

**LICENCE APPEAL  
TRIBUNAL**

**TRIBUNAL D'APPEL EN MATIÈRE  
DE PERMIS**



**Safety, Licensing Appeals and  
Standards Tribunals Ontario**

**Tribunaux de la sécurité, des appels en  
matière de permis et des normes Ontario**

Citation: Benjamin Lavigne v. Registrar, *Motor Vehicle Dealers Act, 2002*, ONLAT  
MVDA 12375

Date: 2019-12-03  
File Number: 12375 MVDA

Appeal from a Notice of Proposal by the Registrar, *Motor Vehicle Dealers Act, 2002*,  
S.O. 2002, c. 30, Sch. B to Revoke Registration

**Between:**

Benjamin Lavigne

Appellant

-and-

Registrar, *Motor Vehicle Dealers Act, 2002*

Respondent

**CONSENT ORDER**

**Order made by:** Jacqueline Castel, Member

**Date of Order:** December 3, 2019

- [1] The appellant requested a hearing before the Licence Appeal Tribunal (the “Tribunal”) to appeal the respondent’s proposal to revoke his registration as a motor vehicle salesperson.
- [2] The parties have advised the Tribunal that they have resolved the issues in dispute and have requested that the Tribunal issue an order on consent disposing of this proceeding.
- [3] I have considered the Minutes of Settlement, signed by both parties and filed with the Tribunal, in which the parties set out the order requested.
- [4] Therefore, on consent of the parties, and pursuant to s. 9(5) of the *Motor Vehicle Dealers Act, 2002* and s. 4.1 of the *Statutory Powers Procedure Act, R.S.O. 1990, c. S.22*, I substitute my opinion for that of the Registrar and order as follows:
  - a. The appellant will comply with all requirements of the MVDA and Ontario Regulation 333/08, the Code of Ethics in Ontario Regulation 332/08, the Ontario Motor Vehicle Industry Council (“OMVIC”) Standards of Business Practice, 2010 and OMVIC Guidelines, as may be amended from time to time. The appellant will read all correspondence and bulletins from OMVIC as released.
  - b. For the period of two (2) years, the appellant shall be only employed by a registered dealer within the “New and Used Motor Vehicles” (Franchise Dealer) class, subject to the Registrar’s approval, which shall not be unreasonably withheld.
  - c. For the period of two (2) years, the appellant shall neither be a final signing authority nor controlling mind of a motor vehicle dealer.
  - d. For the period of two (2) years, the appellant shall not be a partner, shareholder, officer, director, person in charge, dealer administrator, manager (including, but not limited to sales manager, finance and insurance manager and business manager) or have direct or indirect control of a motor vehicle dealer.
  - e. For the period of two (2) years, the appellant shall not to apply to be registered as a dealer.
  - f. The appellant will provide the Registrar with full and complete disclosure in all future correspondence and on all future applications, regardless of whether or not disclosure has been made previously to the Registrar.
  - g. The appellant will ensure that he shall not trade in motor vehicles where the appellant knows, or ought to know, that trading may facilitate an illegal or unethical practice.

- h. The appellant shall notify his sponsoring dealer (current or future) of these conditions of registration. The appellant will provide the Registrar with an acknowledgement signed by his sponsoring dealer within five days of execution of this document, and in the future within ten days of change of employment.

LICENCE APPEAL TRIBUNAL

A handwritten signature in black ink, appearing to read "J. Castel", with a long, sweeping flourish extending to the right.

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Jacqueline Castel, Member

*Released: December 3, 2019*