



DISCIPLINE DECISION

IN THE MATTER OF A DISCIPLINE HEARING HELD PURSUANT TO THE MOTOR VEHICLE DEALERS ACT 2002, S.O. 2002, C.30, Sch. B

B E T W E E N :

REGISTRAR, *MOTOR VEHICLE DEALERS ACT, 2002*

- AND -

ERINWOOD FORD SALES LIMITED

Pursuant to Rule 1.07 of the Rules of Practice before the Discipline Committee and the Appeals Committee, I, the Chair of the Discipline Committee, have reviewed and considered the written Agreed Statement of Facts and Joint Submission on Penalty together with both Parties' waiver of a Hearing to this Proceeding and provide the following Order:

Date of Decision: November 17, 2010

Findings: Breach of Section 4 of the Code of Ethics

- Order:**
1. The dealer will agree to and pay a fine in the amount of \$4,000.00, within 90 days of the acceptance of this Order. The fine is payable to OMVIC.
 2. The Dealer agrees to offer all registered salespeople the opportunity to complete the OMVIC certification course, as it is revised with regards to the *Motor Vehicle Dealers Act, 2002* within 90 days of the acceptance of this Order. The dealer will incur all costs associated with this.
 3. The dealer agrees to comply with Regulation 332/08 Code of Ethics under the *Motor Vehicle Dealers Act, 2002* and the Standards of Business Practice, as may be amended from time to time.
 4. OMVIC agrees to waive its costs in this matter.

Written Reasons:

Reasons for Decision

Introduction

This matter proceeded on the basis of an Agreed Statement of Facts, Joint Submission on Penalty and the Parties' Waiver of Hearing, pursuant to Rule 1.07 of the Rules of Practice before the Discipline Committee and the Appeals Committee.



The Agreed Statement of Facts read:

1. On or about August 16, 2010, the dealer was advised by a representative of the Registrar of the importance of ensuring all advertised vehicle prices are clear and truthful, as required by section 4 of the Code of Ethics, as set out in Ontario Regulation 332/08.
2. On or about August 18, 2010, the dealer was advised by a representative of the Registrar of the importance of ensuring all advertised vehicle prices are clear and truthful, as required by section 4 of the Code of Ethics, as set out in Ontario Regulation 332/08.
3. On August 25, 2010, an advertisement was published by or on behalf of the dealer which promoted unobtainable vehicle prices, contrary to section 4 of the Code of Ethics, as set out in Ontario Regulation 332/08.
4. On September 10, 2010, an advertisement was published by or on behalf of the dealer which promoted unobtainable vehicle prices, contrary to section 4 of the Code of Ethics, as set out in Ontario Regulation 332/08.

It is thereby agreed that Erinwood Ford Sales Limited breached the following sections of the Code of Ethics:

4. (1) A registrant shall be clear and truthful in describing the features, benefits and prices connected with the motor vehicles in which the registrant trades and in explaining the products, services, programs and prices connected with those vehicles. O. Reg. 332/08, s. 4 (1).

Joint Submission on Penalty:

1. The dealer will agree to and pay a fine in the amount of \$4,000.00, within 90 days of the acceptance of this offer. The fine is payable to OMVIC.
2. The Dealer agrees to offer all registered salespeople the opportunity to complete the OMVIC certification course, as it is revised with regards to the *Motor Vehicle Dealers Act, 2002* within 90 days of the acceptance of this offer. The dealer will incur all costs associated with this.
3. The dealer agrees to comply with Regulation 332/08 Code of Ethics under the Motor Vehicle Dealers Act, 2002 and the Standards of Business Practice, as may be amended from time to time.
4. OMVIC agrees to waive its costs in this matter.

Decision of the Chair

Having reviewed and considered the Agreed Statement of Facts, the Chair of the Discipline Committee hereby concludes that the dealer breached subsections 4(1) and 4(2) of the OMVIC Code of Ethics, as set out in Ontario Regulation 332/08, made under the *Motor Vehicle Dealers Act, 2002*. The Chair of the Discipline Committee also agrees with the Parties' Joint Submission on Penalty and, accordingly, makes the following Order:



1. The dealer will agree to and pay a fine in the amount of \$4,000.00, within 90 days of this Order. The fine is payable to OMVIC.
2. The Dealer agrees to offer all registered salespeople the opportunity to complete the OMVIC certification course, as it is revised with regards to the *Motor Vehicle Dealers Act, 2002* within 90 days of this Order. The dealer will incur all costs associated with this.
3. The dealer agrees to comply with Regulation 332/08 Code of Ethics under the Motor Vehicle Dealers Act, 2002 and the Standards of Business Practice, as may be amended from time to time.
4. OMVIC agrees to waive its costs in this matter.

Ontario Motor Vehicle Industry Council
Discipline Committee

A handwritten signature in black ink, appearing to read 'C. Poultney', written over a horizontal line.

Catherine Poultney, Chair