

PROVINCE OF BRITISH COLUMBIA
REGULATION OF THE MINISTER OF ADVANCED EDUCATION AND
SKILLS TRAINING

Private Training Act

Ministerial Order No. M184

I, Anne Kang, Minister of Advanced Education and Skills Training, order that the Private Training Regulation, B.C. Reg. 153/2016, is amended,

- (a) effective September 1, 2021, as set out in the attached Schedule 1, and
- (b) effective September 1, 2022, as set out in the attached Schedule 2.

March 11, 2021

Date



Minister of Advanced Education and Skills Training

(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. 63

Other: MO 219/2016

R10475437

SCHEDULE 1

- 1 Section 1 of the Private Training Regulation, B.C. Reg. 153/2016, is amended**
- (a) **by adding the following definition:**
“**Branch**” means the Private Training Institutions Branch of the ministry of the minister; ,
- (b) **in the definition of “program outline” by adding the following paragraph:**
(i) the admission requirements for the program; , **and**
- (c) **by adding the following definition:**
“**tuition refund policy**” means the policy established by a certified institution under section 28; .
- 2 Section 5 (1) is amended**
- (a) **by repealing paragraph (a) (i) and substituting the following:**
(i) the name of its major shareholder; ,
- (b) **in paragraph (a) (ii) by striking out “that Act” and substituting “the Business Corporations Act”,**
- (c) **in paragraph (b) by striking out everything after “extraprovincial company,” and substituting “the name of its major shareholder;”, and**
- (d) **in paragraph (c) by striking out everything after “extraprovincial non-share corporation,” and substituting “the name of its major shareholder;”.**
- 3 Section 7 is amended**
- (a) **in subsection (2) by repealing paragraph (a) and by adding the following paragraph:**
(f) the institution must be fit and proper to provide a career training program. ,
- (b) **by repealing subsection (3) (c) and (f), and**
- (c) **in subsection (4) by striking out “subsection (3) (b), (e) and (f)” and substituting “subsections (2) (f) and (3) (b) and (e)”.**
- 4 Section 8 is amended by repealing paragraphs (a) and (c) and by adding the following paragraph:**
(g) the institution must be fit and proper to provide a career training program.
- 5 Section 9 is amended by striking out “90 days” and substituting “60 days”.**
- 6 Section 13 is amended**
- (a) **in subsection (1) by repealing paragraph (a),**
- (b) **in subsection (1) by repealing paragraph (c) and substituting the following:**

- (c) if the student intake model is an intermittent model, the number of intakes throughout the program; ,
- (c) in subsection (1) (e) by striking out “an outline of” and substituting “a course outline for”;**
- (d) in subsection (1) (k) by striking out “and” at the end of subparagraph (i), by adding “, and” at the end of subparagraph (ii) and by adding the following subparagraph:**
 - (iii) a description of the activities that the students will undertake during work experience components; ,
- (e) in subsection (1) (o) by adding “subject to subsection (3),” after “or a designation certificate,”;**
- (f) in subsection (2) (b) by striking out “set out the evaluator’s opinion” and substituting “subject to subsection (3), set out the evaluator’s opinion”;**
- (g) in subsection (2) (b) (ii) by striking out “section 14 (a) to (e)” and substituting “section 14 (1) (a) to (e)”, and**
- (h) by adding the following subsection:**
 - (3) The registrar may
 - (a) waive the requirement under subsection (1) (o) for an evaluation of a program, or
 - (b) waive a requirement that the evaluation include the evaluator’s opinion about one or more of the matters referred to in subsection (2) (b) (i) to (iii).

7 Section 14 is amended

- (a) by renumbering the section as section 14 (1),**
- (b) in subsection (1) by adding the following paragraph:**
 - (a.1) whether the learning objectives of the program are relevant to the career occupation for which the program is intended to prepare the student; ,
- (c) in subsection (1) (c) (v) by striking out “the equipment and facilities” and substituting “subject to subsection (2), the equipment and facilities”;**
- (d) in subsection (1) (g) by adding “, if any,” after “the evaluation”, and**
- (e) by adding the following subsection:**
 - (2) If an institution does not hold a certificate at the time the registrar is deciding, under subsection (1), whether to approve a program of instruction, the registrar must inspect the equipment and facilities referred to in subsection (1) (c) (v).

