

DISCIPLINE COMMITTEE OF THE ONTARIO MOTOR VEHICLE INDUSTRY COUNCIL

IN THE MATTER OF A DISCIPLINE HEARING HELD PURSUANT TO THE MOTOR  
VEHICLE DEALERS ACT, 2002, S.O. 2002, c.30, Sch. B

BETWEEN:

REGISTRAR, MOTOR VEHICLE DEALERS ACT, 2002

- and -

STERLING AUTO INC. o/a SUBARU OF HAMILTON

-and-

TREVOR LECLUSE


AGREED STATEMENT OF FACTS AND PENALTY

Sterling Auto Inc. o/a Subaru of Hamilton and Trevor Lecluse have breached the following:  
Section 4 of the Code of Ethics, Regulation 333/08

SUMMARY OF AGREEMENT

The parties to this proceeding agree that:

1. Sterling Auto Inc. o/a Subaru of Hamilton (the "Dealer") was first registered as a motor vehicle dealer on or about July 2002. Trevor Lecluse ("Lecluse") was first registered as a motor vehicle salesperson on or about October 2006. At all material times Lecluse was an officer and director of the Dealer.
2. During an inspection on or about April 28, 2014, a representative of the Registrar found the following concerns:
  - A. On or before March 4, 2014, an advertisement was placed by or on behalf of the Dealer for a 2012 Subaru Outback (Stock # U0972). On or about March 4, 2014, the Dealer sold this vehicle and added fees of \$603 over the advertised price. As such, the advertisement did not promote an all-in price. This is contrary to section 36(7) of

  
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Registrant's Initial

Regulation 333/08, as well as section 4 of the Code of Ethics. The Dealer has subsequently refunded this purchaser \$603 plus HST.

- B. On or before April 1, 2014, an advertisement was placed by or on behalf of the Dealer for a 2013 Subaru Outback (Stock # S2904). On or about April 1, 2014, the Dealer sold this vehicle for \$204 over the advertised price. As such, the advertisement did not promote an all-in price. This is contrary to section 36(7) of Regulation 333/08, as well as section 4 of the Code of Ethics. The Dealer has subsequently refunded this purchaser \$204 plus HST.
- C. On or before March 31, 2014, an advertisement was placed by or on behalf of the Dealer for a 2012 Subaru Forester (Stock # U0949). On or about March 31, 2014, the Dealer sold this vehicle for \$204 over the advertised price. As such, the advertisement did not promote an all-in price. This is contrary to section 36(7) of Regulation 333/08, as well as section 4 of the Code of Ethics. The Dealer has subsequently refunded this purchaser \$204 plus HST.
- D. On or before April 12, 2014, an advertisement was placed by or on behalf of the Dealer for a 2011 Subaru Impreza (Stock # U0980). On or about April 12, 2014, the Dealer sold this vehicle for \$204 over the advertised price. As such, the advertisement did not promote an all-in price. This is contrary to section 36(7) of Regulation 333/08, as well as section 4 of the Code of Ethics. The Dealer has subsequently refunded this purchaser \$204 plus HST.
- E. On or about April 1, 2014, an advertisement was placed by or on behalf of the Dealer for a 2011 Subaru Impreza (Stock# U0911). On or about April 1, 2014, the Dealer sold this vehicle for \$268 over the advertised price. As such, the advertisement did not promote an all-in price. This is contrary to section 36(7) of Regulation 333/08, as well as section 4 of the Code of Ethics. The Dealer has subsequently refunded this purchaser \$268 plus HST.


By failing to comply with Regulation 333/08 of the *Motor Vehicle Dealers Act, 2002*:

#### Advertising

36(7) If an advertisement indicates a price for a motor vehicle, the price shall be set out in a clear, comprehensible and prominent manner and shall be set out as a total of,

- a) the amount the buyer would be required to pay for the vehicle; and
- b) subject to subsections (9) and (10), all other charges related to the trade in the vehicle, including, if any, charges for freight, charges for inspection before delivery of the vehicle, fees, levies and taxes.

It is thereby agreed that the Dealer and Lecluse have breached the following sections of the Code of Ethics, as set out in Regulation 332/08:

  
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Registrant's initial

4. A registrant shall be clear and truthful in describing the features, benefits and prices connected with the motor vehicles in which the registrant trades and in explaining the products, services, programs and prices connected to those vehicles.

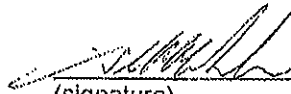
**JOINT SUBMISSION ON PENALTY:**

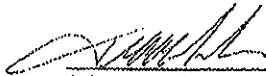
1. The Dealer agrees to pay a fine in the amount of \$5,000 within 90 days of the date of the Discipline Committee Order.
2. The General Manager in charge of sales for the Dealer has recently completed the OMVIC Certification Course. The Dealer agrees to offer future and current sales staff the OMVIC Certification Course. Sales staff will be offered the course within 90 days of acceptance of this offer. Future sales staff will be offered the course within 90 days of being retained in this capacity by the Dealer. The Dealer will pay all costs associated with this. It is understood between the parties this clause does not apply to sales staff who have completed the course or who are otherwise required to do so pursuant to the Act.
3. The Dealer agrees to comply with the *Motor Vehicle Dealers Act, 2002* and Standards of Business Practice, as may be amended from time to time.


By signature below, I acknowledge that I have read and understand the penalty outlined herein and agree to the said terms and/or conditions and that I exercised my right to be represented by Counsel or agent in this matter. I understand, acknowledge and consent to waive the requirement for a hearing and to request an Order from the Chair of the Discipline Committee that includes this Agreed Statement of Facts and Penalty as a final settlement of this matter.

DATED AT Bassie THIS 19 DAY OF May, 2015

Trevor Lecluse  
(please print)  
Trevor Lecluse

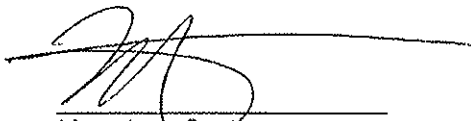
  
(signature)  
Trevor Lecluse

  
(signature)  
I have the authority to bind the dealership:  
Sterling Auto Inc.  
o/a Subaru of Hamilton

  
Registrant's initial

By signature below the Registrar agrees, acknowledges, understands and consents to the final settlement of this matter by way of this Agreed Statement of Facts and Penalty.

DATED AT Toronto THIS 20th DAY OF May, 2015



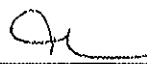
Mary Jane South,  
Registrar, *Motor Vehicle Dealers Act, 2002*

Pursuant to Rule 1.07, I accept this Agreed Statement of Facts and Penalty from the Parties identified above:

DATED AT London THIS 23 DAY OF June, 2015



Catherine Poultney  
Chair, Discipline Committee of the  
Ontario Motor Vehicle Industry Council

  
Registrant's Initial