



**Citation: Quyyum Abdul and 2005846 Ontario Inc. o/a Bengal Auto v. Registrar,
*Motor Vehicle Dealers Act, 2002, 2026 ONLAT MVDA 18117***

Licence Appeal Tribunal File Number: 18117/MVDA

In the matter of an appeal from a Notice of Proposal to Revoke Registration under section 9 of the *Motor Vehicle Dealers Act, 2002*, S.O. 2002, c. 30, Sch. B (the “Act”), and an Immediate Temporary Suspension Order Issued under section 10 of the *Act*.

Between:

Quyyum Abdul and 2005846 Ontario Inc. o/a Bengal Auto

Appellants

and

Registrar, *Motor Vehicle Dealers Act, 2002*

Respondent

DECISION and ORDER

ADJUDICATOR: Rebecca Hines, Member

APPEARANCES:

For the Appellant: Quyyum Abdul, Appellant
Hishaam Shah, Counsel
Affan Ahmad, Co-Counsel

For the Respondent: Maria Correia, Counsel
Nanieka Narang, Co-Counsel

Held by videoconference: January 12, 2026

OVERVIEW

- [1] On December 19, 2025, the Registrar under the *Act*, (the respondent) issued a Notice of Proposal (“NOP”) to Revoke Registration under s. 9 of the *Motor Vehicle Dealers Act, 2002*, S.O. 2002, c. 30, Sch. B (the “*Act*”), and an Immediate Temporary Suspension Order (“ITSO”) under s. 10 of the *Act* to the appellants, 2005846 Ontario Inc. o/a Bengal Auto (“Bengal Auto”) with respect to its registration as a motor vehicle dealer, and to Quyyum Abdul (“Abdul”), in respect of his registration as a motor vehicle salesperson.
- [2] The appellants appealed the NOP to the Licence Appeal Tribunal (“the Tribunal”) on December 26, 2025.
- [3] Abdul is a ~~Director~~director, and a person in charge of the day-to-day activities of Bengal Auto.
- [4] Under section 10(3) of the *Act*, an ITSO expires 15 days after the Tribunal receives a written request for a hearing, unless the Tribunal extends the time of expiration until the hearing is concluded. Section 10(3)(b) stipulates that the Tribunal may extend the expiration time of an ITSO if a hearing on the associated NOP has commenced within the 15-day period. Only then would the Tribunal have the authority to order an extension of the ITSO until the hearing is concluded.
- [5] The evidence presented for the purposes of the extension of the ITSO is not automatically evidence for the purposes of the hearing of the NOP appeal and will have to be presented again in its entirety should the hearing of the NOP appeal proceed. Further, since the determinations I must make with respect to the ITSO extension are to be based on an incomplete presentation of the evidence, my factual determinations are not binding on the adjudicator who conducts the NOP appeal.

ISSUES

- [6] The issues to be determined are:
1. Whether the expiry date of the ITSO on the appellants’ registrations should be extended until the conclusion of the hearing; and
 2. Whether the ITSO should be stayed.

RESULT

- [7] The expiry date of the ITSO is extended to the conclusion of the hearing. No stay is ordered. A case conference will be scheduled with the parties to discuss further procedural elements of the continuation of the hearing. The hearing is adjourned and will be resumed at a future date determined by the Tribunal.

Procedural Issues

Permission to record the proceedings

- [8] Prior to the hearing, the respondent requested permission to record the audio portion of the hearing using Windows Sound Recorder in Windows 11. Pursuant to Rule 13.3, and the Tribunal's Practice Direction on Recording Hearings, a party may record a hearing on an audio recording device in order to supplement their notes, on the understanding that the Tribunal must give permission to record, and that the party who self-records provides copies to the other parties and, upon request, to the Tribunal. The parties acknowledged that they understand that the recording does not become part of the record of the hearing. The appellants had no objection to the recording of the hearing by the respondent and I granted the respondent's request to record the hearing.

Respondent's request to exclude the appellant's affidavit and factum

- [9] At the outset of the hearing, the respondent requested that I exclude the appellants' factum and the affidavit of Abdul because it was first served on it on the evening prior to the hearing. The respondent submits that because of the late service it would be procedurally unfair to allow the appellants to rely on this evidence. It maintains that the appellants had ample time before the hearing to serve and file these documents, but instead waited until the last minute. Further, this is an oral hearing not a written hearing. Consequently, the respondent argued I should not consider the factum because the purpose of the hearing is to provide oral evidence and submissions. Finally, it submits that if the appellants want to rely on the affidavit, the respondent should be given the opportunity to cross examine Abdul on the contents of same.
- [10] The appellants argue that I should not exclude the factum and affidavit because counsel was recently retained over the weekend and did not have a lot of time to prepare for the hearing. Moreover, the respondent served the appellants with two volumes of its document briefs on the Friday prior to the hearing so counsel had to review hundreds of pages in order to respond. The appellants maintained they will be prejudiced if I exclude the affidavit because it would prevent the appellants' fair

participation in the hearing. Finally, the appellants assert that s. 15 of the *Statutory Powers and Procedures Act* provides the Tribunal with broad discretion to admit any evidence that is relevant to the proceedings.