8 Section 15 is amended

- (a) by repealing subsection (2) and substituting the following:**
 - (2) A work experience component may consist of more than the percentage of hours of instruction referred to in the applicable definition in subsection (1) if the work

experience component is part of a program of instruction that leads to employment in a career occupation that is regulated by a regulator and the regulator requires

- (a) a higher percentage of hours of instruction, or
- (b) a higher number of hours of instruction resulting in a higher percentage of hours of instruction. , **and**

(b) by repealing subsection (3).

9 Section 17 is amended

(a) by repealing subsection (2) (f) and substituting the following:

- (f) if the institution has a website, provide a link on that website to the website of the Branch; ,

(b) in subsection (2) by adding the following paragraphs:

- (g) ensure that the equipment and facilities the institution uses to provide a program enable students to meet the learning objectives of the program;
- (h) provide students with notice, in accordance with subsection (4), of an inspection to be conducted under section 29 of the Act, other than an unscheduled inspection;
- (i) if the institution offers to provide a Class A or Class B program, include the following information, in relation to each Class A or Class B program, on its website, if the institution has a website:
 - (i) the admission requirements for the program;
 - (ii) the amount of tuition and related fees for the program;
 - (iii) whether the program leads to employment in a career occupation regulated by a regulator;
 - (iv) if the program leads to employment in a career occupation regulated by a regulator, a link to the website of the regulator;
 - (v) the career occupations for which the program is intended to prepare students;
- (j) ensure that the information in its publications and its website, if the institution has a website, is accurate and current;
- (k) if the institution has a website, include on the website the institution's tuition refund policy;
- (l) ensure that it does not offer a program that requires approval until the information and records in relation to the program have been submitted to the registrar under section 12;
- (m) ensure that any offer of a program that requires approval but that has not yet been approved states that approval is required and has not yet been received. ,

(c) by repealing subsection (3), and

(d) by adding the following subsection:

- (4) A notice referred to in subsection (2) (h)
 - (a) must, within 24 hours after the institution receives notice of the inspection, be posted in a prominent place at the location where the inspection is to be conducted, and
 - (b) must contain the date, time and location of the inspection and the website of the Branch.

10 Section 18 is amended

(a) in subsection (2) by adding the following paragraphs:

- (a.1) ensure that the title of a program is consistent with the learning objectives of the program;
- (a.2) ensure that the learning objectives of a program are relevant to the career occupation for which the program is intended to prepare students; ,

(b) by repealing subsection (2) (c) (v),

(c) in subsection (2) (j) by striking out “subject to subsection (3),”, and

(d) by repealing subsection (3).

11 Section 19 (2) (c) is amended by striking out “years from” and substituting “years after”.

12 Section 20 is amended by adding the following subsection:

- (3) Without limiting subsection (2), a certified institution that holds an interim designation certificate or a designation certificate must have a senior educational administrator.

13 Section 21 is amended

(a) in subsection (2) (e) by striking out “years from” and substituting “years after”, and

(b) in subsection (3) by striking out “Subsection (2)” and substituting “Subsection (2) (a), (b) and (c)”.

14 The following section is added to Division 3 of Part 4:

Senior educational administrator compliance standards

- 22.1** A certified institution must keep a record for each senior educational administrator, for a period of at least 2 years after the date the person ceased to be a senior educational administrator at the institution, that includes evidence that the person meets the requirements set out in this regulation.

15 Section 23 (2) is amended by striking out “when the student is enrolled in a program of instruction” and substituting “with a student on or before the start date of a program of instruction in which the student is enrolled”.

16 Section 24 is amended

(a) by adding the following subsection:

(2.1) If a program in which a student is enrolling requires more than 18 months to complete, a certified institution may enter into a subsequent student enrolment contract with the student, but only after 30% of the hours of instruction of the program have been provided. ,

(b) in subsection (4) by repealing paragraph (k),

(c) in subsection (5) by repealing paragraph (a) and substituting the following:

(a) a list of all related fees applicable to the program of instruction; ,

(d) by repealing subsection (5) (e), and

(e) in subsection (6) by striking out “2 statements” and substituting “3 statements” and by adding the following statement:

“This institution is certified by the Private Training Institutions Branch (PTIB). Certified institutions must comply with regulatory requirements relating to, among other things, student enrolment contracts, tuition refunds and instructor qualifications. For more information about PTIB, go to www.privatetraininginstitutions.gov.bc.ca.”

