



January 2024 | Issue 1

Welcome to the inaugural edition of the Regulator's Report—a report for registrants to assist in navigating the regulatory landscape. This report provides essential insights to help dealers and salespersons through the intricacies of the Motor Vehicle Dealers Act (MVDA) and the Code of Ethics. This is a vital tool outlining the consequences for those who deviate from the legislation in their daily business operations. The adherence to the MVDA and Code of Ethics isn't just good practice; it's your safeguard against the risks of noncompliance.



DISCIPLINE HEARINGS

Review your advertising closely. Ensure you are following all MVDA and Code of Ethics legislation and obligations – consequences await for noncompliance.

1802247 Ontario Inc O/A Collingwood Hyundai and Adam Nigro v. OMVIC

The Dealer, 1802247 Ontario Inc. operating as Collingwood Hyundai, and Adam Nigro violated sections of the Code of Ethics relating to accountability, professionalism and all-in pricing requirements. This was the Dealer's second disciplinary case related to all-in pricing. The imposed penalties included an \$8,500 fine for the Dealer and a \$2,500 fine for Nigro. Additionally, Nigro was to complete the MVDA Key Elements Course by Dec. 31, 2023. The Dealer is also obligated to provide this course to current and future sales staff, covering associated costs.

[Read more](#)

900917 Ontario Limited o/a Airport Hyundai and Minaz Shamji and Mahadeen Hattim v. OMVIC

Airport Hyundai, and Mahadeen Hattim violated sections 4(2) and 9(3) of the Code of Ethics related to all-in pricing. The parties acknowledged the violations in the Agreed Statement of Facts. The Discipline Panel ordered penalties including a \$3,500 fine for the dealer, completion of the MVDA Key Elements course, and offering the course to current and future sales staff. Mahadeen Hattim is also required to complete the course.

[Read more](#)

LICENSE APPEAL TRIBUNAL

9681159 Canada Inc. & Payne Motiki-Stephens v. OMVIC

A Registrar's Notice of Proposal (NOP) sought to refuse the registration of Motiki-Stephens as a motor vehicle salesperson and 9681159 Canada Inc. as a motor vehicle dealer. The Registrar claimed that both parties could not be reasonably expected to handle their business finances responsibly. The LAT upheld the NOP, stating there were valid reasons to believe that both parties wouldn't be financially responsible in their business dealings. This decision was based on evidence presented about their personal and corporate financial situations.

[Read more](#)

Upright Motors & Logistics Inc. o/a Upright Motors & Logistics and Bethram Aneke v. OMVIC

Upright Motors and Logistics and Bethram Aneke appealed the Registrar's NOP to revoke registration. The NOP had been issued to the appellants for providing altered odometers, failure to maintain records, and failure to disclose material facts on bills of sale entered into with consumers. The Registrar proposed that such unprofessional actions should preclude them from registration under the MVDA. The LAT concluded that the Registrar provided sufficient evidence to demonstrate that both Aneke and the dealership will not conduct business within the legal and ethical boundaries, resulting in the revocation of their registrations.

[Read more](#)

PROVINCIAL OFFENCES ACT PROSECUTIONS

A registered motor vehicle dealer, McKee Technology Inc. operating as AutoAuto Group, along with its registered salespersons, was charged with violations of the MVDA and the Consumer Protection Act.

The charges stemmed from a consumer complaint regarding the sale of a vehicle by AutoAuto Group and unlawful retention of the proceeds of sale. The investigation revealed that the defendants falsified documents related to the sale of a motor vehicle by signing them in a way that purported to represent the consumer's signature. The prosecution resulted in registered convictions and imposition of a fine totaling \$14,500 against all the defendants.



INDUSTRY TRENDS



OMVIC continues to identify matters of non-compliance. Since October, the most common issues of non-compliance have been the following:

[All-in advertising – section 36 of O. Reg. 333/08](#)

[Notice of changes to the Registrar – Section 24\(1\) of the MVDA](#)

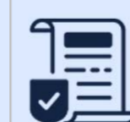
[Notice of events to Registrar – Section 31 of O. Reg. 333/08](#)

[Failing to make the required disclosures as per section 42 and 43 of O. Reg. 333/08](#)

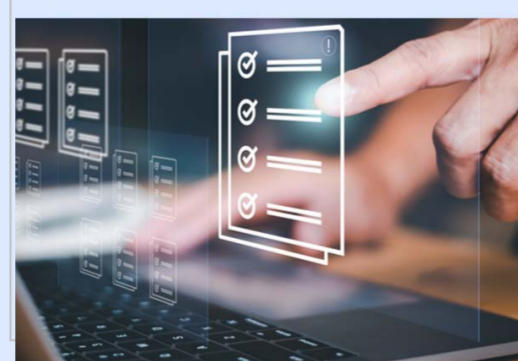
[Ensuring a vehicle is sold free of any incumbrances \(free of any liens\)](#)

[Vehicle trade-in – ensure due diligence](#)

[Notifying the Ministry of Transportation – transfer of ownership](#)



PROVISIONS, POLICIES & GUIDELINES



OMVIC regularly publishes dealer guidelines to aid registrants in understanding their responsibilities under the legislation. Registrants are reminded to review these guidelines diligently, ensuring strict adherence in their day-to-day business operations.

[As-is dealer guideline – December 2023](#)

OTHER RESOURCES

OMVIC's [Compliance Package](#) includes resources, tools and calculators to help enhance industry professionalism and ensure honest and open competition for dealers, in order to maintain a fair and informed marketplace which is a key priority for OMVIC.



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This publication is being issued under the authority of section 27(2) of the Ontario Regulation 333/08, MVDA which states:

(2) Subject to subsection (3), if the Registrar becomes aware of information respecting a registrant, a former registrant, a person registered at any time under the *Motor Vehicle Dealers Act*, a director or officer of a registrant or a person who is carrying on activities that require registration and if the Registrar is of the opinion that the information could assist in protecting the public if the public knew of it, the Registrar shall make the information available to the public by electronic or other means. O. Reg. 333/08, s. 27 (2).