



**Citation: Yousefi and Auto CA Inc. v. Registrar, *Motor Vehicle Dealers Act, 2002*, 2025 ONLAT MVDA 17364**

**Licence Appeal Tribunal File Number: 17364/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 Orders issued under section 10 of the *Act*.

Between:

**Saman Yousefi and Auto CA Inc.**

**Appellants**

and

**Registrar, *Motor Vehicles Dealers Act, 2002***

**Respondent**

**DECISION and ORDER**

**VICE-CHAIR:**

**Geneviève Painchaud**

**APPEARANCES:**

For the Appellants:

Saman Yousefi, Appellant

For the Respondent:

Zachary Kowalsky, Counsel

**Heard by Videoconference: November 17, 2025**

## OVERVIEW

- [1] On July 3, 2025, the Registrar under the *Act*, (the “respondent” or “Registrar”) issued a Notice of Proposal to Revoke Registration (“NOP”) under s. 9 of the *Act*, and an Immediate Temporary Suspension Order (“ITSO”) under s. 10 of the *Act* to Saman Yousefi in respect of his registration as motor vehicle salesperson, and to Auto CA Inc. with respect to its registration as a motor vehicle dealer.
- [2] On July 21, 2025, the appellants appealed the NOP to the Licence Appeal Tribunal (the “Tribunal”).
- [3] Saman Yousefi is the sole owner and director of Auto CA Inc.
- [4] The hearing commenced on July 24, 2025, and was adjourned to July 30, 2025 at which point the parties would present evidence and make submissions related to the possible extension of the ITSO.
- [5] On July 30, 2025, the appellant requested an adjournment of the hearing on the issues in dispute. The Tribunal granted the adjournment of the hearing and that it would first proceed to a case conference on September 4 or 5, 2025. It also extended the ITSO until the conclusion of the hearing.
- [6] A case conference was held on September 4, 2025 and the case conference and order outlined that the parties agreed to:
  - a. The issues in dispute
  - b. New hearing dates
  - c. Deadlines for document exchange and witness lists

## PRELIMINARY ISSUES

### Adjournment

- [7] Prior to commencing the hearing, I asked the parties if I had received all their material and asked them to confirm their witnesses.
- [8] The respondent confirmed I received all its documents, witness list and description of their anticipated evidence.

- [9] On the other hand, the appellant had not provided any documents to the Tribunal for the hearing and had been providing them to the respondent past the September 26, 2025 deadline and even as late as last week. In addition, the appellant wanted to present witnesses but had not sent the respondent, nor the Tribunal, its list of witnesses nor their anticipated evidence. At least one of its witnesses also needed an interpreter which had not been arranged.
- [10] The appellant was not clear on the main issues in dispute.
- [11] Approximately 90 minutes into the scheduled hearing, the respondent requested that the hearing be adjourned as both parties would be prejudiced if we proceeded today with the applicant wanting to introduce new evidence, some of which was not even available. It added that this file was not overly dated and that adjourning for a couple months could cure the prejudice. It requested that the ITSO remain in place.
- [12] The appellant agreed that an adjournment was necessary as it was unclear on the issues in dispute which is why documents were not provided. Its position is that all documents requested by the inspector have now been provided and reviewed so an adjournment of a couple of weeks would suffice.
- [13] Rule 16.2 of the Licence Appeal Tribunal Rules, 2023 (“Rules”) stipulates that a request for an adjournment may be made orally at an adjudicative event, and the request will only be allowed in compelling circumstances where the party did not and could not have known of the circumstances giving rise to the adjournment request prior to the event.
- [14] It is well-settled that the Tribunal is entitled to control its own procedure as per the *Statutory Powers Procedure Act* and, provided that the Tribunal does not act arbitrarily or capriciously, is entitled to deference on matters requiring the exercise of discretion, such as scheduling and adjournment requests.
- [15] I heard this request orally as per Rule 16.2 and find there were compelling circumstances as to why this request was not made previously as the need for an adjournment developed during preliminary issues discussion on the day of the hearing.
- [16] Rule 16.3 sets out the factors to consider in granting an adjournment request. I considered the factors and granted the adjournment because:
- a. There would be prejudice to both parties if we proceeded today.

- b. The parties consented to the adjournment.
- c. The appeal is only a few months old.
- d. The respondent could not have anticipated the issues raised.
- e. The appellant did not understand the issues in dispute.
- f. The hearing would not have been able to conclude today.

