

**Licence  
Appeal  
Tribunal**

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January 16, 2007

**MEMORANDUM**

**Re: *Alaina Auto Sales Ltd. and Aslam Mohammad***  
**v.**  
***Registrar, Motor Vehicle Dealers Act***

Enclosed herewith please find a copy of the Order of the Licence Appeal Tribunal with respect to this matter.

**DISTRIBUTION LIST:**

Douglas C. Gosbee, Counsel for the Applicants  
A. Michael Rothe, Counsel for OMVIC

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ALAINA AUTO SALES LTD. AND ASLAM MOHAMMAD

APPEAL FROM A PROPOSAL OF THE REGISTRAR UNDER  
THE *MOTOR VEHICLE DEALERS ACT*

TO REVOKE REGISTRATIONS

TRIBUNAL: DEREK ISRAEL, Vice-Chair

APPEARANCES: DOUGLAS C. GOSBEE, Counsel, representing Alaina Auto Sales  
Ltd. and Aslam Mohammad

A. MICHAEL ROTHE, Counsel, representing the Registrar, *Motor  
Vehicle Dealers Act*

DATES OF  
HEARING: August 28, 29, 2006 and January 15, 2007 Toronto

### ORDER

WHEREAS the hearing in the above matter commenced before the Tribunal on August 28, 2006 and continued on August 29, 2006;

AND WHEREAS the hearing was, on August 29, 2006, adjourned for the continuation of the hearing until January 15 and January 16, 2007;

AND WHEREAS prior to the commencement of the hearing on January 15, 2007 Counsel for Alaina Auto Sales Ltd. and Aslam Mohammad (the "Applicants") informed the Tribunal that neither he nor the Applicants would be in attendance before the Tribunal on January 15, 2007;

AND WHEREAS the reason given by the Applicants' Counsel for the non appearance on January 15, 2007 was due to the Applicants abandoning and withdrawing their appeals to the proposal of the Registrar dated February 4, 2006;

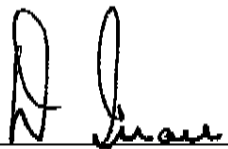
AND WHEREAS, in confirmation of the abandonment and withdrawal of the Applicants' appeals, Counsel for those parties faxed to and filed with the Tribunal a letter addressed to the Tribunal and marked Schedule "A" hereto attached;

AND WHEREAS the attached letter marked Schedule "A" is accepted by this Tribunal as a formal abandonment and withdrawal of the Applicants' appeal;

NOW THEREFORE IT IS HEREBY ORDERED:

1. That this matter is hereby concluded, the Applicants having withdrawn and abandoned their appeals to the Registrar's proposal.
2. Pursuant to section 7.(4) of the *Motor Vehicle Dealers Act*, the Tribunal directs the Registrar to carry out his proposal dated February 4, 2006 to refuse the registrations of Alaina Auto Sales Ltd. and Aslam Mohammad as motor vehicle dealer and motor vehicle salesperson respectively under the Act.

LICENCE APPEAL TRIBUNAL



Derek Israel, Vice-Chair

*RELEASED: January 16, 2007*

FILE NAME: 3458.mvda.Alaina Auto Sales Ltd. et al. Order.doc

The hearing was recorded. Transcripts can be made available at your expense. The period to appeal a decision to the Superior Court of Justice or Divisional Court is 30 calendar days from the date of release of the decision. Please arrange to pick up your Exhibits within 30 days after that period has passed. The Tribunal requires seven days notice prior to releasing Exhibits.

This decision, which is being released to the parties in this proceeding, will also be posted on the Licence Appeal Tribunal's website <http://www.lat.gov.on.ca/> in approximately two weeks time. The decision will also be available on Quicklaw at a later date.

**SCHEDULE 'A'**

# Doug Gosbee

Barrister and Solicitor

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January 15, 2007

License Appeal Tribunal  
1 St. Clair St. West  
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*Sent by fax to: (416) 314-4270*

Ontario Motor Vehicle Industry Council  
789 Don Mills Road  
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Attention: Mr. Michael Rothe

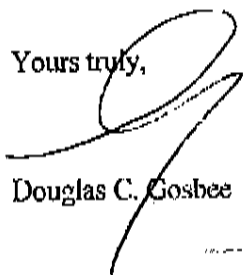
Dear Sirs:

**RE: Alaina Auto Sales Ltd. And Aslam Mohammad ats OMVIC**

Further to our most recent discussion, I confirm that my clients, Alaina Auto Sales Ltd. and Aslam Mohammad, hereby withdraw and abandon their appeals and consent to an order that their respective appeals be dismissed and that their registration be refused.

I trust this is satisfactory.

Yours truly,

  
Douglas C. Gosbee

DCG/bn