



**Citation: Maceka v. Registrar, *Motor Vehicle Dealers Act, 2002*, 2026 ONLAT
MVDA 17443**

File Number: 17443/MVDA

An appeal from a Notice of Proposal to Revoke Registration under the *Motor Vehicle Dealers Act, 2002*, S.O. 2002, c. 30, Sched B (the “Act”).

Between:

Milan Maceka o/a Car Import Export

Appellant

and

Registrar, *Motor Vehicle Dealers Act, 2002*

Respondent

DECISION and ORDER

VICE-CHAIR: Kevin Kovalchuk

APPEARANCES:

For the Appellant: Lorolei Arsenault, Representative
Milan Maceka, Appellant

For the Respondent: Vlad Bosis, Counsel

Heard by Videoconference: January 21, 2026

OVERVIEW

- [1] Milan Maceka o/a Car Import Export (the “appellant”) appeals from a Notice of Proposal (“NOP”) issued by the respondent to revoke his registration as a motor vehicle dealer and salesperson under the *Act*.
- [2] The appellant admits that he is a sole proprietor and was first registered as a motor vehicle dealer in August 1992.
- [3] The appellant admits that he was the only salesperson registered to operate on behalf of the appellant, at all times relevant to the NOP.
- [4] The NOP is based on the grounds that the appellant’s past conduct is inconsistent with the intention and objectives of the *Act*, and therefore, warrants his disentitlement to registration under s. 6(1)(a)(ii) of the *Act*.
- [5] The respondent alleges that appellant allowed an unregistered motor vehicle salesperson to work at the appellant’s car lot. The respondent further alleges that by allowing an unregistered motor vehicle salesperson to work at his car lot, the past conduct of the appellant affords the respondent reasonable grounds for belief that appellant will not carry on business in accordance with law and with integrity or honesty.
- [6] The appellant denies the grounds set out in the NOP and assert that the respondent has not proven a factual basis for revocation.

PRELIMINARY ISSUES

Recording of the Hearing

- [7] On January 13, 2026, the respondent served the appellant and filed with the Tribunal a request to record the hearing. The appellant consented to the respondent recording the hearing. The respondent undertook to adhere to Rule 13.3 of the Licence appeal Tribunal Rules (the “Rules”) with respect to the recording of hearings. Given the consent of the appellant and the respondent’s undertaking to adhere to Rule 13.3 of the Rules I granted the respondent’s request to record the hearing. I therefore Ordered that the respondent be allowed to record the hearing pursuant to Rule 13.3 of the Rules.

ISSUES

- [8] The issues in dispute are:

- i. Does the past conduct of the appellant afford reasonable grounds for belief that he will not carry on business in accordance with law and with integrity and honesty.
- ii. Whether the Tribunal should direct the respondent to carry out the proposal or substitute its opinion for that of the respondent pursuant to section 9(5) of the *Act*.

RESULT

[9] For the reasons that follow, I find that the respondent's decision to revoke the appellants licence should be carried out.

THE LAW

[10] Section 6(1) of the *Act* provides that, subject to circumstances set out in s. 6(1)(a), an applicant is entitled to registration. Section 9(1)(b), of the *Act* allows the Registrar to revoke a registration, if in his or her opinion, the registrant is not entitled to registration under section 6.

[11] Section 6(1)(a)(ii) provides that one of the grounds the Registrar may rely upon to refuse a licence is "if the past conduct of the applicant...affords reasonable grounds for belief that the applicant will not carry on business in accordance with law integrity and honesty".

[12] The jurisdiction and authority of this Tribunal comes from s.9 of the *Act* which provides that the Tribunal "may by order direct the registrar to carry out the registrar's proposal or substitute its opinion for that of the registrar and the Tribunal may attach conditions to its order of registration".

ANALYSIS

- i. ***Does the past conduct of the appellant afford reasonable grounds for the belief that he will not carry out business in accordance with the law and with integrity and honesty?***

[13] I find that the past conduct of the appellant affords reasonable grounds that he will not carry out business in accordance with the law and with integrity and honesty.

