Institution that holds registration certificate, other than institution in Indigenous institution class, language institution class or regulatory body institution class | 2 or more years but less than 5 years | 0.817% | 0.942% |
| | | 5 or more years but less than 11 years | 0.673% | 0.776% |
| | | 11 or more years | 0.598% | 0.690% |

| Item | Column 1 Description of Certified Institution | Column 2 Period of Continuous Certification or Registration | Column 3 Percentage of Annual Tuition Review | |
|------|--|---|--|------------|
| | | | Category 1 | Category 2 |
| 4 | Institution that holds interim designation certificate or designation certificate, other than institution in Indigenous institution class, language institution class or regulatory body institution class | 2 or more years but less than 5 years | 0.501% | 0.577% |
| | | 5 or more years but less than 11 years | 0.423% | 0.488% |
| | | 11 or more years | 0.338% | 0.390% |

14 *Table 4 in the Schedule is amended in column 4 of item 12 by striking out “N/A” and substituting “3”.*