17 Section 25 (3) is amended by striking out “2 statements” and substituting “information” and by adding the following paragraphs:

- (c) an explanation of a student’s rights in relation to a refund of tuition for the program of instruction;
- (d) the start date of the program;
- (e) the amount of tuition and related fees for the program.

18 Section 26 is repealed.

19 Division 5 of Part 4 is repealed and the following substituted:

Division 5 – Fee and Tuition Compliance Standards for Approved Programs

Fee and tuition compliance standards for approved programs

27 The fee and tuition compliance standards set out in this Division are prescribed for a certified institution in relation to an approved program of instruction, other than an employer provided program.

Tuition refund policy

28 A certified institution must establish a written tuition refund policy that complies with this Division.

When tuition can be accepted

- 29** A certified institution must not accept any tuition or related fees payable for an approved program of instruction unless the institution has first provided the student with a copy of the institution's tuition refund policy.

General rules in relation to fees

- 30** (1) A certified institution must not charge an application fee, for an approved program of instruction, that is greater than the following applicable amount:
- (a) in the case of an international student, \$1 000;
 - (b) in the case of any other student, \$250.
- (2) A certified institution must not charge a student an assessment fee, for an approved program of instruction, that is greater than \$250.
- (3) A certified institution
- (a) must not charge a student for an initial letter of acceptance in relation to an approved program of instruction, and
 - (b) may charge a student a fee for one or more additional letters of acceptance in relation to an approved program of instruction if the fee or fees charged for all additional letters of acceptance do not, in total, exceed \$250.
- (4) Subject to sections 31 to 34, a certified institution is not required to refund related fees paid by or on behalf of a student in relation to an approved program of instruction.

Full refund of tuition and related fees – all students

- 31** Despite anything in this Division, a certified institution must, if all of the following apply, refund all of the tuition and all related fees paid to the institution by or on behalf of a student for an approved program of instruction:
- (a) the student is enrolled in the program without having met the admission requirements for the program;
 - (b) the student did not misrepresent the student's knowledge or skills when applying for admission;
 - (c) the registrar orders the institution to refund the tuition and related fees.

Full refund of tuition and specified fees – all students

- 32** (1) Without limiting section 31 and despite anything else in this Division, a certified institution must, in either of the following circumstances, refund all of the tuition and all related fees, other than application fees, paid to the institution by or on behalf of a student for an approved program of instruction:
- (a) if the institution receives a notice of withdrawal from the student no later than 7 days after the student, or other signatory, signs the student enrolment contract and before the start date of the program set out in the student enrolment contract;
 - (b) subject to subsection (2), if all of the following apply:
 - (i) the student is attending the program;

- (ii) the student does not attend a work experience component of the program;
 - (iii) the institution does not provide all of the hours of instruction of the work experience component of the program before the date that is 30 days after the end date set out in the student enrolment contract.
- (2) Subsection (1) does not apply if the registrar determines that the institution was prevented, by circumstances beyond its control, from providing all of the hours of instruction of the work experience component of the program by the deadline referred to in subsection (1) (b) (iii).

Full refund of tuition and specified fees – international students

33 Without limiting sections 31 and 32 and despite anything else in this Division, a certified institution must, if all of the following apply, refund all of the tuition and all related fees, other than application fees, paid to the institution by or on behalf of an international student for an approved program of instruction, other than a program provided solely through distance education:

- (a) the international student is refused a study permit in relation to the program;
- (b) the international student has not requested an additional letter of acceptance for the same program for which the study permit was refused;
- (c) the international student delivers to the institution a copy of the refusal of the study permit before the date on which 30% of the hours of instruction of the program would have been provided to the student had the student started the program on the later of the following:
 - (i) the start date of the program set out in the last letter of acceptance issued to the student by the institution;
 - (ii) the start date of the program set out in the student enrolment contract.

Refund of fees for course materials – all students

34 Without limiting sections 31 to 33, a certified institution must refund fees charged for course materials paid by or on behalf of a student enrolled in an approved program of instruction if the student does not receive the course materials and any of the following apply in relation to the program:

- (a) the student provides a notice of withdrawal to the institution;
- (b) the institution provides a notice of dismissal to the student;
- (c) the student does not attend any of the first 30% of the hours of instruction of the program.

