

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 -

A-ONE LINKS CORPORATION

- and -

NADEEM SULTAN

AGREED STATEMENT OF FACTS AND PENALTY

A-One Links Corporation has breached the following:

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

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


Nadeem Sultan has breached the following:

Section 6 of the Code of Ethics, Regulation 332/08

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

Background:

1. A-One Links Corporation (the "Dealer") was first registered as a motor vehicle dealer in or around April 2018. Nadeem Sultan ("Sultan") was first registered as a motor vehicle salesperson in or around December 2004. At all material times, Sultan was the Officer and the person in charge of the day to day activities of the Dealer.
2. Sultan successfully completed the Automotive Certification Course (The "Course") in October 2004 and again in November 2017. Included in the course materials is the dealers' obligation to disclose a vehicle's accident history on the bill of sale, as well as their obligation to maintain records of all vehicles they purchase and sell.



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3. On or about April 13, 2018, Sultan executed terms and conditions of registration on behalf of the Dealer.
4. As per condition 1, the Dealer agreed to comply with the Code of Ethics and Standards of Business Practice, as may be amended from time to time.
5. As per condition 11, the Dealer agreed to maintain all books and records in relation to the vehicles it purchases and sells.
6. As per condition 18, the Dealer agreed to provide purchasers with written disclosure, on the bill of sale, of all material facts about the vehicles it sells.

OMVIC publications re: material fact disclosure:

7. In the winter of 2008, OMVIC issued a Dealer Standard publication advising dealers of the up and coming changes to the Act, including the requirement for dealers to provide purchasers with written disclosure of a vehicle's accident repair history ("disclosure").
8. After the Act was proclaimed, OMVIC further issued the following Dealer Standard publications reminding dealers of the disclosure requirements:
 - a. Spring 2009
 - b. Summer 2011
 - c. Summer 2012
 - d. Summer 2013
 - e. Issue #4 2014
 - f. Issue #4 2016
 - g. Issue #3 2017
9. Furthermore, OMVIC issued the following dealer bulletins which also reminded dealers of the disclosure requirements:
 - a. January 2010
 - b. September 2012
 - c. December 2013
10. In addition to the above referenced publications, in around December 2014 and June 2015, OMVIC hosted webinars to assist registrants in understanding their disclosure requirements. The contents of said webinars continue to be available on OMVIC's website.

Prior correspondence with Dealer

11. During an inspection on or about June 21, 2018, a representative of the Registrar reminded Sultan, of the Dealer's disclosure requirements.
12. On or about January 3, 2019, OMVIC received a consumer complaint about the Dealer. The complaint was ultimately resolved, however during the complaint handling process, Sultan was reminded of the Dealer's disclosure requirements.

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Current dealer non-compliance

13. During an inspection on or about March 20, 2019, a representative of the Registrar found the following non-compliance issues:

Material fact non-disclosure and non-compliant bills of sale

14. Between in or around March 2018 and in or around March 2019, Sultan sold the following vehicles, on behalf of the Dealer, and failed to provide purchasers with a bill of sale compliant with the Act and written disclosure of the following required information:

- a. Dollar amount of the accident damage the vehicle had sustained.
- b. That the vehicle was declared a total loss.

This is contrary to the Dealer's terms and conditions of registration, sections 42(19) and 42(21) of Ontario Regulation 333/08, as well as sections 7 and 9 of the Code of Ethics.

	VEHICLE MAKE/MODEL	DATE SOLD	N/D of ACCIDENT REPAIR & AMOUNT: 42(19)	N/D of TOTAL LOSS: 42(21)
a.	2006 Honda Civic (VIN 2HGFA1B506H004393)	2019 02-10	\$4,203	•
b.	2007 Honda Accord (VIN 1HGCM56707A814335)	2019 03-11	\$6,120	•
c.	2008 Honda Civic (VIN 2HGFA15968H019391)	2019 03-15	\$7,242	•
d.	2013 Chevy Trax (VIN 3GNCJKSB3DL207194)	2018 03-16	\$9,066	•

Failure to maintain records relating to trade

15. Moreover, Sultan, on behalf of the Dealer, failed to maintain a copy of the bill of sale for the following vehicles he purchased and subsequently sold. This is contrary to the Dealer's terms and conditions of registration, sections 53(e) and 53(h) of Ontario Regulation 333/08, as well as sections 7 and 9 of the Code of Ethics.

- a. 2008 Toyota Corolla (VIN 2T1KR32EX8C689698)
- b. 2010 Toyota Corolla (VIN 2T1BU4EE5AC248664)
- c. 2013 Jeep Compass (VIN 1C4NJCAB4DD115932)
- d. 2010 Toyota Corolla (VIN 2T1BU4EE3AC435112)
- e. 2013 Mazda 3 (VIN JM1BL1UF7D1799778)

16. Sultan's conduct with respect to the above referenced vehicle trades has caused the Dealer to contravene the Act, Regulations, and Code of Ethics. As such, Sultan has personally contravened sections 6 and 9 of the Code of Ethics.

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

Regulation 333/08:

42. Additional information in contracts of sale and leases:

(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.

(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.

53. Records relating to trades

(e) each sale by the dealer of a motor vehicle to a purchaser, including sales made through a motor vehicle dealer registered as a general dealer;

(h) each purchase of a motor vehicle by the dealer, including as a trade-in;

It is thereby agreed that the Dealer has breached the following sections 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.

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

Accountability:

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.

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

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.

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JOINT SUBMISSION ON PENALTY:

1. The Dealer agrees to pay a fine of \$7,000. \$3,500 will be paid no later than **November 30, 2020**. The remaining balance (\$3,500) will be paid no later than by **January 31, 2021**.
2. Sultan agrees to successfully complete the Automotive Certification Course (the "Course") no later than **November 1, 2020**.
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 no later than **November 1, 2020**. 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 after January 1, 2009, or who are otherwise required to do so pursuant to the Act.
4. As in all other areas of its business, the Dealer and Jamali agree to comply with the Act and Standards of Business Practice, as may be amended from time to time.

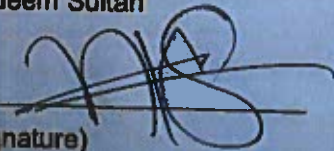
By signature below, I acknowledge that I have read and understand the penalty outlined herein and agree to the said terms and/or conditions and that I exercised my right to be represented by Counsel or agent in this matter. I understand, acknowledge and consent to waive the requirement for a hearing 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 TORONTO THIS 23RD DAY OF July, 2020

NADEEM SULTAN

(please print)

Nadeem Sultan


(signature)

NS
Registrant's Initials

DATED AT TORONTO THIS 23 DAY OF July, 2020

NADEEM SULTAN

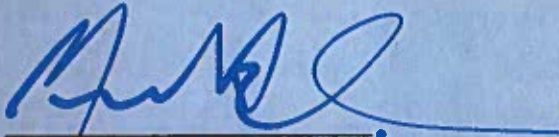
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I have the authority to bind the corporation:
A-One Links Corporation

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 24 DAY OF July, 2020



~~John Carmichael~~

Registrar, Motor Vehicle Dealers Act, 1992

M. Hargnail, Deputy Registrar

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

DATED AT Ancaster THIS 31 DAY OF August, 2020



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

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Registrant's Initials