

## Student Claim Based on Being Misled Decision

Complainant: [REDACTED]

Institution: 3162 – CDI College of Business, Technology &  
Health Care

### 1. Introduction

The Complainant was enrolled in the Practical Nursing Program [Program] and filed a complaint against the Institution [Complaint] on November 26, 2024, after having completed the Program on [REDACTED].

The matters at issue relate to the Institution's facilities; the Institution's provision of textbooks and learning materials; and the fair treatment of the Complainant.

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 [DRP].

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:	Practical Nursing
Student Enrollment Contract #1	
Start date:	
End date:	
Dismissal date:	
Student Enrollment Contract #2	
Start date:	
End date:	
Graduation date:	
Total charged:	\$ 37,473
Tuition:	\$ 33,982
Application fee:	\$ 150
Assessment and Administration Fees:	\$ 525
E-Resource and Material Fee:	\$ 2,816
Fee Reduction: Approved Discount	\$ 2,885
Amount paid to date by Complainant:	\$ 35,089
Amount of tuition paid to date by Complainant:	\$ 33,982

### 4. Issues

The following issues arise for consideration: Did the Institution mislead the Complainant in respect of its facilities; the provision of textbooks and learning materials; and the treatment of the Complainant?

### 5. Chronology

September 7, 2024	Email exchange between parties related to provision of
September 11, 2024	Complainant submits complaint to Institution
October 3, 2024	Complainant re-submits complaint to Institution
October 9, 2024	Institution issues decision [Decision 1]
October 15, 2024	Institution confirms Decision 1 [Decision 2]
October 26, 2024	Complainant files Complaint

### 6. Analysis

Following [REDACTED], the Complainant submitted a complaint to the Institution and [REDACTED].

The records submitted by the Complainant in support of the Complaint include records related to previous complaints for which the parties went through the DRP, and the Institution issued decisions on July 6 and September 12, 2023. These records are not relevant to the Complaint as they relate to issues that have already been dealt with or are not the subject of the Complaint.

The issues complained about in the Complaint are as follows:

1. Institution provided misleading information about its facilities, including the laboratories

The Complainant submits:

When I enrolled at CDI College, I was led to believe that I would have access to modern, well-equipped facilities and labs that would support my learning. However, once I started, I quickly realized that this was far from the truth. The facilities and labs were outdated, run-down, and didn't have the necessary equipment or resources for a quality learning experience.

The Institution responds that issues related to the appropriateness of facilities and equipment were not brought up as part of the DRP. The Institution adds that "equipment and labs are well maintained, organized, and regularly assessed to provide an effective and conducive learning environment".

2. Institution did not provide reasonable access to textbooks and learning materials

The Complainant submits:

All the books were electronic, and some even expired before I finished my coursework. I had fully paid for these books, and my understanding was that this payment granted me permanent ownership of the materials, not just a rental period.

The Institution responds that issues related to the provision of textbooks and learning materials were not brought up as part of the DRP. The Institution adds: "Students have access to e-Books via VitalSource for one year from the date they redeem them. To maintain longer ownership, students are required to download the books. This process is clearly communicated during orientation and consistently reinforced throughout the program". The Institution confirms the Complainant received a hard copy of the Drug Guide in December 2023.

3. Institution did not treat the Complainant fairly

The Complainant submits:

One example of unequal treatment was during Semester 4 of my clinicals in 2023 with [REDACTED]  
I was [REDACTED]  
[REDACTED]

Despite working hard and maintaining strong academic performance, [REDACTED]  
[REDACTED] was in no  
way reflective of my abilities or academic record. I originally joined the program in [REDACTED]  
[REDACTED], [REDACTED] [REDACTED].

The Institution responds that issues related to the Complainant [REDACTED] were already addressed through previous complaints/DRP and the [REDACTED].

The Complainant submits, as an additional example of unfair treatment, [REDACTED]  
[REDACTED]

The Institution responds that the [REDACTED] was added to Semester 3 after the Complainant had completed Semester 3. The Institution, in its September 7, 2024 email, offered the Complainant to attend the next available session free of charge.

## 7. Decision

The purpose of the DRP is to provide the parties with an opportunity to address an issue before a claim is filed. PTA 23(4) provides that a student may not file a claim against the Fund until the student has first exhausted the DRP.

As a preliminary matter, I find the DRP was not exhausted with respect to Issues 1 and 2. Accordingly, I have no jurisdiction to consider these matters as part of the Complaint.

Turning to Issue 3, I find the allegation related to the Complainant's [REDACTED] was properly dealt with when the Complainant submitted a complaint to the Institution and [REDACTED]  
[REDACTED].

In respect of the allegation that the Complainant was misled in respect of the provision of the [REDACTED]  
[REDACTED] I accept the Institution's explanation that the certification was offered after the Complainant had completed Semester 3 of the Program. Further, the Institution's offer for the Complainant to take the [REDACTED]  
[REDACTED] at no charge was reasonable.

For these reasons, I deny the Complaint.

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.

February 12, 2025




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**Joanna White**  
Trustee, Student Tuition Protection Fund