[14] Jim (Warren) Back ("Back") testified that he was in the market for a used SUV and went to various car lots looking at vehicles. He attended at a car lot at the corner of Victoria and Cannon Streets in Hamilton, Ontario (he was not sure of the name of the lot) however it was not in dispute that this was the appellant's car lot. While

there, he saw a 2008 Mazda Tribute that he liked and wanted to purchase. He met with an individual named Karo. It was not in dispute that this individual's name was Karokh Latif, ("Latif"). Latif went into the office on the lot and got the keys for the Mazda. He gave Back the keys and Back inspected it the vehicle. He provided Latif with a deposit of \$200. Latif went back in the office got a receipt book, came back outside and asked Back if he could complete the receipt on the car hood because his "boss" was on the phone inside the office. Back's evidence was that he could see a "gentleman" inside the office on the phone. Latif provided Back with a receipt for \$200. Back was shown a receipt dated May 16, 2023, which reads "I Karo ... sold 2008...to Back with a \$200 deposit balance \$4,300" which he identified as the receipt he was given by Latif. Back was never given a Bill of Sale only a receipt for \$200. Back told Latif that he would take delivery of the car in a week because he was going to Texas.

[15] Back testified that he had his wife attend at the car lot the following day to pay the balance of the purchase price, which she did. However, Back never got the car and asked for his money back numerous times after which "all contact with Latif stopped".

[16] In cross examination Back resiled somewhat from his testimony that Latif told him that his "boss" was on the phone but rather that Latif said that the "owner" was on the phone. In further cross examination Back was clear that when he attended at the appellant's car lot, he was approached by Latif who asked if he could help him. When Back asked him if he worked there Latif said "yes". On cross examination he also stated that he never dealt with the owner of the business, nor did he ever go inside the office of the business.

[17] I find that that Latif was convincingly holding himself out to be a motor vehicle salesperson at the appellant's car lot. I make this finding because I accept Back's evidence that Latif told him that he worked at the appellant's car lot. In addition, I find that Back's evidence that Latif obtained a receipt book from inside the appellant's business office is further evidence that Latif was holding himself out to be a motor vehicle salesperson at the appellant's car lot.

[18] I accept Back's evidence that he never got his money back or received a Bill of Sale from Latif or the appellant. I find this to be evidence that the appellant was not carrying on business in accordance with law and with integrity and honesty.

[19] Peggy Hayes ("Hayes") testified that in May of 2023 her husband Warren Back was shopping for a used car. He found one at the appellant's car lot and gave a person named Karo a \$200 deposit. Her husband had to go out of town, and he asked Hayes to pay the balance of the purchase price to Latif. After exchanging

text messages, Latif asked Hayes to meet him at the car lot, 289 Cannon Street to pay the balance of the purchase price. Hayes testified that she was anxious to pay the balance of the purchase price as she wanted the car safety certified and plated as soon as possible, which Latif agreed to do.

- [20] She attended at the appellant's car lot on May 18, 2023. She asked a man who answered the door to the office if he was Latif. He said "no" and he went and got Latif. Her evidence was that Latif came out of the office counted the money Hayes gave him, then gave her a receipt that Latif had obtained from inside the office.
- [21] At the hearing Hayes was shown a receipt dated May 18, 2023. She confirmed that this was the receipt given to her by Latif, for the balance of the purchase price. The receipt was of the same generic variety that was given to Back for the \$200 deposit. She testified that she was not given a Bill of Sale or any other documentation other than the receipt. She asked Latif to let her know when the car was ready to be picked up.
- [22] Three weeks went by, and she heard nothing from Latif. She messaged Latif and told him she needed the car to go to Ottawa. She went to the car lot and waited for three hours but still did not receive the car. She messaged her husband, and he told her to ask for their money back.
- [23] She then spoke to Latif, and he initially told her he would get licence plates for the car. Latif then told her that he could not get the plates because their system was down and it was approaching 6 PM when the dealer closed. She testified that Latif then tried to give her plates that "did not belong to the car" so she could drive the car to Ottawa.
- [24] She refused the substitute licence plates, told Latif they wanted their money back and asked him to let her know when they could come back to the lot to get their money.
- [25] Approximately a year later Back got a parking ticket in the mail for a vehicle with a licence plate attached, CYXC 484 which Back knew was not registered to him. Hayes and Back attended at Service Ontario and were told that the licence plate was registered in Back's name. Hayes was shown an email dated July 22, 2024, from the City of Hamilton's by-law office with pictures of licence plate CYXC 484 affixed to a Ford Escape. Hayes' evidence was that, when she and Back went to Service Ontario they learned that this licence plate was registered to the 2008 Mazda that Back had tried to purchase.