- [11] I declined to exclude either the appellants' factum or affidavit as I find that it would prevent the appellants from participating in the proceeding. However, I made an oral ruling that if the appellants want to rely on the affidavit, then Abdul needs to make himself available for cross-examination on its contents. I also declined to exclude the factum and requested that the appellants make oral submissions in closing addressing the arguments contained therein. Ultimately, I find the respondent was not prejudiced by this ruling because the affidavit had little bearing on whether the ITSO should be extended.

ANALYSIS

Should the ITSO be extended pending the conclusion of the hearing for the NOP?

- [12] The Registrar bears the onus to establish that it is in the public interest that the ITSO be extended pending the outcome of the hearing of the appeal of the NOP. To satisfy its onus, the Registrar must establish that the conduct on which it relies occurred and forms a reasonable basis for the NOP and that the nature of the conduct and the circumstances are such that it is a matter of public interest that the registration remain suspended pending the outcome of the NOP hearing.
- [13] The respondent requests an extension of the ITSO until the hearing is concluded. It submits that the appellants' past conduct has resulted in 23 criminal charges (including fraud and possession of stolen vehicles) being laid against Abdul which is currently before the courts. It also asserts that the appellants' past conduct creates a serious risk to the public. It relies on evidence arising from allegations involving a trade of a 2023 Audi Q 5 (2023 Audi) and the testimony of Blake Smiley, Investigator with Ontario Motor Vehicles Industry Council ("OMVIC") ("Investigator Smiley"), David Ricker, Investigator with Equite Association ("Ricker") and Mathew Barial ("Barial"), a consumer.
- [14] The appellants oppose the extension of the ITSO and argue that it should be stayed pending the conclusion of the hearing. The appellants submit that if the ITSO remains in place it will result in irreparable harm to the appellants, its employees and Abdul's family members because the dealership is the sole financial support for the family. The appellants rely on the above-noted affidavit along with financial records in support of the position that the ITSO will result in irreparable harm and argue that the appellants' private interests outweigh the public interest.

- [15] I find that the respondent has proven that the ITSO should be extended pursuant to section 10(3) of the *Act* until the conclusion of the hearing regarding the NOP for the following reasons.
- [16] First, I find the Information relied upon by the respondent supports that Abdul has been charged with 23 criminal offences including possession of stolen vehicles, forgery and fraud. I find the nature and number of the criminal charges against Abdul are so serious that if they are arguably true, (and not beyond a reasonable doubt) then there is a serious risk to the public if the appellants are permitted to continue operating pending the outcome of the hearing. I find the alleged past conduct creates a serious risk to consumers who may have their vehicles re-possessed by police which could result in financial harm and having to engage in a timely complaint process for compensation. Although I acknowledge that Abdul has not been convicted of any of these charges, I find that the ITSO ought to be extended pending the conclusion of the hearing of the NOP on the merits.
- [17] Second, I find the three witnesses' testimony and evidence regarding the 2023 Audi transaction supports that the allegations contained in the NOP also raise serious concerns about the appellants' past conduct. The following sets out the evidence supporting the series of events involving this allegation.
- [18] Barial testified that he and his wife ("Consumer A") purchased a 2023 Audi Q5 (VIN# ending in 4238) from Ottawa Audi on July 29, 2023. Further, this vehicle was then exported out of Canada to the Dominican Republic in August 2023 because his wife was stationed there as a Canadian diplomat. Barial also testified that as of the date of this hearing this vehicle has remained in the Dominican Republic and that neither he nor his wife has ever had any dealings with Bengal Auto or Abdul. In addition, they never signed an authorization permitting anyone to represent them at the Ministry of Transportation of Ontario ("MTO"). I find Barial to be a credible witness and find no reason to doubt his narrative because it was consistent with the bill of sale confirming ownership of the vehicle and a seaway invoice confirming that the vehicle was transported to the Dominican Republic.
- [19] Investigator Smiley testified that on November 17, 2023, an individual purporting to represent Consumer A submitted an application for a replacement vehicle permit for the 2023 Audi (VIN# ending in 4238) to the MTO. Accompanying the application was a third-party authorization purportedly signed by Consumer A. MTO subsequently issued a replacement permit for the vehicle. Investigator Smiley testified that on November 21, 2023, an application was submitted to MTO to transfer the ownership of the vehicle from Consumer A to Bengal Auto, which was then sold to another consumer ("Consumer B"). The respondent highlighted

the fact that the appellants have failed to produce a deal file including the bill of sale involving this transaction. I find the various applications to MTO for replacement permits and transfer of ownership submitted to the MTO signed by Abdul and the vehicle search history consistent with Investigator Smiley's testimony.