Partial refunds or recovery of tuition

- 35** (1) In this section, “**completed**”, in relation to an approved program of instruction provided solely through distance education, means that a student has received an evaluation of the student’s performance for a specified percentage of the hours of instruction of the program.
- (2) A certified institution may retain up to 50% of the amount of tuition paid by or on behalf of a student in relation to an approved program of instruction, other

than a program provided solely through distance education, if the student does not attend any of the first 30% of the hours of instruction of the program.

- (3) A certified institution may, in the following circumstances, retain or recover, as the case may be, up to 50% of the amount of tuition paid or payable under a student enrolment contract in relation to an approved program of instruction, other than a program provided solely through distance education:
 - (a) the institution receives a notice of withdrawal from the student after the date on which more than 10%, but less than 30%, of the hours of instruction of the program have been provided;
 - (b) the institution provides a notice of dismissal to the student and, on the date the notice is delivered to the student, the institution has provided more than 10%, but less than 30%, of the hours of instruction of the program.
- (4) A certified institution may, if both of the following apply, retain or recover, as the case may be, up to 50% of the tuition paid or payable under a student enrolment contract in relation to an approved program of instruction provided solely through distance education:
 - (a) the institution receives a notice of withdrawal from the student or provides a notice of dismissal to the student;
 - (b) on the date the notice is received or delivered, as the case may be, the student has completed more than 30%, but less than 50%, of the program.
- (5) A certified institution may, in the following circumstances, retain or recover, as the case may be, up to 30% of the tuition paid or payable under a student enrolment contract in relation to an approved program of instruction, other than a program provided solely through distance education:
 - (a) the institution receives a notice of withdrawal from the student after the start date of the program set out in the student enrolment contract but on or before the date on which 10% of the hours of instruction of the program have been provided;
 - (b) the institution provides a notice of dismissal to the student and, on the date the notice is delivered to the student, the institution has provided no more than 10% of the hours of instruction of the program.
- (6) A certified institution may, if both of the following apply, retain or recover, as the case may be, up to 30% of the tuition paid or payable under a student enrolment contract in relation to an approved program of instruction provided solely through distance education:
 - (a) the institution receives a notice of withdrawal from the student or provides a notice of dismissal to the student;
 - (b) on the date the notice is received or delivered, as the case may be, the student has completed no more than 30% of the program.
- (7) A certified institution may retain or recover, as the case may be, up to 20% of the tuition, to a maximum of \$1 300, paid or payable in relation to an approved program of instruction if the institution receives a notice of withdrawal from the student less than 30 days before the later of the following:

- (a) the start date of the program set out in the last letter of acceptance issued to the student by the institution;
 - (b) the start date of the program set out in the student enrolment contract.
- (8) A certified institution may retain or recover, as the case may be, up to 10% of the tuition, to a maximum of \$1 000, paid or payable in relation to an approved program of instruction if the institution receives a notice of withdrawal from the student at least 30 days before the later of the following:
- (a) the start date of the program set out in the last letter of acceptance issued to the student by the institution;
 - (b) the start date of the program set out in the student enrolment contract.

When and how refunds to be made

- 36** A certified institution required under this Division to refund an amount of tuition or a fee in relation to an approved program of instruction must pay the amount to the student or other person who paid the tuition or fee within 30 days after the following applicable date:
- (a) the date the institution receives a notice of withdrawal from the student;
 - (b) the date the institution provides a notice of dismissal to the student;
 - (c) the date the registrar orders, under section 31, the institution to refund the amount of tuition and related fees;
 - (d) the date that is 30 days after the end date set out in the student enrolment contract if the institution contravenes section 32 (1) (b) (iii);
 - (e) the date the student delivers to the institution a copy of a refusal to issue the study permit;
 - (f) the date on which the first 30% of the hours of instruction are provided, if the student does not attend any of the first 30% of the hours of instruction.

20 *The following Division is added to Part 4:*

Division 5.1 – Fee and Tuition Compliance Standards for Other Programs

Fee and tuition compliance standards – programs that do not require approval

- 36.1** (1) The fee and tuition compliance standards set out in this section are prescribed for a certified institution in relation to a program of instruction, other than a program provided solely through distance education, to which all of the following apply:
- (a) the program does not require approval;
 - (b) the program is not an employer provided program;
 - (c) the amount of tuition for the program is \$4 000 or more.
- (2) A certified institution must, if both of the following apply, refund all of the tuition and all related fees, other than application fees, paid to the institution by or on behalf of a student enrolled in a program of instruction that does not require approval:
- (a) the student does not attend any of the program;

(b) the institution receives from the student a notice of withdrawal or a copy of a refusal of a study permit no later than 30 days after the later of the following:

(i) the start date of the program set out in the last letter of acceptance issued to the student by the institution;

(ii) the start date of the program set out in the student enrolment contract.