- [26] The appellant gave evidence later in the hearing that the 2008 Ford Escape to which the licence plate was affixed was owned by him.
- [27] Hayes identified two pictures dated October 24, 2024, of an individual at 289 Canon Street East Car Import Lot. She identified the individual as Latif. The pictures show Latif on the car lot with an unrecognizable device with wires protruding from it, on the ground, between two vehicles.
- [28] On cross examination Hayes stated that Latif never referred to himself or represented himself as salesperson to her. On cross examination, Hayes stated that Latif told her that he sold cars there “all the time.”
- [29] I find Hayes’ testimony to be further evidence that Latif was holding himself out to be a motor vehicle salesperson at the appellant’s car lot. I base my finding on Hayes’ evidence that Latif was inside the car lot office when she came to pay the balance of the purchase price. Her testimony that Latif took the money from her and provided her with a receipt is further evidence that Latif was holding himself out as a motor vehicle salesperson at the appellant’s car lot.
- [30] I accept Hayes’ evidence that Latif told her that he sold cars at the appellant’s lot “all the time.” I find this evidence persuasive especially because it was obtained on cross examination. I find that this evidence again shows that Latif was holding himself out as a motor vehicle salesperson at the appellant’s lot.
- [31] I accept the evidence of Hayes that she and Back received a parking ticket for a Ford Escape with attached licence plate CYXC 484, which plate was registered to Back when Back did not own that vehicle.
- [32] The fact that a licence plate that was registered to Back was affixed to a Ford Escape owned by the appellant, persuades me that, the appellant was not carrying out business in accordance with law and with integrity and honesty.
- [33] Blake Smiley (“Smiley”) testified that he has been an investigator with the Ontario Motor Vehicle Industry Council (“OMVIC”) for the past 15 years. On June 19, 2023, he was assigned to investigate a complaint that was brought by a Warren Back and Peggy Hayes. On June 20, 2023, he conducted a telephone interview with Back and was told that Back attended at the Car Import Export Lot at Victoria and Cannon Streets in Hamilton Ontario on May 13, 2023, to look for a used vehicle. Back was met by a male (who he later learned to be Latif) who was outside, on the lot. Latif showed Back a green Ford Escape but Back did not like Fords, so he asked to see something else. He was then shown a Mazda which Back liked. However, the vehicle would not start, and Latif told Back the vehicle

was out of gas. Back said he would like to purchase the vehicle and gave Latif a \$200 deposit. On May 18, 2023, Back's wife, Hayes, returned to the lot and paid Latif the balance of the purchase price \$4,300. When the vehicle was not delivered to Back, he asked for his money back, but never received the car or his money.

