

SENT VIA E-MAIL

DISCIPLINE TRIBUNAL OF THE ONTARIO MOTOR VEHICLE INDUSTRY COUNCIL

**IN THE MATTER BEFORE THE DISCIPLINE TRIBUNAL HELD PURSUANT TO THE
*MOTOR VEHICLE DEALERS ACT, 2002, S.O. 2002, c.30, Sch. B***

TO: Nexcar Auto Sales & Leasing Inc.
1235-1237 Finch Ave W
Toronto, ON
M3J 2G4

AND TO: Giti Nimapoo

AND TO: Arya Shahmari Vafa

NOTICE OF REFERRAL TO DISCIPLINE TRIBUNAL

Take notice that pursuant to section 14(4) 4 of the *Motor Vehicle Dealers Act, 2002*, (the "Act"), the Registrar has referred the complaint(s) against Nexcar Auto Sales & Leasing Inc., Giti Nimapoo, and Arya Shahmari Vafa to the Discipline Tribunal for alleged violations under the Code of Ethics, as set out in Ontario Regulation 332/08.

REASONS

Section 17 of the Act establishes a Discipline Tribunal and empowers the Discipline Tribunal to hear and determine issues concerning alleged breaches of the Code of Ethics. The Code of Ethics applies to all Registrants registered under the Act. Any Registrants that disregard or violate the Code of Ethics are subject to having their conduct reviewed by the Discipline Tribunal. The Code of Ethics requires that all Registrants conduct business with Integrity, Accountability, Compliance, Respect and Professionalism as well as ensuring that requirements are met when it comes to Disclosure and Marketing and the Disclosure of Information in Sale and Lease Contracts.

PARTICULARS

The reasons for this Notice are:

Background

1. Nexcar Auto Sales & Leasing Inc. (the “Dealer”) was first registered as a motor vehicle dealer under the Act in and around February 2009. It is currently registered.
2. Giti Nimapoo (“Nimapoo”) was first registered as a salesperson under the Act in and around February 2009. At all material times, Nimapoo has been an Officer and Person in Charge of the day-to-day activities of the Dealer.
3. Arya Shahmari Vafa (“Shahmari Vafa”) was first registered as a salesperson under the Act in and around August 2023. At all material times, Shahmari Vafa has been a salesperson on behalf of the Dealer.

Educational Resources

4. Since the Act was proclaimed in 2010, OMVIC has issued various educational materials, including publications, webinars and guidelines, reminding registrants of their all-in price advertising obligations. The dates of said publications are attached hereto as Schedule “A”. Educational resources continue to be available on OMVIC’s website.

Reminders to Comply

5. During an inspection on or about September 23, 2019, representatives of the Registrar reminded the Dealer to comply with its all-in price advertising obligations pursuant to s. 36(7) of O. Reg. 333/08 and the Code of Ethics.
6. On or about December 23, 2019, a representative of the Registrar reminded the Dealer about its advertising obligations for unfit and “as-is” vehicles, pursuant to the Code of Ethics.
7. During an inspection on or about January 25, 2024, representatives of the Registrar reminded the Dealer to comply with its all-in price advertising obligations pursuant to s. 36(7) of O. Reg. 333/08 and the Code of Ethics, as well as its advertising obligations for unfit and “as-is” vehicles, pursuant to the Code of Ethics.
8. The Registrar issued a formal warning letter to the Dealer on or about March 28, 2025, reminding the Dealer and Nimapoo to comply with their all-in price advertising obligations pursuant to s. 36(7) of O. Reg. 333/08 and the Code of Ethics.

Dealer’s Non-Compliance

9. On or before December 15, 2025, the Dealer published an advertisement for a 2020 Nissan Kicks, stock# 9980 (VIN# *553036), with a “Final Price” of \$15,990 plus taxes and licensing. The advertisement also indicated that safety certification would be available for an additional \$899 plus tax.
10. On or about December 15, 2025, an OMVIC Representative made inquiries about the vehicle, while posing as a member of the public (this is also known as a mystery shop).

11. Shahmari Vafa, acting on behalf of the Dealer, verbally advised the OMVIC Representative that the finance price of the 2020 Nissan Kicks would be "\$15,990 with \$0 down for 72 months, the amount would be \$165 bi-weekly".
12. However, Shahmari Vafa also clarified that an additional \$899 "safety" fee would be mandatory if the vehicle was to be financed.
13. Adding the mandatory "safety" fee of \$899 to the vehicle's price of \$15,990 results in a sum of \$16,889. This sum is \$899 greater than the vehicle's advertised "Final Price" of \$15,990.
14. As such, the Dealer's advertised "Final Price" for the 2020 Nissan Kicks was not all-inclusive and was not represented in a truthful manner. This is contrary to section 36(7) of O. Reg. 333/08, as well as sections 4(2), 6(1), 9(1) and 9(3) of the Code of Ethics.

