

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 :

ONTARIO MOTOR VEHICLE)
INDUSTRY COUNCIL)
- and -)
2411798 ONTARIO LIMITED.)
o/a LEXUS OF LAKERIDGE)
- and -)
PAOLO MIRABELLA)
- and -)
ARANI SRISKANTHARAJAH)
)
)
)

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: 2411798 Ontario Limited o/a Lexus of Lakeridge (the “Dealer”) has breached the following:

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

Paolo Mirabella (“Mirabella”) has breached the following:

- Sections 6(2) and 9(3) of the Code of Ethics, O. Reg. 332/08

Arani Sriskantharajah (“Sriskantharajah”) has breached the following:

- Sections 4(2), 6(2) and 9(3) of the Code of Ethics, O. Reg. 332/08

Order:

1. 2411798 Ontario Limited o/a Lexus of Lakeridge (the “Dealer”) shall pay a fine in the amount of **\$3,500** no later than ninety (90) calendar days from the date of the Discipline Tribunal’s Order.
2. Paolo Mirabella (“Mirabella”) shall successfully complete the MVDA Key Elements Course no later than ninety (90) calendar days from the date of the Discipline Tribunal’s Order.
3. Arani Sriskantharajah (“Sriskantharajah”) shall successfully complete the MVDA Key Elements Course no later than ninety (90) calendar days from the date of the Discipline Tribunal’s Order.
4. The Dealer shall **offer** to all current and future salespersons, employed by the Dealer, to **fund** their completion of the Automotive Certification Course, 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:

Withdrawals:

The allegations against Paul Roach and contained in paragraphs 3 and 15 of the Notice of Referral to Discipline (“NORD”) dated March 12, 2025, are hereby withdrawn.

Background:

1. 2411798 Ontario Limited. o/a Lexus of Lakeridge (the “Dealer”) was first registered as a motor vehicle dealer under the Act in and around January 2017.

2. Paolo Mirabella (“Mirabella”) was first registered as a salesperson under the Act in and around April 2023. At all material times, Mirabella has been a General Manager and Person in Charge of the day-to-day activities of the Dealer.
3. Arani Sriskantharajah (“Sriskantharajah”) was first registered as a salesperson under the Act in and around April 2023. At all material times, Sriskantharajah has been a salesperson of the Dealer.

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 pricing obligations. The dates of said publications are attached hereto as Schedule “A”. Educational materials continue to be available on OMVIC’s website.

Direct Correspondence with Dealer

5. On or about August 16, 2017, the Dealer was reminded of its obligation to advertise all-inclusive prices pursuant to section 36(7) of O. Reg. 333/08.

Dealer’s Non-Compliance:

6. On or before October 22, 2024, the Dealer published an advertisement for a grey 2024 Lexus RX 350, stock# L24324, (VIN *** 053314), with an advertised price of \$67,850, plus taxes and licensing.
7. On or about October 22, 2024, a representative of OMVIC (the “Representative”) made inquiries about the vehicle, while posing as a member of the public (also known as a ‘mystery shop’).
8. Sriskantharajah, acting on behalf of the Dealer, provided the Representative with a finance worksheet, which indicated that the following fees had been added above the vehicle’s advertised price.
 - a. \$100 Federal A/C tax
 - b. \$22.50 Tire recycling fee
 - c. \$12.50 OMVIC fee
 - d. \$999 Ride Green Secured
 - e. \$229 Cargo liner
 - f. \$698.01 Dashcam
 - g. \$499 Window tint
 - h. \$1,945 48/100,000 Platinum
9. Sriskantharajah advised the Representative that six of the above-mentioned additional fees were mandatory.
 - a. \$100 Federal A/C tax
 - b. \$22.50 Tire recycling fee
 - c. \$12.50 OMVIC fee
 - d. \$229 Cargo liner
 - e. \$698.01 Dashcam
 - f. \$499 Window tint

10. Sriskantharajah also advised that the cargo liner, dashcam and window tint were already installed on the vehicle.
11. The additional fees result in a total of \$1,561.00, which was added above the advertised vehicle price of \$67,850.
12. As a result, 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.
13. The Dealer advised OMVIC that it has since taken steps to avoid future non-compliance with section 36(7) of the O. Reg. 333/08.
14. As particularized above, the Dealer and Sriskantharajah have violated the following section 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.

15. As particularized above, the Dealer, Mirabella and Sriskantharajah have violated the following section of the Code of Ethics:

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.

16. As particularized above, Mirabella and Sriskantharajah have violated the following section of the Code of Ethics:

Accountability

s. 6(2) A registered salesperson shall not do or omit to do anything that causes the registered motor vehicle dealer who employs or retains the salesperson to contravene this Regulation or any applicable law with respect to trading in motor vehicles.

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; (2) Mirabella has breached subsections 6(2) and 9(3) of the OMVIC Code of Ethics; (3) Sriskantharajah has breached subsections 4(2), 6(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, in this case 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