- [34] Smiley testified that a search of the MTO data base revealed that a 2008 Mazda Tribute licence plate CYXC 484 was registered to Warren J Back on June 10, 2023. The vehicle had previously been registered to a Karokh Latif.
- [35] On June 26, 2023, Smiley attended at the respondent's car lot at 289 Cannon Street Hamilton and saw a 2008 Mazda Tribute license plate CYXC 484 parked on the north side of the lot. Smiley took photographs of two individuals on the car lot one of whom he later learned to be Latif. In one of the photographs Latif is doing something under the hood of a vehicle.
- [36] On February 23, 2024, Smiley attended the respondent's car lot and saw the 2008 Mazda parked at the front of the lot. Smiley took a photograph of the VIN number of the Mazda and later confirmed that the vehicle was registered to Back.
- [37] In early April of 2024 Smiley requested assistance from a fellow OMVIC investigator, Kevin Baird ('Baird'). He asked Baird to attend at the appellant's dealership to pose as a consumer. Baird's evidence will be reviewed later in this decision.
- [38] On July 27, 2024, Smiley received an email from Hayes regarding the parking ticket she and Back received for a vehicle bearing licence plate CYXC 484. The email was with respect to an inquiry; Hayes had made of the City of Hamilton's by-law department regarding the parking ticket.
- [39] The email from the Hamilton by-law office read that the MTO had advised the City that the plate on the vehicle has been or is currently registered "to you". The email adds "the registered owner of the plate is **obliged** to maintain custody of the plate at all times until if applicable, they report the plate stolen/missing to their local Police Service **and** cancel the plate with the MTO (Service Ontario). The email also had attached to it a picture of a Ford Escape bearing licence plate CYXC 484. Smiley testified that the licence plate shown in the photograph from the Hamilton by-law department is the same one that was registered to Back for a 2008 Mazda Tribute.
- [40] On July 31, 2024, Smiley went back to the appellant's car lot and saw the 2008 Mazda Tribute parked on the lot facing Cannon Street. He took a photograph showing the vehicle parked on the appellant's car lot. He also saw Latif drive a

Nissan Marano onto the car lot. He took a photograph of the Marano which was un-plated.

- [41] On August 8, 2024, Smiley attended at the office of the Hamilton Police department and viewed the driver's licence photograph of Latif. This confirmed for Smiley that the individual he had seen and photographed on June 26, 2023, was indeed Latif.
- [42] On October 24, 2024, Smiley received an email from Hayes with the subject line "This is Karo". Attached to the email were two pictures of Latif on the car lot using a portable air compressor on an un-plated silver/grey Nissan SUV.
- [43] On November 13, 2024, Smiley attended at the appellant's car lot and saw Latif outside on the lot attaching booster cables to a Ford pick-up truck. Later that same day Latif was seen and photographed, by Smiley, leaving the car lot driving a black Ford Escape with a dealer plate 919 DNB hanging from the back of the vehicle. Smiley testified that he believed this to be the same Black Ford escape that was the subject of the parking ticket Hayes received from the City of Hamilton by-law department.
- [44] On November 18, 2024, Smiley searched the MTO database and found that dealer plate 919 DNB was registered to Milan Maceka, 289 Cannon Street East Hamilton operating as Car Import Export. The dealer plate had expired on April 11, 2024.
- [45] I find the evidence of Smiley that he saw Latif on Maceka's car lot attaching booster cables to a Ford pick-up truck as well as driving a vehicle affixed with dealer plates further persuades me that Latif was operating as a motor vehicle salesperson at the appellant's car lot.
- [46] I further find that Latif was allowed to use the dealer plate registered to the appellant which again persuades me that Latif was operating as a motor vehicle salesperson at the appellant's car lot.
- [47] Baird testified that he has been an investigator with OMVIC since December of 2020. On February 27, 2024, Smiley requested that he investigate a premises at 289 Cannon Street East in Hamilton, by posing as a consumer to try to purchase a vehicle. He obtained information from Smiley providing an overview of the matter, that a consumer had purchased a Mazda automobile but never received the vehicle or, got their money back. He was provided the name Karo whose actual name was Karokh Latif as well as a number of photographs of Latif.

