

**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 -**

**4247744 CANADA INC. O/A IDEAL HONDA**

**- and -**

**MARIO TOYOTOSHI**

**- and -**

**BRIAN CUMMINGS**

**AGREED STATEMENT OF FACTS AND PENALTY**

4247744 Canada Inc. o/a Ideal Honda and Mario Toyotoshi and Brian Cummings have breached the following:

Section 4 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. 4247744 Canada Inc. o/a Ideal Honda, the ("Dealer") was first registered as a motor vehicle dealer in or around April 2005. Mario Toyotoshi ("Toyotoshi") was first registered as a motor vehicle salesperson in or around April 2005. Brian Cummings ("Cummings") was first registered as a motor vehicle salesperson in or around January 1983. At all material times, Toyotoshi and Cummings were officers and directors of the Dealer.
2. On or about April 4, 2005, Cummings executed Terms and Conditions of registration on behalf of the Dealer, attached hereto as Schedule A. As per condition 6, the dealer agreed to comply with the Code of Ethics and Standards of Business Practice as may be amended from time to time.

3. In the winter of 2008, OMVIC issued a Dealer Standard publication which highlighted some of the upcoming changes that would take place when the *Motor Vehicle Dealers Act, 2002* (the "Act") came into effect, including the requirement for dealers to advertise an all-inclusive vehicle price.
4. Once the Act came into effect, the following Dealer Standard publications further reminded dealers of the requirement to advertise an all-inclusive vehicle price:
  - a. Spring 2010
  - b. Summer 2010
  - c. Spring 2011
  - d. Winter 2013
  - e. Spring 2013
  - f. Fall 2013
  - g. Winter 2014
5. Furthermore, OMVIC issued the following bulletins which also reminded dealers of the requirement to advertise an all-inclusive price:
  - a. January 2010 (2 separate publications)
  - b. April 2010 (2 separate publications)
  - c. February 2012
  - d. August 2012
  - e. April 2013
  - f. June 2014 (2 separate publications)
6. On or about July 11, 2014, representatives of the Registrar again attended the Dealer while posing as members of the public. At this time the above-mentioned vehicle was advertised on the lot with a selling price of \$22,200. The Dealer then attempted to sell this vehicle for \$304.00 above the advertised lot selling price, which consisted of a \$5.00 mandatory OMVIC fee and a mandatory \$299.00 "Global i" fee. As such the advertised vehicle selling price was not all-inclusive. This is contrary to sub section 36(7) of Regulation 333/08, as well as sections 4 and 9 of the Code of Ethics.
7. On or about November 25, 2014 Toyotoshi successfully completed the OMVIC certification course.

By failing to comply with the following sections of the *Motor Vehicle Dealers Act, 2002*:

Regulation 333/08:

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

(a) the amount that a 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. O. Reg. 333/08, s. 36 (7).

  
Registrar's Initials

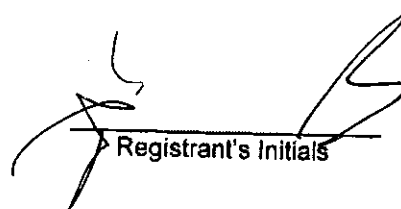
It is thereby agreed that the Dealer has breached the following sections of the Code of Ethics, as set out in Regulation 332/08:

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 with those vehicles.

9. 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 PENALTY:**

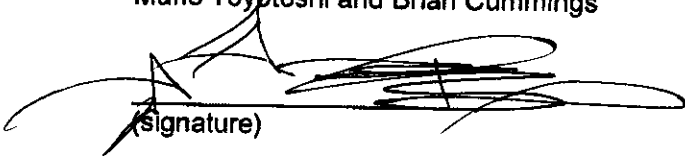
1. The Dealer agrees to pay a fine in the amount of \$2,000.00 within 90 days of the date of the Discipline Committee Order.
2. Cummings agrees to successfully complete the OMVIC certification course within 90 days of the date of the Discipline Committee Order. The Dealer will incur all costs associated with this.
3. 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 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 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 or who are otherwise required to do pursuant to the Act.
4. The Dealer and Toyotoshi and Cummings agree to comply with the Act and Standards of Business Practice, as may be amended from time to time.

  
Registrant's Initials

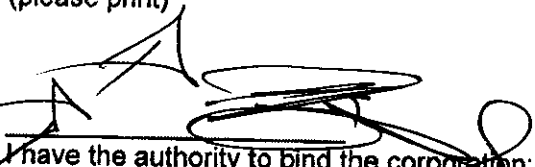
By signature below, I acknowledge that I have read and understand the penalty outlined herein and agree to the said terms and/or conditions and that I exercised my right to be represented by Counsel or agent in this matter. I understand, acknowledge and consent to waive the requirement for a hearing 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 MISSISSAUGA THIS 31 DAY OF JANUARY, 2015

MARIO TOYOTOSHI  
(please print)  
Mario Toyotoshi and Brian Cummings

  
(signature)

DATED AT MISSISSAUGA THIS 31 DAY OF JANUARY, 2015

MARIO TOYOTOSHI  
(please print)  
  
I have the authority to bind the corporation:  
4247744 Canada Inc. o/a Ideal Honda

  
Registrant's Initials

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 5 DAY OF Feb, 2015



Carl Compton,  
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 12 DAY OF Feb, 2015



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

  
Registrant's Initials