

## DISCIPLINE DECISION

IN THE MATTER OF A DISCIPLINE HEARING HELD PURSUANT TO THE MOTOR  
VEHICLE DEALERS ACT 2002, S.O. 2002, C.30, Sch. B

B E T W E E N :

Registrar, *Motor Vehicle Dealers Act, 2002*

- AND -

Gurdev Thind

---

**Date of Hearing:** December 1, 2022

**Date of Decision:** December 1, 2022

**Findings:** Breach of Section 9(1) and 9(2) of the Code of Ethics

**Order:**

1. Thind is ordered to successfully complete the MVDA Key Elements course, no later than **March 31, 2023**.
2. Thind is ordered to pay a fine in the amount of \$1,500. \$500 will be paid no later than **January 31, 2023**, and the remaining balance (\$1,000) no later than **May 31, 2023**.
3. Thind agrees to comply with the Act and the Code of Ethics.

**Introduction**

Pursuant to Regulation 332/08 of the *Motor Vehicle Dealers Act 2002*, a hearing before the Discipline Panel was held via videoconference on Thursday, December 1, 2022, at 9:30 a.m., further to a Notice of Complaint dated February 28, 2022, and a Notice of Further and Other Particulars dated November 11, 2022. OMVIC was represented by counsel Jane Samler. The Respondent, Gurdev Thind, was unable to participate due to weather circumstances which prevented him from being able to connect to the video platform but was represented by counsel Arslan Hanif. Counsel for OMVIC advised at the outset of the hearing that all allegations pertaining to the Dealer named in the Notice of Complaint were being withdrawn. The matter proceeded against Mr. Thind only.

The Notice of Complaint, marked as Exhibit 1, provided as follows:

Take notice that pursuant to section 17 of the *Motor Vehicle Dealers Act, 2002*, (the "Act"), the Registrar is issuing a Notice of Complaint against [ALLEGATIONS WITHDRAWN]. and GURDEV THIND for violating the Code of Ethics, as set out in Ontario Regulation 332/08.

The reasons for this notice are:

1. [ALLEGATIONS WITHDRAWN]. Gurdev Thind ("Thind") was first registered as a motor vehicle salesperson in or around May 2016. At all material times, Thind was the sole officer as well as the person in charge of the day-to-day activities of the Dealer.
2. On about August 26, 2019, the Registrar issued a Notice of Complaint ("Notice") against the Dealer and Thind.
3. On about July 22, 2020, the Discipline Committee issued an Order against the Dealer and Thind, pursuant to a negotiated resolution of the above referenced Notice.
4. Per condition 2 of the Order, Thind was required to successfully complete the "MVDA Key Elements" course (the "MVDA Course") no later than November 2, 2020.
5. Per condition 3 of the Order, the Dealer was required to offer all of its sales staff the opportunity to complete the "Automotive Certification" course (the "Certification Course"), the Dealer's expense, no later than November 2, 2020.
6. By email dated August 27, 2021, a representative of the Registrar reminded Thind of his outstanding requirement to complete the MVDA Course. Thind was also reminded of the Dealer's requirement to offer current sales staff the Certification Course.
7. By email dated September 8, 2021, a representative of the Registrar reminded Thind of his outstanding requirement to complete the MVDA Course. Thind was also reminded of the Dealer's requirement to offer current sales staff the Certification Course.
8. By email dated September 17, 2021, a representative of the Registrar reminded Thind of his outstanding requirement to complete the Course.

Thind was also reminded of the Dealer's requirement to offer current sales staff the Certification Course

9. On or about October 1, 2021, Thind enrolled in the MVDA Course.
10. On or about November 1, 2021, a representative of the Registrar reminded Thind of his outstanding requirement to successfully complete the MVDA Course. Thind was also reminded of the Dealer's requirement to offer sales staff the Certification Course
11. To date, Thind has failed to complete the MVDA Course, as required by condition 2 of the Order.
12. To date, the Dealer has failed to provide the office of the Registrar with confirmation that the Dealer has offered its current sales staff the opportunity to complete the Certification Course, as required by condition 3 of the Order.
13. In failing to comply with the Order, the Dealer and Thind have breached sections 9(1) and 9(2) of the Code of Ethics.
14. Moreover, by failing to ensure that the Dealer complies with the Order, Thind has personally breached section 6(2) of the Code of Ethics.

By way of a Notice of Further and Other Particulars, paragraph 9 of the Notice of Complaint was deleted and replaced as follows:

On or about October 1, 2021, Thind enrolled in the Certification Course.

At the hearing of this matter on December 1, 2022, the Notice of Complaint and Notice of Further and Other Particulars was marked as Exhibit 1. The Panel was presented with an Agreed Statement of Facts (ASF), marked as Exhibit 2, and a Joint Submission on Penalty (JSOP), marked as Exhibit 3.

