

DISCIPLINE DECISION

REVIEWING PANEL: Sherry Darvish, Discipline Tribunal Chair, Public Member
Nelson Caetano, Registrant
Joe Malfara, Registrant

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 :

ONTARIO MOTOR VEHICLE INDUSTRY COUNCIL)	
)	
- and -)	
)	
6879349 CANADA INC. O/A AUTO STOP)	
)	
- and -)	
)	
ODAY YOUSIF AMEEN)	
)	
)	
)	

This matter proceeded by way of Rule 1.07 of the Rules of Practice before the Discipline Tribunal and the Appeals Tribunal. This Reviewing Panel has reviewed and considered written materials from the Parties together with a waiver of the requirement for an oral hearing and hereby makes the following Order:

Date of Decision: April 4, 2025

Findings: **6879349 Canada Inc. o/a Auto Stop (the “Dealer”) has breached the following:**

- Sections 7(1), 9(1) and 9(3) of the Code of Ethics, O. Reg. 332/08

Oday Yousif Ameen has breached the following:

- Sections 6(2) and 9(3) of the Code of Ethics, O. Reg. 332/08

Order:

1. 6879349 Canada Inc. o/a Auto Stop (the “Dealer”) shall pay a fine in the amount of **\$10,000** no later than twelve (12) calendar months from the date of the Discipline Tribunal’s Order.
2. Oday Yousif Ameen (“Ameen”) shall successfully complete the MVDA Key Elements Course no later than ninety (90) calendar days from the date of the Discipline Tribunal’s Order.
3. The Dealer shall **offer** to all current and future salespersons, employed by the Dealer, to **fund** their completion of the Automotive Certification Course, no later than ninety (90) calendar days from the date of the Discipline Tribunal’s Order.

Overview

This matter proceeded on the basis of an Agreed Statement of Facts, dated January 30, 2025, a jointly proposed disposition and a waiver of oral hearing, pursuant to Rule 1.07 of the Rules of Practice before the Discipline Tribunal and the Appeals Tribunal. The Agreed Statement of Facts states in relevant part as follows:

Background:

1. 6879349 Canada Inc. o/a Auto Stop (the “Dealer”) was first registered as a motor vehicle dealer under the Act in or around February 2023.
2. Oday Yousif Ameen (“Ameen”) was first registered as a salesperson under the Act in or around February 2023. At all material times, Ameen has been a General Manager, the sole salesperson and Person in Charge of the day-to-day activities of the Dealer.
3. On or about February 12, 2023, Ameen executed terms and conditions of registration on behalf of the Dealer.
4. Per condition 18, the Dealer agreed to ensure that all trades in motor vehicles are completed in accordance Section 30 of the Motor Vehicle Dealers Act (the “MVDA”) and pursuant to sections 39 to 43 of the Ontario Regulation 333/08 and sections 4 and 5 of the Ontario Regulation 332/08.
5. Condition 19 required the Dealer to disclose all material facts about the motor vehicles for purchase, in writing on the Bill of Sale.

OMVIC Publications

6. Since the Act was proclaimed in 2010, OMVIC has issued various educational materials, including publications, webinars and guidelines, reminding dealers of their obligations to disclose all material facts about the vehicles they sell. The dates of said publications are attached hereto as Schedule “A”. Educational materials continue to be available on OMVIC’s website.

Direct Correspondence with Dealer

7. During an inspection on or about August 15, 2023, a representative of the Registrar reminded the Dealer of its disclosure obligations under section 42 of O. Reg. 333/08.

Dealer's Non-Compliance:

8. On or about June 13, 2024, a representative of the Registrar (the "Inspector") attended the Dealer's premises to conduct an inspection of its books and records. The following issues of non-compliance were discovered as part of the inspection.

2010 Toyota RAV4 (VIN# *073186)**

9. On or about October 3, 2023, the Dealer sold a 2010 Toyota RAV4 (VIN# ***073186) to a consumer. The Dealer failed to disclose the following material facts on the bill of sale:
 - i. The vehicle has been declared an insurance total loss.
 - ii. The vehicle has a prior accident damage repair estimate of \$9,009.60.
 - iii. The vehicle was previously registered in Quebec.
10. This is contrary to section 42(19), (21), and (22) of Regulation 333/08, as well as sections 7(1), 9(1) and 9(3) of the Code of Ethics.
11. Despite the fact that the vehicle was delivered with a safety standard certificate, the Dealer failed to indicate on the bill of sale, the statement prescribed in section 40(5) of the Regulation 333/08. As a result, the Dealer contravened section 40(2) of Regulation 333/08 and therefore sections 7(1) and 9(3) of the Code of Ethics.

2011 Hyundai Sonata (VIN# *238943)**

12. On or about September 26, 2023, the Dealer sold a 2011 Hyundai Sonata (VIN# ***238943) to a consumer. The Dealer failed to disclose the following material facts on the bill of sale:
 - i. The manufacturer's warranty has been cancelled.
 - ii. The total distance driven is unknown but believed to be 207,336 km as of July 25, 2023. The total distance driven is believed to be higher than the distance indicated.
13. This is contrary to section 42(4), and (20) of Regulation 333/08, as well as sections 7(1), 9(1) and 9(3) of the Code of Ethics.

Ameen's Non-Compliance:

14. Ameen, as a Person in Charge, failed to ensure that the Dealer conducted its business in compliance with the Act, its regulations, and the Code of Ethics and thus personally contravened sections 6(2) and 9(3) of the Code of Ethics.
15. As particularized above, the Dealer has violated the following section of the Code of Ethics:

Compliance

7. (1) A registrant shall ensure that all documents used by the registrant in the course of a trade in a motor vehicle are current and comply with the law.

16. As particularized above, the Dealer and Ameen have violated the following section of the Code of Ethics:

Professionalism

s. 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.

s. 9(3) A registrant shall use the registrant's best efforts to prevent error, misrepresentation, fraud or any unethical practice in respect of a trade in a motor vehicle.

17. As particularized above, Ameen has violated the following section of the Code of Ethics:

Accountability

s. 6(2) A registered salesperson shall not do or omit to do anything that causes the registered motor vehicle dealer who employs or retains the salesperson to contravene this Regulation or any applicable law with respect to trading in motor vehicles.

Decision of the Reviewing Panel

Having reviewed and considered the Agreed Statement of Facts and written submissions provided by the Parties, the Reviewing Panel is satisfied that the evidence contained in the Agreed Statement of Facts substantiates the allegations that: (1) the Dealer has breached subsections 7(1), 9(1), and 9(3) of the OMVIC Code of Ethics; (2) Ameen has breached subsections 6(2) and 9(3) of the OMVIC Code of Ethics.

The Reviewing Panel accepted the parties' proposed resolution for the reasons below.

Reasons for Decision

The Reviewing Panel received and considered comprehensive written materials from the parties and was left satisfied that the proposed resolution has no risk of being contrary to the public interest. The outcome is clearly connected to the admitted breaches of the Code of Ethics and consistent with other outcomes ordered in this Tribunal in similar cases. In such circumstances, disposition under Rule 1.07 is appropriate and ordered accordingly.

Ontario Motor Vehicle Industry Council
Discipline Tribunal

Dated: April 4, 2025

S. Darvish

Sherry Darvish, Discipline Tribunal Chair,
Public member
On behalf of:

Nelson Caetano, Registrant
Joe Malfara, Registrant

