



**Citation: Benjamin Lovell v Registrar, *Motor Vehicle Dealers Act, 2002*,
2024 ONLAT MVDA 15723**

File Number: 15723/MVDA

In the matter of an appeal from a Notice of Proposal by the Registrar, *Motor Vehicle Dealers Act, 2002*, S.O. 2002, c. 30, Sch B to refuse a registration.

Between:

Benjamin Lovell

Appellant

-and-

Registrar, *Motor Vehicle Dealers Act, 2002*

Respondent

CASE CONFERENCE REPORT & ORDER

ADJUDICATOR: Jeffery Campbell, Vice-Chair

CONSENT ORDER

ADJUDICATOR: Jeffery Campbell, Vice-Chair

Date: June 21, 2024

BACKGROUND

- [1] Benjamin Lovell (“the Appellant”) appeals from a Notice of Proposal issued by the Registrar to refuse the appellant’s registration as a motor vehicle salesperson under the *Motor Vehicle Dealers Act, 2002* (the Act).
- [2] The Registrar alleges that the Appellant is not entitled to registration because his past conduct affords reasonable grounds for belief that he will not carry on business in accordance with the law and with integrity and honesty and that he provided false information on his registration application (subsections 6(1)(a)(ii) and (iii) of the Act).
- [3] The parties advised the Tribunal that they had resolved the issues in dispute and both parties have consented to the registration of the Appellant as a motor salesperson under the *Act* on the terms and conditions set out in Terms and Conditions between the Appellant and the Registrar signed by the Appellant on June 12, 2024 and by the Registrar on June 21, 2024. The Terms and Conditions shall constitute Schedule A.
- [4] Further, both parties confirmed that pursuant to section 4.1 of the *Statutory Powers Procedure Act, R.S.O. 1990, c. S 2* (the “SPPA”), both parties waive the requirements of a hearing and consent to an Order of the Tribunal to confirm the appellants’ registration on the Terms and Conditions set out on Schedule A. A copy of the agreements signed by all parties is attached as Schedule A to this Order.

ON CONSENT OF BOTH PARTIES, I ORDER:

- [5] Pursuant to s. 4.1 of the SPPA and on the consent of the parties, I dispose of this proceeding without a hearing on the Terms and Conditions set out in the agreement signed by the Appellant on June 12, 2024 and by the Registrar on June 21, 2024, a copy of which is attached to this order as Schedule A, which Schedule A is incorporated and made part of this Order.

LICENCE APPEAL TRIBUNAL



Jeffery Campbell, Vice-Chair

Released: June 21, 2024

Schedule A

TO: Licence Appeal Tribunal
Tribunals Ontario
General Services
15 Grosvenor Street, Ground Floor
Toronto, ON M7A 2G6

FROM: Registrar
Motor Vehicle Dealers Act, 2002
Ontario Motor Vehicle Industry Council
65 Overlea Blvd., Suite 300
Toronto, ON M4H 1P1

AND FROM: Benjamin Lovell
[Address Omitted]

In accordance with subsection 6(2) of the *Motor Vehicle Dealers Act, 2002* (the "MVDA"), Benjamin Lovell ("Lovell") 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 terms and conditions:

1. Lovell will comply with all requirements of the MVDA and Ontario Regulation 333/08, the *Code of Ethics* in Ontario Regulation 332/08, and the Ontario Motor Vehicle Industry Council ("OMVIC") Standards of Business Practice, 2010, as may be amended from time to time. Lovell further agree to read all correspondence and bulletins from OMVIC as released.

COMPLIANCE

2. Lovell shall not do anything or omit to do anything that causes his sponsoring dealer to breach the MVDA or its regulations made thereto, the Consumer Protection Act, 2002 or any other law relating to the trade of motor vehicles.
3. Lovell will ensure that all employers, sponsoring dealers or similar are informed of the Terms and Conditions contained in this document to the extent necessary to ensure compliance with these Terms and Conditions.
4. Lovell will provide the sponsoring Dealer with notice in writing of any findings of guilt, or convictions of pending charges or subsequent charges.
5. Lovell will ensure that his registration will not be used to trade in motor vehicles where he knows, or ought to know, that the trade will facilitate an illegal or unethical practice.
6. Lovell will not enter into an employment agreement with Charles Cadman, Bobby Wilkinson, or any motor vehicle dealership owned or operated directly or indirectly by them and will not engage in any trade of a motor vehicle on their behalf.
7. Lovell shall be truthful in all correspondence with the Registrar or the Registrar's representatives.