(3) A refund under subsection (2) must be paid to the student or other person who paid the tuition or fee within 30 days of the date the institution receives the notice of withdrawal or copy of the refusal, as applicable.

21 Section 37 (3) is amended

(a) *in paragraph (b) by adding “, and, if applicable, refunds of,” after “evidence of payments for”, and*

(b) *in paragraph (d) by striking out “, including in relation to a refund of tuition or related fees”.*

22 Sections 38 (2) and (3) and 39 (6) (a) are amended by striking out “years from” and substituting “years after”.

23 Section 42 (5) (b) is repealed and the following substituted:

(b) subject to the agreement of the regulator, a student in a program of instruction that leads to employment in a career occupation regulated by a regulator.

24 Section 48 is repealed.

25 Section 48.1 (1) is amended by striking out “that operates one or more student residences”.

26 The following section is added to Part 4:

Statement of rights compliance standards

48.2 (1) The statement of rights compliance standards set out in this section are prescribed for a certified institution.

(2) A certified institution must establish a statement that advises students of their rights in relation to the institution, including but not limited to the following rights, to the extent the right applies to a program of instruction:

(a) the right to a written student enrolment contract;

(b) the right to the following:

(i) in relation to a program of instruction that requires approval, a copy of the institution’s tuition refund policy;

(ii) in relation to a program of instruction that does not require approval, an explanation of when and how an institution is required to refund tuition or fees;

- (c) the right to be advised of the amount of tuition and of each related fee payable for a program;
 - (d) the right to be advised of the requirements for a student to participate in a work experience component of a program, including the geographic area or region of the Province where the work experience component will be provided;
 - (e) the right to file a claim against the Student Tuition Protection Fund if either of the following applies:
 - (i) the institution ceased to hold a certificate before the student completed an approved program of instruction in which the student was enrolled at the institution;
 - (ii) the institution misled the student regarding a significant aspect of an approved program of instruction in which that student was enrolled at the institution.
- (3) A certified institution must make the statement of rights available in every language in which instruction of an approved program is provided at a location at which the certified institution operates.
- (4) A certified institution must post, in a prominent place at each location at which the certified institution operates, a copy of the statement of rights in every language in which instruction of an approved program is provided at that location.
- (5) Together with a copy of a signed student enrolment contract provided to a student under section 24 (8), a certified institution must provide the student with a copy of the statement of rights in every language in which instruction of an approved program will be provided under the student enrolment contract.

27 *Section 53 is amended by striking out “90 days” and substituting “60 days”.*

28 *Section 54 is amended*

(a) in subsection (1) by striking out “and Class B programs” and by striking out “90 days” and substituting “60 days”,

(b) in subsection (2) by adding the following paragraph:

(a.1) if the student obtained employment as contemplated by paragraph (a) (ii), the student’s job title; , and

(c) in subsection (4) by adding “(a.1),” after “subsections (2) (a) (ii),”.

29 *Section 55 (1) is amended by repealing paragraphs (a), (b) and (c) and substituting the following:*

*(a) if the institution is a company, a change in its shareholders, as defined in section 1 (1) of the *Business Corporations Act*, who hold more than 10% of shares carrying the right to vote at general meetings, other than a change in its major shareholder;*

- (b) if the institution is an extraprovincial company, a change in its shareholders, as defined in section 374 of the *Business Corporations Act*, who hold more than 10% of shares carrying the right to vote at general meetings, other than a change in its major shareholder;
- (c) if the institution is a corporation other than a company, an extraprovincial company, a society or an extraprovincial non-share corporation, a change in its shareholders, as defined in section 1 (1) of the *Business Corporations Act*, who hold more than 10% of shares carrying the right to vote at general meetings, other than a change in its major shareholder; .

30 Section 56 is amended

- (a) *in subsection (1) in paragraph (a) of the definition of “change of control” by striking out “major shareholder;” and substituting “major shareholder, and”,*
- (b) *by repealing subsection (2) (b), (k), (l) and (n), and*
- (c) *in subsection (2) by adding the following paragraph:*
 - (p) in relation to an approved program of instruction, a change in the number of hours of instruction for each course that is part of the program.

