

LAT Decision Summary

Applicant: Added Touch Inc. and Daniel Lescort
Released: July 14, 2004
Appeal Date: August 13, 2004
Tribunal: William Lescort, Vice Chair
Disposition: Dealer revoked
Keywords: Retail Sales Act, financial responsibility, Joseph Fine Car Sales Ltd. and Riadh Jirjis

Summary:

The applicant (with Lescort as director) failed to comply with the Retail Sales Tax Act. In February 2004 the Registrar entered into terms and conditions with the applicant. The agreement obligated the applicant to pay \$1000.00 monthly until outstanding arrears were cleared – as at February 3, 2004 the amount remaining was \$11,825.00. The April remittance was only \$500.00 and was returned NSF – this was taken as a breach of the terms and conditions agreed upon.

“The evidence adduced was directed towards the deficiencies of the applicant dealership. While there was sufficient evidence for the Tribunal to make an assessment as to the financial responsibility and integrity of Mr. Lescort, qua officer and director of Added Touch, it can only be assumed that this evidence was to be generically imposed upon the applicant in all of his manifestations including salesman. While there may be some substance to this position the Tribunal would have to hear evidence about Mr. Lescort’s conduct as a salesperson before imposing as drastic a sanction as revocation of his right to make a living selling cars as opposed operating a dealership.”

Registration revoked for Added Touch Inc. Daniel Lescort remains registered as a motor vehicle salesperson upon the condition that he in no capacity will be involved with the management of a motor vehicle dealership.

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