



**Citation: Baloula v. Registrar, *Motor Vehicle Dealers Act, 2002*, 2023 ONLAT
MVDA 15291**

File Number: 15291/MVDA

An appeal from a Notice of Proposal to Refuse Registration under the *Motor Vehicle Dealers Act, 2002*, S.O. 2002, c. 30, Sched B

Between:

Firas Baloula

Appellant

and

Registrar, *Motor Vehicle Dealers Act, 2002*

Respondent

CONSENT ORDER

ADJUDICATOR:

Jeffery Campbell, Vice-Chair

Date:

December 15, 2023

BACKGROUND

- [1] On September 24, 2023, the Registrar, *Motor Vehicle Dealers Act, 2002*, (the “Registrar”) issued a Notice of Proposal (the “NOP”) to refuse the registration of Firas Baloula (the “Appellant”), as a motor vehicle salesperson under the *Motor Vehicle Dealers Act, 2002*, S.O. 2002, c. 30, Sched B and the Regulations (the “Act”).
- [2] The NOP is based on the grounds that the Appellant’s past conduct and provision of false statements(s) in an application for registration are inconsistent with the intention and objective of the *Act*, and therefore warrants his disentitlement to registration under the *Act*.
- [3] The Notice of Proposal to Refuse the registration has been appealed to the Tribunal.
- [4] The parties advised the Tribunal that they had resolved the issues in dispute and both parties have consented to the registration of the Appellant as a salesperson under the *Act* on the terms and conditions set out in Terms and Conditions between the Appellant (signed December 9, 2023) and the Registrar (signed December 14, 2023). The Terms and Conditions shall constitute Schedule A.
- [5] Further, both parties confirmed that pursuant to section 4.1 of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S 2 (the “SPPA”), both parties waive the requirements of a hearing and consent to an Order of the Tribunal to confirm the appellants’ registration on the terms and conditions set out on Schedule A. A copy of the agreements signed by all parties is attached as Schedule A to this Order.

ON CONSENT OF BOTH PARTIES, I ORDER:

- [6] Pursuant to s. 4.1 of the SPPA and on the consent of the parties, I dispose of this proceeding without a hearing on the terms set out in the agreement signed by the Appellant on December 9, 2023 and Registrar on December 14, 2023, a copy of which is attached to this order as Schedule A, which Schedule A is incorporated and made part of this Order.

LICENCE APPEAL TRIBUNAL



Jeffery Campbell, Vice-Chair

Released: December 18, 2023

Schedule A

TO: Licence Appeal Tribunal
Tribunals Ontario
General Services
15 Grosvenor Street, Ground Floor
Toronto, ON M7A 2G6

FROM: The Registrar
Motor Vehicle Dealers Act, 2002
Ontario Motor Vehicle Industry Council
65 Overlea Blvd., Suite 300
Toronto, ON M4H 1P1

AND FROM: **FIRAS BALOULA**
c/o Golden Spears Motors Inc.
1071 Speers Rd., Ontario. L6L 2X5.

Pursuant to subsection 6(2) of the *Motor Vehicle Dealers Act, 2002* Firas Baloula ("the Applicant") and the Registrar, *Motor Vehicle Dealers Act, 2002*, ("the Registrar"), in accordance with section 4.1 of the *Statutory Powers Procedure Act*, do hereby waive the requirements of a hearing and consent to an Order of the Licence Appeal Tribunal based upon the following terms and conditions:

PREAMBLE

In accordance with subsection 6(2) of the *Motor Vehicle Dealers Act, 2002* (the "MVDA"), "Firas Baloula" (the "Registrant") hereby consents to registration pursuant to Ontario Regulation 333/08 subject to the following Terms and Conditions:

REGISTRATION

1. The Registrant will comply with all requirements of the MVDA and Ontario Regulation 333/08, the *Code of Ethics* in Ontario Regulation 332/08, the Ontario Motor Vehicle Industry Council ("OMVIC") Standards of Business Practice, 2010 and OMVIC Guidelines, as may be amended from time to time. The Registrant further agrees to read all correspondence and bulletins from OMVIC as released.

CRIMINAL RECORD

2. The Registrant confirms that the particulars and circumstances of the findings of guilt, convictions and pending charges are substantially as disclosed to the Registrar.
3. The Registrant will provide the Registrar with full and complete disclosure in all future correspondence and on all future applications, regardless of whether or not disclosure has been made previously to the Registrar.
4. The Registrant will provide the Registrar with notice in writing, within five business days, of any findings of guilt, convictions and pending charges in the future.

- 5. The Registrant shall provide a "Criminal Record and Judicial Matters Check" or a report from Backcheck.com upon renewal. The Judicial Matters Check results must include any available outstanding entries (pending charges) as well as any absolute/conditional discharges, judicial orders or stayed charges.


OTHER

- 6. These Terms and Conditions shall be effective for a period of two (2) years.

ACKNOWLEDGMENT AND UNDERTAKING:

- 7. The Registrar is relying on the accuracy and completeness of all documents, statements or information provided by the Registrant in support of the Registrant's application for registration.
- 8. The documents, information or statements provided to the Registrar are true to the best of the Registrant's knowledge, and belief; and that full answer to all questions, inquiries and requests made by the Registrar in connection with the Registrant's application have been given.
- 9. The Registrar may take further administrative action, including a proposal to suspend or revoke registration, arising from any matters that have occurred or may occur related to honesty and integrity, financial responsibility or compliance with these terms and conditions.
- 10. Independent legal advice has been obtained or the Registrant has had the opportunity to obtain independent legal advice respecting consent to the Terms and Conditions contained in this document.

Signed in the City of Vaughan this Dec 9 day of 2023.



Firas Baloula
(signature)

These Terms and Conditions are accepted by the Registrar, *Motor Vehicle Dealers Act, 2002*.

Date: December 14, 2023



Maureen Harquail
Registrar