31 Section 57 is amended

- (a) *in paragraph (d) by striking out “an approved program of instruction” and substituting “a program of instruction”, and*
- (b) *by repealing paragraph (e) (iii).*

32 Section 58 (b) is amended by striking out “90 days” and substituting “60 days”.

33 Section 62 (1) is amended

- (a) *by repealing paragraphs (c) and (d) and substituting the following:*
 - (c) identify, by title,
 - (i) the individual responsible for making the determination in respect of a student complaint,
 - (ii) the individual responsible for the reconsideration, if any, of the determination referred to in subparagraph (i), and
 - (iii) if the individual referred to in subparagraph (i) or (ii) is absent or named in the complaint, the individual responsible for making the determination or for the reconsideration, as applicable, in respect of the student complaint,
 - (d) describe, in detail, how a student complaint is to be handled from initiation through the final resolution of the complaint, ,
- (b) *in paragraph (e) by striking out “and” at the end of the paragraph,*
- (c) *by adding the following paragraph:*

(e.1) require a student complaint to be finally resolved within 30 days after the date on which the complaint is made, ,

(d) by repealing paragraph (f) and substituting the following:

(f) require the reasons for the determination and the reconsideration of that determination, if any, to

(i) be in writing,

(ii) be given to a student within 30 days after the date on which the student makes the complaint, and

(iii) advise a student of the student's right to make a claim under section 23 (1) (b) of the Act and the time within which the claim must be filed, and , **and**

(e) by adding the following paragraph:

(g) ensure that a student who makes or who is otherwise involved in respect of a complaint is protected from retaliation by the institution as a result of making, or being otherwise involved in respect of, the complaint.

SCHEDULE 2

1 Section 7 of the Private Training Regulation, B.C. Reg. 153/2016, is amended

(a) in subsection (2) by adding the following paragraph:

(g) if the institution has continuously held a certificate under the Act for the last 2 years, the institution must have provided an approved program in at least one of those years. , **and**

(b) by repealing subsection (4) and substituting the following:

(4) The requirements set out in subsections (2) (f) and (g) and (3) (b) and (e) do not apply to an aboriginal institution.

2 Section 8 is amended by adding the following paragraph:

(h) if the institution has continuously held a certificate under the Act for the last 2 years, the institution must have provided an approved program in at least one of those years.

3 Section 49 is amended by repealing the definition of “audit on financial information”.

4 Section 52 is amended

(a) by repealing subsection (1) (a),

(b) by repealing subsection (1) (b) (i) and substituting the following:

(i) had annual tuition revenue of \$500 000 or less, and ,

(c) in subsection (1) by adding the following paragraph:

(c) a certified institution that,

- (i) in the institution's previous fiscal year, had annual tuition revenue of \$500 000 or less, and
- (ii) was assigned to category 3 in its most recent category assignment assessment under section 31 (a) of the Fees and Student Tuition Protection Fund Regulation. ,

(d) by repealing subsection (2) and substituting the following:

- (2) The following certified institutions must submit to the registrar, with that institution's financial statements, a review engagement:
 - (a) a certified institution that,
 - (i) in the institution's previous fiscal year, had annual tuition revenue of \$500 000 or less, and
 - (ii) was assigned to category 3 in its most recent category assignment assessment other than under section 31 (a) of the Fees and Student Tuition Protection Fund Regulation;
 - (b) a certified institution that,
 - (i) in the institution's previous fiscal year, had annual tuition revenue of greater than \$500 000 but no more than \$1 000 000, and
 - (ii) was assigned to category 3 in its most recent category assignment assessment;
 - (c) a certified institution that,
 - (i) in the institution's previous fiscal year, had annual tuition revenue of greater than \$500 000 but no more than \$5 000 000, and
 - (ii) was assigned to category 1 or category 2 in its most recent category assignment assessment. ,

(e) by repealing subsections (3) and (4), and

(f) by repealing subsection (5) and substituting the following:

- (5) The following certified institutions must submit audited financial statements to the registrar:
 - (a) a certified institution that,
 - (i) in the institution's previous fiscal year, had annual tuition revenue of greater than \$1 000 000 but no more than \$5 000 000, and
 - (ii) was assigned to category 3 in its most recent category assignment assessment;
 - (b) a certified institution that, in the institution's previous fiscal year, had annual tuition revenue of greater than \$5 000 000.