[17] I granted the adjournment of the hearing to the mutually agreed upon dates of January 8 and 9, 2026 or January 13 and 14, 2026 to give the respondent enough time to review the appellant's evidence and witness information.

[18] Since the appellant now anticipates having 3 to 4 witnesses, including the appellant, the matter should proceed to a 2-day videoconference hearing.

### **Document production and witnesses**

[19] The appellant agreed to new timelines for the production of all documents it intends to rely upon at the hearing, its witness list and anticipated testimony of each witness. Those will be provided to the respondent and the Tribunal by December 1, 2025.

[20] The appellant was advised that any evidence in a language other than French or English must be officially translated when produced.

[21] In addition, the appellant was reminded that if its witnesses require an interpreter, it is expected to arrange for a neutral interpreter at its own expense as per the Tribunal Rules.

### **Extension of the ITSO**

[22] Under subsection 10(3)(a) of the Act, an ITSO expires 15 days after the Tribunal receives a written request for a hearing under section 9 of the Act 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 ITSOs until the hearing is concluded.

[23] On July 30, 2025, the Tribunal granted the respondent's request to extend the ITSO until the conclusion of the hearing.

- [24] As the hearing was commenced July 24, 2025 and was resumed today, the Tribunal has the authority to order an extension of the ITSO pursuant to section 10(3)(b) of the *Act*.
- [25] The appellant requests that the Tribunal cancels the ITSO as it has provided all the requested documents to the respondent and that its licence was only suspended because the documents had not been provided. It adds that there is no danger to the public and that the final document was sent to the inspector yesterday and there are only minor issues left.
- [26] The respondent submits that the ITSO order should not be varied, and that the ITSO should remain in place until the conclusion of the hearing. It does not contest that the appellant has sent in documents but submits its inspection of these documents has not been concluded as one document was even just submitted the day before, on a Sunday. It adds that the evidence it provided on July 30, 2025 still stands including its concerns for public protection.
- [27] I reserved on my decision regarding the ITSO.
- [28] On July 30, 2025, the Tribunal ordered that:
- ...the ITSO be extended until the conclusion of the hearing in order to protect the public interest because the appellants failed to demonstrate cooperation with the investigation. The respondent has an oversight role and needs to be able to gather the information it needs to comply with the *Act*. Even if there was a theft, Mr. Yousefi could have provided several of the documents by accessing them in other ways, and he could have done that without requesting many extensions using different excuses. He did not understand the seriousness of not complying with document requests in the investigation from his regulator.
- [29] Although section 10(3)(b) of the *Act* outlines the Tribunal's authority to extend the time of expiration until the hearing is concluded, it is not clear on its authority to rescind such extension. The parties did not make any submissions on the Tribunal's authority to do so.
- [30] However, considering the facts, I do not support a variation of the previous order. I will therefore not make a finding on if I have the authority to vary it.

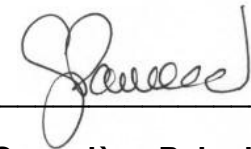
- [31] Although it is uncontested that the appellant sent in requested documents to the respondent, I agree with the respondent that these documents have not completely been reviewed yet as one was even just received yesterday.
- [32] Also, If the appellant had abided by the case conference orders of September 4, 2025 regarding its evidence and witnesses, the hearing could have proceeded today and the hearing would have been concluded imminently which would have rendered the ITSO expired.
- [33] I find that public protection is still key to this proceeding and do not find that the appellant has presented evidence to support a variation of the previous order since there are concerns that go beyond simply providing documents to the Registrar including concerns over governability.

## ORDERS

- [34] The ITSO extension pursuant to section 10(3) of the *Act* is not varied and is in effect until the conclusion of the hearing.
- [35] The hearing is adjourned and will proceed to a **two-day videoconference** hearing on January 8 and 9, 2026 or January 13 and 14, 2026.
- [36] The Tribunal will issue a Notice of Hearing to the parties to confirm the specific date and time.

### **Other Procedural Issues**

- [37] The Licence Appeal Tribunal Rules 2023 apply to this appeal, except where varied by an order of the Tribunal.
- [38] If the parties reach an agreement on the issues in dispute, 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.
- [39] I am not seized of this matter.



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**Geneviève Painchaud**

Vice-Chair

***Released: December 2, 2025***