[20] In April 2024, the 2023 Audi sold to Consumer B was deemed a total loss. Ricker testified that he was retained by Hamilton Police to conduct an examination of the 2023 Audi because the police suspected that the vehicle was stolen. Ricker testified that his examination of the vehicle revealed that it had been re-vinned with the same number as Consumer A's 2023 Audi. The vehicle also had a false federal certification label, and the bar code would not scan. There was also a different VIN# listed in the vehicle's computer system which turned out to be the VIN# of a vehicle which was reported stolen. Ricker testified that all of these facts support his conclusion that this was a stolen vehicle, and he set out his findings including pictures in an investigation report which was in line with his testimony.

[21] I find that based on the testimony of the witnesses and documentary evidence regarding the 2023 Audi, that the respondent has proven that the appellants are a risk to the public and that it is in the public interest to extend the ITSO pending the conclusion of the hearing on the merits of the NOP. Nobody testified on behalf of the appellants to provide an explanation about what happened regarding the 2023 Audi transaction. As a result, I do not have any evidence from the appellants to contradict the testimony and evidence relied upon by the respondent. Based on the evidence before me, I find that the respondent has proven on a balance of probabilities that the allegations raised in the NOP are credible and that it is in the public interest to extend the ITSO. Now I will address whether the ITSO should be stayed based on the appellants' arguments that it will result in irreparable harm.

The ITSO should not be stayed pending the outcome of the appeal

[22] Given that I have decided to extend the ITSO, the appellants seek to have the ITSO stayed pending the outcome of the appeal. The appellants rely on the Supreme Court of Canada's decision in *RJR-MacDonald Inc v Canada (Attorney General)* ("*RJR-MacDonald*"), [1994] 1 SCR 311 which sets out the following three criteria to be considered in determining whether a stay should be ordered:

1. Does the appeal raise a serious issue to be tried?
2. Have the appellants proven that staying the ITSO is necessary to avoid irreparable harm?
3. Does the balance of convenience favour a stay?

- [23] I find the first branch of the test is a low threshold as the appellants need not demonstrate the likelihood of succeeding in its appeal, only that the matter before the Tribunal has merit and is not frivolous or vexatious. I find the appeal raises a serious to be tried as the NOP raises serious allegations and the decision arising from the appeal may have significant consequences for the appellants. Further, I have no evidence before me to support that the appeal is frivolous or vexatious.
- [24] Regarding the second branch of the test, I find that the ITSO will likely have a negative financial impact on the appellants and its employees. However, I find that the evidence relied upon by Abdul in support of his affidavit does not persuade me that staying the ITSO is necessary to avoid irreparable harm. The appellants argue that if the ITSO is extended Abdul and his family will lose their family home and the dealership rendering the purpose of this appeal moot. However, I find that the financial records relied upon support that the appellants' business and Abdul were experiencing significant financial hardship before the NOP and ITSO was issued. For example, Abdul relies on a Notice of Sale Under Mortgage dated October 27, 2025, which establishes that he had defaulted on mortgage payments and was at risk of losing the family home. I find that this document supports that Abdul, and his family were at risk of losing their family home prior to the respondent issuing the NOP and ITSO.
- [25] In addition, Abdul also relies on several lines of credit from different banks and a collectors' notice which I find also demonstrate that either Abdul or the dealership were in debt and struggling financially prior to the respondent issuing the NOP and ITSO. In the same vein, a notice from the City of Hamilton supports that Abdul was behind in paying property taxes for 2024 and 2025. I find the various records relied upon by Abdul support that he was struggling financially prior to the issuance of the NOP and ITSO and that ordering a stay would not prevent the irreparable harm that the appellants have argued in this case. In fact, I find this evidence supports that the ITSO should be extended because financial instability may create additional risks in the appellants day-to-day operation of the business.
- [26] Finally, Abdul's affidavit alleges that extending the ITSO will result in significant harm to his mother's health. I find the submissions set out in Abdul's affidavit regarding his mother's health issues was unsupported by any persuasive evidence. For example, no medical evidence was relied upon to support that the applicant's mother has experienced the health issues proposed in the affidavit. Nor is there a medical opinion to support that the ITSO will result in irreparable harm to his mother's health. Finally, I also find the health issues of Abdul's mother pre-dated the NOP and ITSO.

