

Refund Policy

Private vocational institutions are legislated by The Private Vocational Institutions Act (C.C.S.M. c. P137), and Private Vocational Institutions Regulations 142/2023. These sections relating to refunding fees to students are as follows:

Refunds to students

26 A private vocational institution must refund all money received or realized in respect of a student being enrolled in a program of instruction it provides if

- (a) The registration of the registrant to operate the institution is cancelled; or
 - (b) The institution
 - (i) Ceases to provide instruction in the program while the student is still enrolled,
- or
- (ii) Expels the student without cause.

Providing training without registration

27 A person who provides a program of instruction before being registered as a registrant must refund all fees that have been paid in respect of the vocational training.

Refunds re actions of students

28(1) Subject to section 16 of the Act, the private vocational institution must refund the following fees:

- (a) if the student ceases to be enrolled before the start date of the program, all money received or realized in respect of the program except any non-refundable fees specified as required under sub clause 11(1)(d)(iv);
- (b) if the student ceases to be enrolled after the start date of the program, the percentage of paid tuition fees set out in first column of the following table based on the percentage of the program completed by the student at the time the student ceases to be enrolled as set out opposite in the second column:

Percentage of paid tuition fees refunded	Percentage of program completed at time the student ceases to be enrolled
75% of paid tuition fees refunded	Up to 20%
50% of paid tuition fees refunded	21% to 50%
No tuition fees refunded	51% or more

28(2) in determining the percentage of the program completed at the time the student ceases to be enrolled,

- (a) Each assignment and each hour or class in a program of instruction is of equal value;
- and
- (b) A student is deemed to have attended every regularly scheduled hour of instruction or, in the case of a program provided by correspondence or other means, to have submitted each regularly scheduled assignment until the day immediately before the date the student ceases to be enrolled.

Refund of materials fee

29(1) Subject to subsection (2), a private vocational institution must refund any materials fee

when a student rescinds their contract under section 16 of the Act or when a student ceases to be enrolled in the program of instruction if the student returns the materials to the institution

- (a) Within 10 days after ceasing to be enrolled in the program; and
- (b) In substantially the same condition as the materials were in when they were received by the student.

29(2) a materials fee is not refundable for materials that (a) are personal use items; or (b) have been removed from their packaging.

29(3) for certainty, a digital version of a book or text is eligible for a refund if the code used to access its contents has not been used.

Non-refundable fees

30 except as provided under section 16 of the Act, a student is not entitled to a refund of

- (a) a registration fee; or
- (b) In the case of an international student, the international student administration fee under subclause 11(1)(d)(v) of their student contract.

When student ceases to be enrolled

31 under this regulation, a student ceases to be enrolled in a program of instruction on the earliest of the date that

- (a) The private vocational institution
 - (i) Receives the student's written notice of withdrawal from the program of instruction,
 - (ii) Cancels the student's enrolment under section 32, or
 - (iii) expels the student from their program of instruction; or
- (b) the student (i) exceeds the number of absences allowed under the private vocational institution's attendance policy, or (ii) graduates from the institution.

Cancellation of enrolment of international students

32 A private vocational institution that receives written notice that a prospective international student is unable to obtain entry into Canada

- (a) Must
 - (i) Not enroll the student in a program of instruction, or
 - (ii) If the student is enrolled, cancel the student's enrolment within five days after receiving the notice; and
- (b) Must refund any money received from or on behalf of the student.

1. Payment of refunds

Cited from THE PRIVATE VOCATIONAL INSTITUTIONS ACT (C.C.S.M. c. P137), Private Vocational Institutions Regulation 142/2023.

33(1) Subject to subsection (2), if a student is entitled to a refund from a private vocational institution, the refund must be paid directly to the student.

33(2) if a student is entitled to a refund and the institution received any payment of the student's fees from a government program, an agency or a person other than the student, the institution must pay the refund, on the student's behalf, to the government, agency or other person.

33(3) the institution must issue a refund payment within 30 days after the refund becomes payable.

2. Training Completion Fund

Cited from THE PRIVATE VOCATIONAL INSTITUTIONS ACT (C.C.S.M. c. P137), Private Vocational Institutions Regulation 142/2023.

Information from private vocational institutions

34 To enable administration of the fund, a private vocational institution must provide the following information to the director, at the time and in the manner specified by the director, for each student enrolled in a program of instruction provided by the institution:

- (a) The student's name, address and contact information;
- (b) The program in which the student is enrolled;
- (c) if any portion of the student's fees were paid by or received from a government program, an agency or other person, the name and contact information of the government program, agency or other person;
- (d) Any other information required by the director to determine eligibility for payments out of the fund.

Payments into fund

35(1) a private vocational institution must pay into the fund 0.5% of the tuition fee paid or payable under each student contract.

35(2) the institution must make payments due under subsection (1) quarterly throughout the year, and the payment must be in the name of the Minister of Finance and be given to the director.

35(3) if the institution fails to make a quarterly payment listed in the first column of the following table on or before the date listed opposite in the second column, the institution must also pay a late fee of \$150.

January – March	April 15
April – June	July 15
July – Sept	October 15
October – December	January 15 of the following year

35(4) the director must deposit all payments received into the fund.

35(5) If the institution is in arrears on their payments into the fund, the minister may, after giving the institution 30 days' notice, suspend or cancel the registrant's registration.

Payments out of the fund

36(1) This section applies when amounts in the fund are required to be used to refund tuition fees or to pay for students to complete their program of instruction, as set out in subclasses 11(1)(a)(i) to (iii) of the Act.

36(2) If the director is satisfied that it is not reasonably possible to arrange for students to complete their program of instruction, the director must give notice to the following that refunds of the tuition paid for the program may be available:

- (a) Each affected student;
- (b) A government program, agency or other person who paid tuition on behalf of an affected student.

36(3) The notice must be given by e-mail or regular mail to the student or government program, agency or other person using the address provided under section 34, and include information respecting how the person or entity receiving the notice may claim a refund.

36(4) for certainty, a government program, agency or other person who receives a notice under subsection (2) may submit a claim on behalf of a student.

36(5) a person who receives notice under this section may claim a refund to be paid out from the fund by

(a) applying for a refund in the approved form;

(b) Including with their application, in the case of

(i) a student who makes a claim, a complete copy of their student contract and proof of the amount of tuition paid by or on behalf of the student, or

(ii) a government program, agency or other person who makes a claim, proof, to the satisfaction of the director, of payment of tuition claimed on behalf of the student; and

(b) Making the application to the director within six months after the day the director gave notice under subsection (2).