### **Agreed Statement of Facts**

The ASF marked as Exhibit 2 provides as follows:

1. [ALLEGATIONS WITHDRAWN] (the "Dealer") was first registered as a motor vehicle dealer in or around May 2016. Gurdev Thind ("Thind") was first registered as a motor vehicle salesperson in or around May 2016. At all material times, Thind was the sole officer as well as the person in charge of the day-to-day activities of the Dealer.

2. On about August 26, 2019, the Registrar issued a Notice of Complaint (“Notice”) against the Dealer and Thind.
3. On about July 22, 2020, the Discipline Committee issued an Order against the Dealer and Thind, pursuant to a negotiated resolution of the above referenced Notice.
4. Per condition 2 of the Order, Thind was required to successfully complete the “MVDA Key Elements” course (the “MVDA Course”) no later than November 2, 2020.
5. By email dated August 27, 2021, a representative of the Registrar reminded Thind of his outstanding requirement to complete the MVDA Course.
6. By email dated September 8, 2021, a representative of the Registrar reminded Thind of his outstanding requirement to complete the MVDA Course.
7. By email dated September 17, 2021, a representative of the Registrar reminded Thind of his outstanding requirement to complete the Course.
8. On or about October 1, 2021, Thind enrolled in the Certification Course.
9. On or about November 1, 2021, a representative of the Registrar reminded Thind of his outstanding requirement to successfully complete the MVDA Course.
10. To date, Thind has failed to complete the MVDA Course, as required by condition 2 of the Order.
11. In failing to comply with the Order, Thind has breached sections 9(1) and 9(2) of the Code of Ethics.

It is thereby agreed that Thind has breached the following sections of the Code of Ethics, as set out in regulation 332/08:

*9. Professionalism*

9(1) In carrying on business, a registrant shall not engage in any act or omission that, having regard to all of the circumstances, would reasonably be regarded as disgraceful, dishonourable, unprofessional or unbecoming of a registrant.

9(2) In carrying on a business, a registrant shall act with honesty, integrity and fairness.

**Joint Submission on Penalty**

The JSOP marked as Exhibit 3 provides as follows:

1. Thind agrees to successfully complete the MVDA Key Elements course, no later than **March 31, 2023**.
2. Thind agrees to pay a fine in the amount of \$1,500. \$500 will be paid no later than **January 31, 2023**, and the remaining balance (\$1,000) no later than **May 31, 2023**.
3. Thind agrees to comply with the Act and the Code of Ethics.

### **Decision of the Panel**

Having reviewed and considered the Agreed Statement of Facts, the Panel found that Mr. Thind breached subsections 9(1) and 9(2) of the OMVIC Code of Ethics, as set out in Ontario Regulation 332/08, made under the *Motor Vehicle Dealers Act, 2002*. The Panel also accepted the parties' Joint Submission on Penalty and, accordingly, made the following Order before the conclusion of the hearing:

4. Thind is ordered to successfully complete the MVDA Key Elements course, no later than **March 31, 2023**.
5. Thind is ordered to pay a fine in the amount of \$1,500. \$500 will be paid no later than **January 31, 2023**, and the remaining balance (\$1,000) no later than **May 31, 2023**.
6. Thind agrees to comply with the Act and the Code of Ethics.

### **Reasons for Decision**

Having reviewed the evidence and received submissions from counsel, the Panel was satisfied that the Agreed Statement of Facts provided sufficient evidence that the registrant, Thind, had breached sections 9(1) and (2) of the Code of Ethics as alleged and as admitted in Exhibit 2. The Panel was satisfied, based on responses and submissions from Mr. Thind's counsel, that the admissions contained in Exhibit 2 were voluntary, informed, and unequivocal.

The Panel was also satisfied that the proposed penalty in the JSOP satisfied the public interest test on penalty and that accepting the proposed penalty did not bring the administration of justice or the publicly perceived integrity of the Tribunal into disrepute. The Panel was further satisfied that the proposed penalty met the goals of general and specific deterrence. The Panel accepted that the proposed penalty allowed the registrant an opportunity for rehabilitation. In arriving at its decision, the Panel considered the fact that the registrant cooperated with OMVIC in arriving at both the ASF and JSOP, and the registrant operated a small dealership with a low amount of retail transactions. The Panel also found that the proposed penalty was in line with previous similar cases of the Discipline Committee.

Ontario Motor Vehicle Industry Council  
Discipline Committee



---

*Sherry Darvish, Chair  
Stuart Sherman, Vice Chair  
Chris Pinelli, Vice Chair*