- [48] On February 28, 2024, he attended at the appellant's car lot and saw the 2008 Mazda Tribute on the lot. However, the dealership was closed that day.
- [49] On April 3, 2024, he again visited the appellant's car dealership. He observed the Mazda to be in the same location on the lot. There was no one outside so he browsed the lot. He then entered the small office of the dealership. Inside the office were two individuals one seated at a desk the other standing beside the desk. The person standing was Latif. The seated male identified himself as Milan and produced a business card printed with the words Car Import Export, Milan 289 Cannon Street East Hamilton, ON. Smiley inquired about the availability of a 2008 Mazda Tribute. The seated male pointed to Latif who told him that the vehicle was sold and that it "was no good." Both males confirmed that the Tribute was "no good." The seated male offered him a Hyundai Santa Fe for \$4,500 and told Mr. Baird that was the only vehicle he had for sale, as he had sold all the other vehicles.
- [50] I accept Baird's evidence that when he attended at the appellant's car lot on April 3, 2024, he found Latif inside the office and that Latif discussed the possibility of selling a vehicle to Baird. I find this evidence persuasive that Latif was allowed to hold himself out as a motor vehicle salesperson at the appellant's lot.
- [51] The appellant, Milan Maceka ("Maceka") testified that he gave Latif permission to park his car on the appellant's lot on the condition that Latif leave the car keys with him in case it needed to be moved in an emergency. Maceka was equivocal on whether or not Latif was allowed to work on his car while it was parked on the lot.
- [52] Maceka testified that he did not see himself in any of the photographs that were shown to the various witnesses. He also testified that in his 32 years of being a car dealer he has never had a salesperson or employee. He further testified that he has never given Latif any monetary compensation for anything Latif did for him. He also testified that he was not aware that Latif was selling the Mazda Tribute on his car lot. His evidence was that he had never seen Back or Hayes prior to the hearing.
- [53] Maceka testified that he would not "scribble" a receipt on a piece of paper but would prepare a three-page Bill of Sale that would be written up and completed inside of the dealership's office.
- [54] Maceka testified that he does not have a payroll account set up.
- [55] On cross examination Maceka denied that he allowed Latif to represent himself as a person who worked at the dealership, nor did he give Latif permission to show

Back a Ford vehicle and then a Mazda vehicle, on the car lot. Maceka testified that Latif is a friend and a neighbour of the dealership. He could not recall how long he allowed Latif to park his car on the dealership lot. He denied allowing Latif to use his office for any business dealings. He did not allow Latif to use his business cards, but he did let Latif use his receipt book on two occasions when Back came to purchase his vehicle.

[56] On cross examination Maceka stated that he saw Back when he came to the dealership, talking to Latif. This was in contradiction to his earlier testimony that he never saw Back prior to the hearing.

[57] In explaining the receipt book, his evidence on cross examination was that Latif needed to give a receipt to the person who was buying Latif's car. He described the receipt book as a blank book that had nothing to do with the car lot. He admitted to allowing Latif to sell his car to Back on his premises. He denied facilitating the process by giving Latif the receipt book.

[58] On cross examination, Maceka admitted that photographs taken by Smiley on June 26, 2023, show Latif using booster cables under the hood of another vehicle. He had no explanation for Latif's actions.

[59] On cross examination, Maceka admitted that on April 3, 2024, when Baird came to inquire about a vehicle both he and Latif were in the office of the dealership. Maceka denied that Latif was offering any cars for sale but may have been just talking to Maceka about "other things."

[60] On cross examination, Maceka could not recall that Smiley attended the dealership on July 31, 2024. When shown photographs of that attendance he admitted that Latif was standing outside the door of the office talking to someone who may have been, Maceka. Maceka was also shown a picture of Latif kneeling behind a vehicle with a plastic jerry can. He denied that the picture showed Latif working on a car but testified that he did not know what Latif was doing.

[61] On cross examination, Maceka was shown a picture taken by Hayes on October 24, 2024, showing Latif standing beside a vehicle which was not the 2008 Mazda doing something to the vehicle involving wires or cables. Maceka's evidence was that he did not know what Latif was doing.

[62] On cross examination Maceka admitted that the Ford Escape that was the subject of the parking ticket from the City of Hamilton By-law Department was owned by his car dealership. He denied any knowledge of how the licence plate CYXC 484 registered to Back came to be affixed to the Ford Escape.

