



Citation: Wilson v. Registrar, *Motor Vehicle Dealers Act, 2002*, **2022 ONLAT MVDA 13778**

Date: 2022-05-10
File Number: 13778/MVDA

Appeal from a Notice of Proposal to Refuse a Registration issued by the Registrar under the *Motor Vehicle Dealers Act, 2002*

Between:

Ryan Bradley Wilson

Appellant

and

Registrar, Motor Vehicle Dealers Act, 2002

Respondent

CONSENT ORDER

ADJUDICATOR: D. Gregory Flude, Vice Chair

APPEARANCES:
For the Appellants: Joseph Addelman, Counsel

For the Respondent: Diana Mojica, Counsel

**Heard by Way of Written
Submissions**

OVERVIEW

- [1] Ryan Bradley Wilson (“appellant”) appealed the Notice of Proposal to Refuse a Registration issued by the Registrar, *Motor Vehicle Dealers Act, 2002*, (“the respondent”) under the *Motor Vehicle Dealers Act, 2002*, S. O. 2002, c. 30 Sched B.
- [2] The respondent responded to the appeal.

ORDER DISPOSING OF APPEAL WITHOUT A HEARING ON CONSENT

- [3] Both the appellant and the respondent have requested an order from the Tribunal disposing of this appeal in accordance with the terms set out in Consent Order prepared by counsel and attached to this order as Schedule “A.”
- [4] Both parties have indicated they consent to the Tribunal disposing of this appeal without a hearing under s. 4.1 of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22 on the terms agreed between the parties.

ON THE FOREGOING CONSENT OF BOTH PARTIES, I ORDER AS FOLLOWS:

- [5] I direct the respondent to register the appellant as a motor vehicle salesperson on the terms set out herein as Schedule “A.”
- [6] Nothing in this Order affects any requirement under the *Act*.
- [7] The Tribunal will close its file.

LICENCE APPEAL TRIBUNAL



D. Gregory Flude, Vice Chair

Released: May 10, 2022

Schedule “A”

Tribunal File Number: 13778/MVDA

**IN THE MATTER OF the Motor Vehicle Dealers Act, 2002, S.O. 2002, Chapter 30. Schedule B
and Regulations, as amended**

Between:

Ryan Bradley Wilson

Appellant

and

Registrar, Motor Vehicle Dealers Act, 2002

Respondent

CONSENT ORDER

The Appellant requested a hearing before the Licence Appeal Tribunal (the “Tribunal”) to appeal the respondent’s proposal to refuse his registration as a motor vehicle salesperson.

The parties have advised the Tribunal that they have resolved the issues in dispute and have requested the Tribunal issue an order on consent disposing of this proceeding.

On consent of the parties, and pursuant to Section 4.1 of the Statutory Powers Procedure Act, and subsection 6(2) of the *Motor Vehicle Dealers Act, 2002* (hereinafter the “MVDA”) the parties to the proceeding, Ryan Bradley Wilson (“Mr. Wilson”) and the Registrar, *Motor Vehicle Dealers Act* (the “Registrar”) waive the requirement of a hearing and hereby consent to:

an Order of the Licence Appeal Tribunal (the “Order”) based on the following terms and conditions to the registration of Mr. Wilson as a motor vehicle salesperson under the MVDA:

1. Mr. Wilson will be entitled to registration as a motor vehicle salesperson from the date of the release of this Order and once the sponsoring dealer acknowledges receipt of this Order, in writing, to the Registrar.
2. Mr. Wilson's' registration as a salesperson shall be subject to the following terms and conditions for a period of three (3) years from the date of this Order and will expire at the end of this period, subject to compliance and to Mr. Wilson maintaining his registration as a salesperson for the same period.
3. Mr. Wilson shall comply with all requirements of the *Motor Vehicle Dealers Act, 2002*, and Ontario Regulations 333/08, the Code of Ethics in Ontario Regulation 332/08, the Ontario Motor Vehicle Industry Council ("OMVIC") Standards of Business Practice, 2010 and OMVIC Guidelines, as may be amended from time to time. Mr. Wilson further agrees to read all correspondence and bulletins from OMVIC as released.
4. Mr. Wilson shall only be employed by a motor vehicle dealer acceptable to the Registrar (the "sponsoring dealer"). The Registrar shall not unnecessarily withhold this approval.
5. Mr. Wilson shall not transfer his registration as a salesperson to another sponsoring dealer without having first obtained the prior written consent of the Registrar. The Registrar will not unreasonably withhold this consent.
6. Mr. Wilson shall inform his sponsoring dealer, and any other dealers from who he is employed as a salesperson, of these conditions, and shall supply proof of this in a form satisfactory to the Registrar.
7. Mr. Wilson shall not be partner, shareholder, officer, director, or controlling mind of a dealer, nor shall he apply to be registered as a motor vehicle dealer.
8. Mr. Wilson shall not be an interested person in respect of a dealer. An "interested person" is defined in section 6(4) of the Act.
9. Mr. Wilson shall provide the Registrar with notice in writing, within five days of any substantive changes to the information he provided in obtaining his registration, pursuant to section 31 of Ontario Regulation 333/08.
10. Mr. Wilson shall ensure that all trades in motor vehicles are completed in accordance with section 30 of the MVDA and pursuant to section 39, 40, 41, 42 and

43 of Ontario Regulation 333/08 and section 4 of Ontario Regulation 332/08, where applicable.

11. Mr. Wilson shall disclose all material facts about motor vehicles for purchase or lease to their customers. Mr. Wilson further agrees to disclose all material facts on the Bill of Sale, in writing. Mr. Wilson shall ensure compliance with the disclosure obligation notwithstanding whether or not the vehicle has been branded through MTO. For greater certainty, a material fact is one that if disclosed could affect the decision of a reasonable person to purchase or lease the vehicle or affect the purchase price. In the case of damaged vehicles, Mr. Wilson further agrees to disclose as much detail as possible regarding the nature and severity of the damage. Mr. Wilson undertakes to research the history of all motor vehicles under trade to ensure all material facts are disclosed.
12. Mr. Wilson will provide the sponsoring dealer with notice in writing of any findings of guilt convictions and pending charges in the future. Mr. Wilson will provide the Registrar with the copy of the notification acknowledged by the signature of the sponsoring dealer.
13. Mr. Wilson confirms that the particulars and circumstances of the criminal charges against him dated October 9, 2018, are substantially as disclosed to the Registrar.

Consumer Proposal

14. Mr. Wilson acknowledges that he entered into and is subjected of a Consumer Proposal dated March 21, 2022.
15. Mr. Wilson agrees to comply with the terms of the Consumer Proposal and all obligations of the Trustee. Mr. Wilson further agrees to provide the Registrar with the Certificate of Full Performance of Consumer Proposal within five (5) days of completion.
16. Mr. Wilson shall provide the Registrar with notice in writing, within five days of any future statements of claim, judgements or bankruptcy proceedings involving Mr. Wilson.
17. Mr. Wilson agrees to pay any outstanding judgments, collections, or court orders against him or if the Consumer Proposal is annulled without delay.

18. Mr. Wilson will provide the Registrar truthful, full and complete disclosure in all correspondence and in all applications regardless of whether or not disclosure has been made previously to the Registrar.
19. The Registrar may take further administrative action, including a proposal to suspend or revoke registration, arising from any matters that have occurred or may occurred related to honesty and integrity, financial responsibility or compliance with these terms and conditions.
20. Independent legal advice has been obtained or Mr. Wilson has had the opportunity to obtain independent legal advice respecting consent to Terms and Conditions contained in this document.