

## DISCIPLINE DECISION

REVIEWING PANEL: Deb Mattina, Public Member  
Paul Eros, Registrant  
Jon Lemaire, 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 :

<b>ONTARIO MOTOR VEHICLE</b>	)
<b>INDUSTRY COUNCIL</b>	)
- and -	)
<b>WESTGATE AUTOMOTIVE GROUP INC.</b>	)
<b>o/a WESTGATE HONDA</b>	)
	)
	)

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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:** May 13, 2025

**Findings:** **Westgate Automotive Group Inc. o/a Westgate Honda (the “Dealer”) has breached the following:**

- Sections 4(2) and 9(3) of the Code of Ethics, O. Reg. 332/08

**Order:**

1. Westgate Automotive Group (the “Dealer”) shall pay a fine in the amount of **\$2,500** 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 April 2, 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:

The allegations against Joseph Edward Haslinger contained in paragraphs 2 and 10 of the Notice of Complaint (“NOC”) dated April 28, 2024 are hereby withdrawn in their entirety.

### **Amendment:**

1. The NOC is amended to reflect that the Ontario Motor Vehicle Industry Council (“**OMVIC**”) replaces the Registrar, *Motor Vehicle Dealers Act, 2002* (the “Act”) as a party to this proceeding.

### **Background:**

2. Westgate Automotive Group Inc. o/a Westgate Honda (the “**Dealer**”) was first registered as a motor vehicle dealer in and around January 1983.
3. The Dealer has no prior violations or infractions found by the Discipline Committee or the Discipline Tribunal.

### **OMVIC Publications:**

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 the publications are attached as Schedule “A”. Educational materials continue to be available on OMVIC’s website.

### **Prior OMVIC Communications:**

5. On or about June 19, 2019, in response to an advertisement posted by the Dealer, a representative of the Registrar sent an email to the Dealer to remind the Dealer and staff of the Dealer’s all-in pricing obligations pursuant to section 36 of O. Reg. 333/08.

### **Prior OMVIC Caution Letter:**

6. On or about November 7, 2022, OMVIC sent a caution letter to the Dealer to remind the Dealer and staff of the Dealer’s all-in pricing obligations pursuant to section 36 of O. Reg. 333/08.

### **Dealer’s Non-Compliance:**

7. On or before September 27, 2023, the Dealer published an advertisement for a grey 2022 Honda Civic Sport, stock# Q0048A (VIN# \*127111) with an advertised finance price of \$33,995 plus taxes and licensing.

8. On or about the same date, an OMVIC Representative made inquiries about the vehicle, while posing as a member of the public (also known as a mystery shop).
9. A salesperson, acting on behalf of the Dealer, entered a selling price of \$34,200 into a third-party calculator on his computer in lieu of following the Dealer's established practices for providing quotes to its customers. The salesperson advised that this was a bi-weekly "all-in" price. The price was \$205 higher than the advertised price of \$33,995.
10. As such, the Dealer's advertised vehicle price was not all-inclusive. This is contrary to section 36(7) of O. Reg. 333/08, as well as sections 4(2) and 9(3) of the Code of Ethics.

#### **Dealer's Training in Response to the NOC:**

11. The Dealer has taken significant efforts to prevent such contraventions of s. 36(7) of O. Reg. 333/08 from occurring again through rigorous training for its staff, after receiving the NOC.
12. The Dealer has indicated that it conducted individual meetings and group meetings in and around May 2024 to review its internal policies and procedures, as well as the responsibilities of the Dealer and staff under the Act, its Regulations, and the Code of Ethics.
13. On or about May 28, 2024, a representative of the Registrar conducted a training course for the Dealer's staff, focusing on all-in price advertising obligations.
14. On or about November 21, 2024, the Registrar's representative conducted another training session with the Dealer's salespeople, focusing on disclosure, advertising, and all-in price advertising obligations.
15. As particularized above, the Dealer has violated the following sections of the Code of Ethics:

*Disclosure and marketing*

s. 4(2) A registrant shall ensure that all representations, including advertising, made by or on behalf of the registrant in connection with trading in motor vehicles, are legal, decent, ethical and truthful.

*Professionalism*

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.

#### **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 the Dealer has breached subsections 4(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. While the Panel accepts the proposed penalty, the Panel pondered whether in instances where breaches of the Code are found during interactions with "mystery shoppers", that perhaps a more fulsome investigation of the Dealership might be warranted. That possibility is clearly something to be left to OMVIC for future consideration. Be that as it may, 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: May 13, 2025

A handwritten signature in blue ink, reading "Deb Mattina", is written over a horizontal line.

Deb Mattina, Public member  
On behalf of:

Paul Eros, Registrant  
Jon Lemaire, Registrant

