

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 -

T-DOT AUTO SALES INC

- and -

YALINI RUTHIRAN

AGREED STATEMENT OF FACTS AND PENALTY

T-Dot Auto Sales Inc and Yalini Ruthiran have breached the following:

Section 7 of the Code of Ethics, Regulation 332/08

Section 9 of the Code of Ethics, Regulation 332/08

SUMMARY OF AGREEMENT

The parties to this proceeding agree that:

1. T-Dot Auto Sales Inc (the "Dealer") was first registered as a motor vehicle dealer in or around August 2012. Yalini Ruthiran ("Ruthiran") was first registered as a motor vehicle salesperson in or around September 2012. At all material times, Ruthiran was the Director, as well as the Person in Charge, of the Dealer.
2. On or about July 25, 2011, Ruthiran successfully completed the Automotive Certification Course.



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- d. On or about May 12, 2017, Ruthiran, on behalf of the Dealer, purchased a 2014 Mercedes Benz CLS 550, (VIN WDDLJ9BB7EA106353). This vehicle has 2 separate accident repair histories in amounts of:
1. June 5, 2017: \$11,151
 2. August 15, 2017: \$17,136

On or about September 9, 2017, Ruthiran, on behalf the Dealer, sold this vehicle without disclosing any of the information listed above. This is contrary to sections 42(19) and 42(25) of Regulation 333/08, as well as sections 7 and 9 of the Code of Ethics. The Dealer has since provided OMVIC with confirmation from the purchaser that they were aware of their vehicle's history at the time of purchase.

By failing to comply with the Dealer's terms and conditions of registration, as well as the following sections of the Act:

Regulation 333/08:

42. Additional information in contracts of sale and leases:

4. If the motor vehicle is a used motor vehicle and the registered motor vehicle dealer cannot determine the total distance that the vehicle has been driven but can determine the distance that the vehicle has been driven as of some past date, a statement of that distance and date, together with a statement that the total distance that the vehicle has been driven is believed to be higher than that distance.

19. If the total costs of repairs to fix the damage caused to the motor vehicle by an incident exceed \$3,000, a statement to that effect and if the registered motor vehicle dealer knew the total costs, a statement of the total costs.

20. If the manufacturer's warranty on the motor vehicle was cancelled, a statement to that effect.

21. If the motor vehicle was declared by an insurer to be a total loss, regardless of whether the vehicle was classified as irreparable or as salvage under section 199.1 of the Highway Traffic Act, a statement to that effect.

25. Any other fact about the motor vehicle that, if disclosed, could reasonably be expected to influence the decision of a reasonable purchaser or lessee to buy or lease the vehicle on the terms of the purchase or lease.



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It is thereby agreed that the Dealer and Ruthiran have breached sections 7 and 9 of the Code of Ethics, as set out in regulation 332/08:

Compliance

7. (1) A registrant shall ensure that all documents used by the registrant in the course of a trade in a motor vehicle are current and comply with the law.

Professionalism

9. (1) In carrying on business, a registrant shall not engage in any act or omission that, having regard to all of the circumstances, would reasonably be regarded as disgraceful, dishonourable, unprofessional or unbecoming of a registrant.

JOINT SUBMISSION ON PENATY:

1. The Dealer agrees to pay a fine in the amount of \$5,500 no later than **October 15, 2018.**
1. Ruthiran agrees to successfully complete the Automotive Certification Course (the "Course") no later than **October 15, 2018.**
2. The Dealer agrees to offer all current and future sales staff the opportunity to complete the Course. Current sales staff will be offered the course no later than **October 15, 2018.** Future sales staff will be offered the course within 90 days of being retained in this capacity. The Dealer will incur all costs associated with this. It is understood between the parties this clause does not apply to sales staff who have completed the course after January 1, 2009, or who are otherwise required to do so pursuant to the Act.
3. The Dealer and Ruthiran agree to comply with the Act and Standards of Business Practice, as may be amended from time to time.



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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 Scarborough THIS 30 DAY OF July, 2018

YALINI RUTHIRAN

(please print)



(signature)

I have authority to bind the corporation:
T-Dot Auto Sales Inc.

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 Scarborough THIS 30 DAY OF July, 2018

YALINI RUTHIRAN

(please print)



(signature)
Yalini Ruthiran


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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 7th DAY OF August, 2018


John Carmichael
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 ANCASTER THIS 21ST DAY OF AUGUST, 2018


Paul Burroughs
Chair, Discipline Committee of the
Ontario Motor Vehicle Industry Council

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