



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 -

YORKDALE FORD LINCOLN 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. Yorkdale Ford Lincoln Sales Limited is ordered to pay a penalty of \$4,000.00 within 90 days of the date of the decision of the Discipline Committee in this matter.
 2. Yorkdale Ford Lincoln Sales Limited is ordered 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. Yorkdale Ford Lincoln Sales Limited will incur all costs associated with this.
 3. Yorkdale Ford Lincoln Sales Limited 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 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.
3. On September 8, 2010, a representative of the Registrar contacted a representative of the dealer to inquire about an advertised vehicle price which was published by or on behalf of the dealer, on September 5, 2010. The representative of the Registrar was advised said advertised price included discounts not available to all purchasers. This is contrary to section 4 of the Code of Ethics, as set out in Ontario Regulation 332/08.

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

1. 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

- 4 (2) A registrant shall ensure that all representations, including advertising, made by or on behalf of the registrant in connection with trading in motor vehicles, are legal, decent, ethical and truthful.

Joint Submission on Penalty:

1. Yorkdale Ford Lincoln Sales Limited is ordered to pay a penalty of \$4,000.00 within 90 days of the date of the decision of the Discipline Committee in this matter.
2. Yorkdale Ford Lincoln Sales Limited is ordered 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. Yorkdale Ford Lincoln Sales Limited will incur all costs associated with this.
3. Yorkdale Ford Lincoln Sales Limited 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. Yorkdale Ford Lincoln Sales Limited is ordered to pay a penalty of \$4,000.00 within 90 days of the date of the decision of the Discipline Committee in this matter.
2. Yorkdale Ford Lincoln Sales Limited is ordered 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. Yorkdale Ford Lincoln Sales Limited will incur all costs associated with this.
3. Yorkdale Ford Lincoln Sales Limited 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