[63] On cross examination, Maceka was asked about the November 13, 2024, attendance by Smiley where Latif was photographed driving a vehicle with dealer plate 919 DNB hanging from the back of the vehicle. Maceka's evidence was that Latif "probably wanted to buy the vehicle" so, Maceka put a dealer plate on it. He testified that a dealer plate was to be used when a customer wants to take a vehicle for a test drive while accompanied by a salesperson.

Submissions of the respondent

[64] The *Act* is consumer protection legislation, and it is through the registration process that OMVIC and the Registrar can best ensure that registrants abide by the *Act* and regulations. Registration is denied to persons who by their past conduct affords reasonable grounds for belief that they will not carry on business in accordance with law integrity and honesty

[65] In this case the respondent submits that the burden the respondent needs to meet is to show reasonable grounds for belief, that based on the past conduct that is alleged, it is more likely than not that the appellant will not carry on his business, being a motor vehicle dealer with honesty integrity in accordance with the law. The respondent submits that the registrar does not have to show that the conduct of the appellant was illegal but that his conduct has been dishonest or lacking in integrity.

[66] The respondent submits that the evidence from the Back and Hayes was that two receipts (admitted by the appellant to be his taken from his office), were provided by Latif for the purchase of a 2008 Mazda by Back. As well, Hayes confirmed an email from Latif where she was instructed to attend at the appellant's dealership to pay the balance of the purchase price. Further, the respondent submitted that every time but one, when investigator Smiley attended at the appellant's car lot, Latif was there. Further, on some occasions, Latif was engaged in activities that the respondent submits would be reserved for someone who was part of that enterprise. The respondent submits that investigator Smiley testified that the Ford Escape that was the subject of the parking offence had a licence plate attached to it that was registered to Warren Beck and that the appellant had no explanation for this. Finally, the respondent submits that Smiley testified that he was able to take pictures of Latif driving a Ford Escape with a dealer plate attached to it. The respondent submits that the appellants response to this was somewhat self serving, explaining that "maybe" Latif was looking to purchase the vehicle and that is why he was allowed to attach the dealer plate to it.

[67] The respondent submits that when Baird attended at the dealership "under cover" he engaged in conversation with both Latif and the appellant who offered vehicles

for sale. The respondent submits that this shows that both individuals were working in concert.

- [68] The respondent submits that it need not show an employment relationship between Latif and the appellant but rather the appellant being a registered motor vehicle dealer gives the registrar a reasonable belief that going forward this business will not be conducted with honesty and integrity and in accordance with the law.
- [69] The respondent submits that this was not a hypothetical case dealing with hypothetical consumer harm, but rather, consumers came to a dealership thinking they were going to engage with a legitimate registered business and ended up with no vehicle, no money, and no recourse to the compensation fund that they would be entitled to, had they purchased the vehicle from a registered dealer.
- [70] The respondent submits that it has satisfied its evidentiary onus of proving that there are reasonable grounds to believe that the appellant will not conduct his business with honesty and integrity in accordance with the law and is therefore disentitled to registration under the *Act* and asks the Tribunal to order that the proposal be carried out.

Submissions of the appellant

- [71] The appellant submits that Back was aware that OMVIC could not help him because it was a private sale, so he agreed with Smiley's fictitious scenario that Latif was working for the dealer. The appellant further submitted that Latif lived next door to the dealership and had permission to park his car on the lot and that was why he was often seen around the lot, "because he lived there".
- [72] The appellant further submits that the respondent did not prove that Latif worked for the appellant's dealership. With respect to the receipt book, the appellant submits that it was a \$2.00 receipt book from the Dollar Store that was blank and did not contain the name of the dealership.
- [73] The appellant submits that Latif did not introduce himself as a representative of Car Import Export and that Latif and the appellant were friends, acquaintances and neighbours. With respect to Latif directing Hayes to attend at the car lot to pay the balance of the purchase price that was because the car was located there.
- [74] The appellant further submits that what Latif does when the appellant is not at the lot, the appellant cannot be responsible for. The appellant suggested that when he

is not there Latif may be “wandering around the lot” but the appellant has no way of knowing this because he does not have cameras on the lot.

