



Citation: Zhang v. Registrar, Motor Vehicle Dealers Act, 2002, 2022 ONLAT MVDA 13792

Date: 2022-08-12

File Number: 13792/MVDA

An appeal from a Notice of Proposal by the Registrar, *Motor Vehicle Dealers Act, 2002*, S.O. 2002, c. 30, Sch. B. – to Revoke a Registration

Between:

Shicheng Zhang

Appellant

and

Registrar, Motor Vehicle Dealers Act, 2002

Respondent

CONSENT ORDER

ADJUDICATOR:

D. Gregory Flude, Vice-Chair

APPEARANCES:

For the Appellant:

Richard An, Counsel

For the Respondent:

Vlad Bosis, Counsel

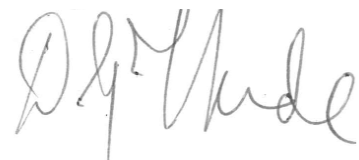
Overview

- [1] Shicheng Zhang (the “appellant”) has appealed a Notice of Proposal issued by the Registrar, Motor Vehicle Dealers Act, 2002 (the “respondent”) to revoke registrations, dated December 21, 2021.
- [1] The parties have advised the Tribunal that they were able to agree upon a settlement of all outstanding issues in this matter and have requested that the terms of settlement be incorporated into a Consent Order disposing of this proceeding.
- [2] The parties apply under s. 6(2) of the Act and s. 4.1 of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22 for an order of the Tribunal to dispose of this matter without a hearing

ORDER AND DIRECTION

- [3] Accordingly, on the consent of the parties and upon having reviewed the agreement signed by the Appellant and the Registrar, filed, the Tribunal, pursuant to the *Motor Vehicles Dealers Act, 2002*, directs and orders that the Appellants shall be bound by the terms of the consent agreement signed and executed by all of the parties.
- [4] The terms are appended as **Schedule “A”** to this Order.
- [5] The hearing scheduled for this matter is vacated.
- [6] This Tribunal file is now closed.

Licence Appeal Tribunal



D. Gregory Flude, Vice-Chair

SCHEDULE "A"

Pursuant to subsection 6(2) of the *Motor Vehicle Dealers Act, 2002* Shicheng Zhang ("the Appellant") and the Registrar, *Motor Vehicle Dealers Act, 2002*, ("the Registrar"), in accordance with section 4.1 of the *Statutory Powers Procedure Act*, do hereby waive the requirements of a hearing and consent to an Order of the Licence Appeal Tribunal based upon the following conditions of registration:

1. For the period of four years, the Appellant shall not apply to be a motor vehicle dealer.
2. For the period of four years, the Appellant shall be employed only by a registered dealer that has been approved by the Registrar to sponsor the Appellant.
3. For the period of four years, the Appellant shall not be a partner, shareholder, officer, director, person in charge, dealer administrator, manager (including, but not limited to sales manager, finance and insurance manager and business manager) or have direct or indirect control of a motor vehicle dealer.
4. For the period of four years, the Appellant's registration with the sponsoring dealer (current or future) should be subject to semimanual audits by the sponsoring dealer. These audits will pertain to all transactions that the Appellant will be involved in, and the findings thereof shall be reported to the Registrar in writing within five days.
5. The Appellant shall comply with all requirements of the MVDA and Ontario Regulation 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. The Appellant further agrees to read all correspondence and bulletins from OMVIC as released.
6. The Appellant shall provide the Registrar with full and complete disclosure in all future correspondence and on all future applications, regardless of whether or not disclosure has been made previously to the Registrar.
7. The Appellant shall provide the sponsoring dealer with notice in writing of any findings of guilt, convictions, and pending charges in the future within five days of the occurrence thereof. The Appellant shall provide the Registrar with a copy of the notification acknowledged by the signature of the sponsoring dealer.

8. The Appellant shall ensure that he will not trade in motor vehicles where the Appellant knows, or ought to know, that trading may facilitate an illegal or unethical practice.
9. The Appellant shall complete OMVIC Automotive Certification Course by November 1, 2022.
10. The Appellant shall notify the sponsoring dealer (current or future) of these conditions of registration. The Appellant will provide the Registrar with an acknowledgement signed by the sponsoring dealer within five days of execution of this document, and in the future within ten days of change of employment.