Nimapoo's Non-Compliance

15. Nimapoo, as the 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), 9(1) and 9(3) of the Code of Ethics.

Shahmari Vafa's Non-Compliance

16. In regard to the above-noted transaction of the 2020 Nissan Kicks, Shahmari Vafa failed to represent the selling price of the vehicle and its additional "safety" fee in a legal manner and thereby violated sections 4(2) and 9(3) of the Code of Ethics. Shahmari Vafa also 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), 9(1), and 9(3) of the Code of Ethics.

The Registrant(s) may provide a written response to the particulars set out above to OMVIC within 15 days of service of this Notice to: legal_dept@omvic.on.ca

If the Discipline Tribunal makes a determination that a registrant has failed to comply with the Code of Ethics, it may order one or more of the following:

- A fine up to \$25,000 per party;
- Require the registrant to take further educational courses;
- If the registrant is a motor vehicle dealer, require the dealer to arrange and fund educational courses for salespersons employed by the dealer;
- Award costs.

This Notice of Referral to Discipline ("NORD") and decisions of the Discipline Tribunal may be published. Hearings before the Discipline Tribunal may be recorded and are open to the public.

The *Statutory Powers Procedure Act, R.S.O 1990 c.s.22*, applies to the hearing to be held by this Discipline Tribunal. A party to a proceeding may be represented by counsel or an agent.

The good character, propriety of conduct or competence of the Registrant(s) shall be an issue in any hearing before the Discipline Tribunal and reasonable information of allegations with respect thereto has been furnished.

The Rules of Practice of the Discipline Tribunal will apply and are available on OMVIC's website. A Notice of Hearing and disclosure will be provided in accordance with the Rules of Practice of the Discipline Tribunal.

Take note that as per the Rules of Practice, failure to attend a hearing before the Discipline Tribunal may result in a decision being determined *ex parte* (in your absence).

APPLICATION OF THE RULES OF PRACTICE OF THE DISCIPLINE TRIBUNAL

This is to serve notice that OMVIC may make application for its costs, pursuant to Rule 13 of the Rules of Practice.

FURTHER PARTICULARS/SUPPLEMENTAL NOTICE

The Registrar may provide further and other particulars in respect of any other matters herein or in respect to any other matter including further particulars of violations of the Code of Ethics.

DATED at Toronto, this 7th day of May, 2026



Maureen Harquail, KC, MPA, ICD.D.
Registrar, *Motor Vehicle Dealers Act, 2002*

**SCHEDULE A:
ALL-IN PRICING PUBLICATIONS**

	Dealer Standard		Dealer Bulletins/ News		Webinar		Guidelines
1	Winter 2008	1	January 2010	1	November 2014	1	September 22, 2022
2	Spring 2010	2	April 2010	2	April 2015	2	November 3, 2023
3	Spring 2011	3	February 2012	3	April 2017		December 18, 2023
4	Winter 2013	4	August 2012	4	August 2017		
5	Spring 2013	5	April 2014	5	April 2023		
6	Summer 2013	6	June 2014	6	July 2023		
7	Winter 2014	7	April 2015	7	Ongoing: Webinars OMVIC		
8	Spring 2014	8	August 2015				
9	2014 Issue #3	9	August 2016				
10	2015 Issue #2	10	April 2017				
11	2015 Issue #3	11	July 2017				
12	2015 Issue #4	12	August 2017				
13	2016 Issue #1	13	October 2017				
14	2016 Issue #2	14	November 2017				
15	2016 Issue #3	15	August 2018				
16	2016 Issue #4	16	March 2019				
17	2017 Issue #2	17	September 2019				
18	2017 Issue #3	18	October 2019				
19	2018 Issue #2	19	July 2020				
20	2019 Issue #2	20	September 2020				
21	2020 Issue #1	21	October 2020				
22	2020 Issue #3	22	January 2021				
23	2020 Issue #4	23	March 2022				
24	2021 Issue #3	24	August 2022				
25	2021 Issue #4	25	September 2022				
26	2022 Issue #1	26	December 2022				
27	2022 Issue #2	27	January 2023				
28	2022 Issue #3	28	February 2023				
29	2022 Issue #4	29	March 2023				
30	2023 Issue #1	30	April 2023				
31	2023 Issue #2	31	September 2023				
32	2024 Issue #2	32	January 2024				
		33	June 2024				

		34	December 2025				
		35	January 2026				