- [27] Although I can empathize with the fact that Abdul and the dealership have experienced significant financial issues, I find these setbacks to be unrelated to the NOP and ITSO. Based on the evidence before me, I am not convinced that if the ITSO were stayed it would improve the appellants' financial situation or his mother's medical condition.
- [28] The third branch of the test in *RJR-MacDonald* compels the Tribunal to consider which of the two parties will suffer from greater harm from the granting or refusal of a stay. Based on my reasoning above, the appellants have not proven that extending the ITSO will result in irreparable harm. As highlighted above, I find that the nature and number of the criminal charges against Abdul creates a significant risk to the public. I also find the NOP raises serious concerns regarding the appellants' past conduct and find that the public interest in this case outweighs the private financial interests of the appellants.
- [29] I find the balance of convenience favours the public interest in extending the ITSO pending the conclusion of the hearing. In support of its position that the ITSO should be extended the respondent relies on the Tribunal's decision in *11640 v. Registrar, Motor Vehicle Dealers Act, 2002* ("*11640*"), 2018 CanLII 129504 (ON LAT) where the adjudicator extended the ITSO pending the conclusion of the hearing. The appellants rely on the Tribunal's decision in *Babar Chaudry o/a Cars Dome v Registrar*, ("*Chaudry*") 2021 CanLII 50780 (ON LAT) where the adjudicator ordered a stay of the interim order revoking an appellant's registration pending the outcome of an appeal before the Divisional Court. In *Chaudry*, the adjudicator concluded that there would be no dealership to go back to pending the outcome of the appeal and ordered that terms and conditions be attached to the appellant's licence pending the conclusion of the appeal.
- [30] It is important to note that I am not bound by this Tribunal's decisions, and I find that neither of the scenarios outlined in these decisions are on par with this case. However, I find that in *11640* the adjudicator highlights the important principal that the purpose of consumer protection statutes is not just compensating a wronged consumer but "to give the public confidence that people working within regulated industries do so with honesty, integrity and in accordance with the law...The public ought to have confidence that the industry is reliable, respected, and trusted." I also find that the alleged conduct against the appellants in this case to be more severe than in *11640* because in that case there were no criminal charges pending against the appellant and they had provided a \$30,000 credit to the Registrar to address potential consumer compensation claims. Despite this, the adjudicator still found it necessary to extend the ITSO to protect the public interest. Taking into consideration the intent and purpose of consumer protection statutes, I find that

the risk to the public in this case is significant and that the public interest outweighs the private interests of the appellants.

- [31] In addition, I find the facts in *Chaudry* distinguishable from this case because there were no criminal charges pending against the appellant in that case. Further, this case deals with a temporary suspension order not a revocation of the appellant's registration or the appeal of a Tribunal decision.
- [32] Finally, the appellants argue that an alternative to extending the ITSO, would be to attach terms and conditions to the appellants' registrations such as requiring Abdul to provide proof of an authentic VIN in relation to any vehicle to OMVIC prior to selling; permitting OMVIC to conduct monthly checks of bills of sale each month for vehicles sold; and allowing Bengal Auto to sell six vehicles per month with OMVIC's prior approval of each vehicle to be sold.
- [33] The respondent submits that attaching terms and conditions to the appellants' registrations is not appropriate at this stage and that terms and conditions can only be attached to the registrations pending the conclusion of the hearing on the merits. I agree with the respondent that s.10(3) of the *Act* provides the Tribunal with the authority to extend the ISO pending the conclusion of the hearing. I find that the *Act* does not provide the Tribunal with the authority to attach terms and conditions to the registrations at this stage of the process.
- [34] Based on the evidence and testimony presented, I find that the respondent has met its burden in proving that it is in the public interest to extend the expiry of the ITSO until the conclusion of the hearing, and I am not persuaded that the ITSO should be stayed pending the outcome of the hearing.
- [35] A case conference shall be scheduled to permit the parties to disclose documents, schedule hearing dates and any further procedural elements for the hearing on the merits.

ORDERS

- [36] The ITSO is extended pursuant to section 10(3) of the *Act* until the conclusion of the hearing.
- [37] No stay will be ordered.
- [38] The Tribunal will schedule a case conference to discuss settlement and scheduling a hearing.

[39] The Tribunal will issue a Notice of Case Conference to the parties to confirm the specific date and time.

[40] The hearing is adjourned to a date to be determined.

[41] The Tribunal will issue a Notice of Hearing to the parties.

Other Procedural Issues

[42] The Licence Appeal Tribunal Rules 2023 apply to this appeal, except where varied by an order of the Tribunal.

[43] If the parties reach an agreement on the issues in dispute prior to the scheduled case conference, they shall immediately advise the Tribunal. The appellants must then file a Notice of Withdrawal with the Tribunal and serve a copy of that Notice to the respondent. the Tribunal will thereafter cancel the case conference and hearing and close the file.

[44] Nothing in this Order affects any requirement under the Act.

Released: January 23, 2026



**Rebecca Hines
Adjudicator**