

Appendix "A"

SELECTION CRITERIA

A. Definitions

As used in these Selection Criteria, the following terms have the meanings specified or referred to below:

- (a) **"Act"** means the *Motor Vehicle Dealers Act, 2002*, S.O. 2002, c. 30, Sched. B, including any regulations made thereunder, as amended from time to time;
- (b) **"Dealer Principal"** means, in respect of a registered motor vehicle dealer, either (1) a registered salesperson who has an Ownership Interest in such registered motor vehicle dealer, or (2) a sole proprietor who is a registered motor vehicle dealer;
- (c) **"motor vehicle dealer"** shall have the meaning ascribed thereto pursuant to the Act;
- (d) **"application"** means application from an individual as a candidate for election as a director of the Ontario Motor Vehicle Industry Council (OMVIC);
- (e) **"Ownership Interest"** means, in respect of a registered motor vehicle dealer, the beneficial ownership, held directly or indirectly (including through any holding company), of at least 15% of the share capital or at least 15% of any other equity interest in such registered motor vehicle dealer, as determined by the Nominating Committee, acting reasonably;
- (f) **"proposal of the Registrar"** means a proposal by the Registrar to suspend, revoke, apply conditions, or refuse to renew a registration; or an order of the Registrar under the Act in respect of false, misleading, or deceptive statements by registrants;
- (g) **"registered motor vehicle dealer"** means a person who is registered as a motor vehicle dealer under the Act and whose registration is not suspended;
- (h) **"registered salesperson"** means a person who is registered as a salesperson under the Act and whose registration is not suspended;
- (i) **"regulated industry"** means the industry regulated by the Act;
- (j) **"salesperson"** shall have the meaning ascribed thereto pursuant to the Act; and
- (k) **"trade"** shall have the meaning ascribed thereto pursuant to the Act.

B. Criteria

In order to be considered by the Nominating Committee to be a candidate for election to the OMVIC Board of Directors, an individual shall:

1. be a Dealer Principal of a registered motor vehicle dealer, and meet the following additional criteria:
 - 1.1 neither the candidate's registration as a salesperson (if applicable), nor that of the registered motor vehicle dealer of which he or she is a Dealer Principal, has been the subject of an order from the Licence Appeal Tribunal regarding conditions of registration within the two-year period prior to the deadline for submitting applications;
 - 1.2 neither the candidate's registration as a salesperson (if applicable), nor that of the registered motor vehicle dealer of which he or she is a Dealer Principal, is currently the subject of a proposal of the Registrar under the Act or subject to conditions applied by the Registrar under s. 9 of the Act;
 - 1.3 the candidate has been the Dealer Principal of a registered motor vehicle dealer that has been registered continuously under the Act for at least two years prior to the deadline for submitting applications;
 - 1.4 the candidate has participated actively in the management of such registered motor vehicle dealer for at least two years prior to the deadline for submitting applications;
 - 1.5 the candidate has participated actively in the trading in motor vehicles on behalf of such registered motor vehicle dealer for at least two years prior to the deadline for submitting applications; and
 - 1.6 if the candidate is a Dealer Principal who is a registered salesperson (and is not a sole proprietor), he or she has been continuously registered as a salesperson under the Act for at least two years prior to the deadline for submitting applications
- 2 sign and commit to abiding by the attached agreements entitled "*Responsibilities of a Director of OMVIC*" and "*Director Confidentiality*";
- 3 agree to completion of any background checks, site visit/inspection if required, inquiries, and/or a Canada-wide criminal record check, as required at the sole discretion of the Nominating Committee and permit OMVIC to share results with the members of the Nominating Committee
- 4 be at least eighteen (18) years of age at the time of application close;
5. not be a person who has the status of bankrupt;

6. not be a person who has been found to be incapable by any court in Canada or elsewhere or who has been found under the *Substitute Decisions Act, 1992* or under the "*Mental Health Act*" to be incapable of managing property;
7. be a Director member of OMVIC or agree to come a Director member of OMVIC within ten (10) days of his or her election as a director;
8. not be an employee of a trade association representing the interests of the regulated industry;
9. be a current member of the group or trade association designated under paragraph 13(b) of OMVIC's General By-Law;
10. if required, attend an information exchange session with the Nominating Committee; and
11. satisfy such other qualifications or criteria that are established by the Nominating Committee from time to time.