DOCUMENTS

8. Lovell will ensure that all documents and information used or created for the purpose of a trade in a motor vehicle is accurate, truthful and does not misrepresent the nature of the transaction.
9. Lovell will ensure that all trades in motor vehicles that he is involved in are completed in accordance with section 30 of the MVDA and pursuant to sections 39, 40, 41, 42 and 43 of Ontario Regulation 333/08 and section 4 of Ontario Regulation 332/08, where applicable.
10. Lovell will not be partner, shareholder, officer, director, controlling mind or person-in-charge of a dealer.
11. Lovell agrees not to be a final signatory on any sales, purchase, or lease contracts for a motor vehicle.

CUSTOMERS

12. Lovell agrees to not use, access, copy, or transmit any document, information, or data during a trade of a motor vehicle for any reason other than its intended purpose.
13. Lovell agrees to provide conscientious service to customers in the course of a trade in a motor vehicle and to demonstrate reasonable knowledge, skill, judgment, and

competence in providing these services.

14. Lovell agrees to not represent any fee, service, product, or similar as mandatory or a mandatory condition of financing unless that statement is true.
15. In the course of a trade of a motor vehicle, Lovell will not make any verbal or written representation that is false, misleading, or unprofessional.
16. Lovell agrees to communicate with consumers in a manner that is honest, respectful, and would not be regarded as insulting to human dignity, lacking of integrity or dishonest.


GENERAL

17. In carrying on business under the MVDA, Lovell will not engage in any act or omission that, having regard to all the circumstances and his obligations pursuant to the MVDA and regulations made thereto, would reasonably be regarded as disgraceful, dishonorable, unprofessional or unbecoming a registrant.
18. Lovell will act with honesty, integrity and fairness and will use best efforts to prevent errors, misrepresentations, fraud, or any unethical practice in respect of a trade in a motor vehicle.
19. Lovell will provide the Registrar with notice in writing, within five days of any substantive changes required to be disclosed under section 31 of Ontario Regulation 333/08.

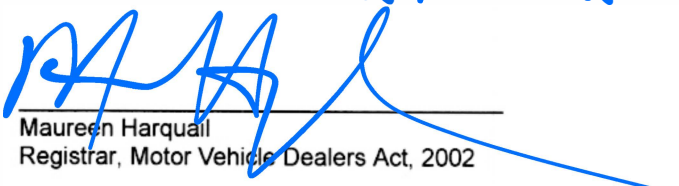
ACKNOWLEDGMENT AND UNDERTAKING

20. The Registrar is relying on the accuracy and completeness of all documents, statements or information provided by Lovell as applicable.
21. The documents, information or statements provided to the Registrar are true to the best of the Appellants' knowledge, and belief.
22. Independent legal advice has been obtained or the Appellant has had the opportunity to obtain independent legal advice respecting consent to the Terms and Conditions contained in this document.
23. The Registrar may take further administrative action, including a proposal to suspend or revoke registration, arising from any matters that have occurred or may occur related to honesty and integrity, financial responsibility or compliance with these terms and conditions.
24. Conditions 4, 10-11 will apply for a period of two years from the date this order is issued by the Tribunal.
25. Condition 6 will apply for a period of three years from the date this order is issued by the Tribunal.

Signed in the City of Toronto this 12 day of June 2024.

Benjamin Lovell (signature) 

These Terms and Conditions are accepted by the Registrar, Motor Vehicle Dealers Act, 2002.
Signed in the City of Toronto this 21 day of June 2024.


Maureen Harquail
Registrar, Motor Vehicle Dealers Act, 2002