[75] The appellant submits that the respondent has not proven its case.

Conclusions

[76] I agree with the respondent’s submissions that this is not a hypothetical case dealing with hypothetical consumer harm, but rather, actual harm that the consumer, Back, suffered.

[77] I find that Latif by his actions was holding himself out to be a motor vehicle salesperson when he was not registered to do so.

[78] I find that the appellant knew or out to have known that Latif was holding himself out to be a motor vehicle salesperson at the appellant’s car lot.

[79] The appellant allowed Latif to use the appellant’s receipt book, which was obtained from the appellant’s office, to provide two receipts for the purchase of the 2008 Mazda to the consumers Back and Hayes.

[80] The appellant also allowed Latif to work on other vehicles on the appellant’s car lot and allowed Latif to drive a vehicle using the appellant’s dealer plate.

[81] I accept the evidence of Back, that was confirmed on cross-examination that when he attended the appellant’s car lot, he was approached by Latif who told him that he worked at the car lot.

[82] I accept the evidence of Back and Hayes that they were given two receipts for the purchase of the Mazda by Latif but that they never received the vehicle or their money back.

[83] I accept the evidence of Smiley and Hayes that the licence plate CYXC 484 which was registered to Back, was attached to a 2008 Ford Escape that was the subject of a parking ticket. I further accept the admission of the appellant that the 2008 Ford Escape was owned by his dealership.

[84] I have difficulty accepting the appellant’s evidence that Latif was frequently at the appellant’s car lot because Latif was a friend and neighbour of the dealership and that the appellant was simply allowing Latif to park his 2008 Mazda on the dealership lot.

- [85] I note that the appellant was equivocal in his evidence as to whether or not Latif was allowed to work on cars on the lot, even in the face of evidence showing him doing so.
- [86] I also have difficulty in accepting the appellant's evidence that he was not aware that Latif was selling the 2008 Mazda Tribute on the appellant's car lot. The appellant admitted on cross examination, that he allowed Latif to use his receipt book on two occasions when Back came to purchase the vehicle. In my view this flies in the face of the appellant's evidence that he was not aware that Latif was selling the 2008 Mazda on the appellant's lot.
- [87] Taken in its totality I find that the evidence shows that the appellant was allowing Latif to work as a motor vehicle salesperson at the appellant's car lot when Latif was not registered as a motor vehicle salesperson.
- [88] I also find that the appellant allowed Latif the use of his dealer plate and either knowingly or carelessly allowed a vehicle the appellant owned to be plated with a licence plate that was not registered to the appellant.
- [89] I find that by the appellant allowing Latif to work as an unlicensed salesperson the consumer Back suffered a loss which is exactly what the *Act* strives to prevent.
- [90] I find, based on the evidence, that the respondent has satisfied its burden to show that it is more likely than not that the appellant will not carry on his business as a motor vehicle dealer with honesty, integrity in accordance with the law.
- ii. **Whether the Tribunal should direct the respondent to carry out the proposal or substitute its opinion for that of the respondent pursuant to section 9(5) of the Act**
- [91] Neither party made any submissions as to whether I should substitute my opinion for that of the respondent and I therefore did not consider substituting my opinion for that of the respondent.

DECISION AND ORDER

- [92] Pursuant to section 9(5) of the *Act*, the Tribunal orders the Registrar to carry out the Proposal and revoke the appellant's registration as a motor vehicle dealer and motor vehicle salesperson under the *Act*.

LICENCE APPEAL TRIBUNAL

A handwritten signature in black ink, appearing to read 'Kevin Kovalchuk', is written over a light grey rectangular background.

Kevin Kovalchuk Vice-Chair

Released: April 28, 2026