



**Citation: Qasemzada and MQ Fine Motors Sales and Service Ltd. v. Registrar,
Motor Vehicle Dealers Act, 2002, 2023 ONLAT MVDA 15227**

File Number: 15227/MVDA

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

Between:

Mammoud Qasemzada and MQ Fine Motors Sales and Service Ltd.

Appellant

and

Registrar, *Motor Vehicle Dealers Act, 2002*

Respondent

CONSENT ORDER

ADJUDICATOR:

Jeffery Campbell, Vice-Chair

Date:

January 8, 2024

BACKGROUND

- [1] On August 31, 2023, the Registrar, *Motor Vehicle Dealers Act, 2002*, (the “Registrar”) issued a Notice of Proposal (the “NOP”) to refuse the registration of Mammoud Qasemzada, and revoke the registration of MQ Fine Motors Sales and Service Ltd. (collectively the “Appellants”), as a motor vehicle salesperson and a motor vehicle dealer, respectively, 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 Appellants’ past conduct is inconsistent with the intention and objective of the *Act*, and therefore warrants their disentitlement to registration.
- [3] The Appellants disputed the grounds set out in the NOP for the reasons set out in the Notice of Appeal.
- [4] The parties advised the Tribunal that they had resolved the issues in dispute and both parties have consented to the registrations of Mammoud Qasemzada as a motor vehicle salesperson and MQ Fine Motor Sales and Service Ltd. as a motor vehicle dealer under the Act on the terms and conditions set out in Schedule A signed by the parties on January 2, 2024.
- [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 continue the appellants’ registrations on the terms and conditions set out on Schedule A. A copy of the agreement which was signed by both 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 parties on January 2, 2024, attached to this order as Schedule A, which Schedule A is incorporated and made part of this Order.

LICENCE APPEAL TRIBUNAL



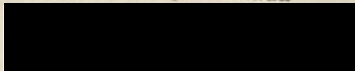
Jeffery Campbell, Vice-Chair

Schedule A

TO: Licence Appeal Tribunal
Tribunals Ontario
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: MQ Fine Motors Sales and Service Ltd.
81 Shorncliffe Road
Toronto, ON M8Z 5K3

AND FROM: Mammoud Qasemzada


Pursuant to subsection 6(2) of the *Motor Vehicle Dealers Act, 2002* (the "MVDA"), Mammoud Qasemzada ("**Qasemzada**") and MQ Fine Motors Sales and Service Ltd. ("**MQ Fine Motors**") (collectively, the "**Registrants**") 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 ("**Consent Order**") based upon the following terms and conditions:

1. The Registrar agrees to register Qasemzada as a motor vehicle salesperson under the MVDA, subject to, among other things, the MVDA, the regulations made thereunder, and these conditions of registration.
2. The Registrar agrees to register MQ Fine Motors as a motor vehicle dealer under the MVDA, subject to, among other things, the MVDA, the regulations made thereunder, and these conditions of registration.
3. The Registrants will ensure that all personnel, agents, assignees, employees, or anyone acting on her behalf are informed of the Terms and Conditions contained in this document to the extent necessary to ensure compliance with these Conditions.
4. In the event of a breach of any of the terms and conditions contained herein, the Registrar shall be permitted to rely on the contents of the Registrar's 2023 Notice of Proposal to Revoke and Refuse Registrations in support of any future administrative proceedings, including, without limitation, any Proposal to Refuse to Renew, Suspend or Revoke Registration.
5. The Registrants 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.

6. The Registrants will provide the Registrar with notice in writing, within five (5) days of any substantive changes to any information provided in obtaining registration, pursuant to section 31 of Ontario Regulation 333/08.

MAMMOUD QASEMZADA:

7. Qasemzada shall be responsible for ensuring that MQ Fine Motors complies with the conditions of its registration, including the Terms and Conditions contained herein. If Qasemzada ceases to be registered as a salesperson for MQ Fine Motors and/or becomes unable to reasonably exercise this responsibility, MQ Fine Motors shall immediately inform the Registrar.
8. Within six (6) months of the Registrar granting Qasemzada registration, Qasemzada shall successfully complete the OMVIC Automotive Certification Course and shall provide confirmation of such to the Registrar. Any costs associated will be at the Registrants' expense.
9. Qasemzada shall only be employed by, and registered as a salesperson to, MQ Fine Motors, unless he first applies for and obtains the written consent of the Registrar to be registered as a salesperson to another registered motor vehicle dealer.
10. Qasemzada shall ensure that all trades in motor vehicles are completed in accordance with section 30 of the MVDA and pursuant to sections 39, 40, 41, 42 and 43 of Ontario Regulation 333/08 and section 4 of Ontario Regulation 332/08, where applicable.
11. Qasemzada shall not act as a salesperson when not registered to do so in accordance with s.4(1)(b) and section 6 of Ontario Regulation 332/08.

MQ FINE MOTORS:

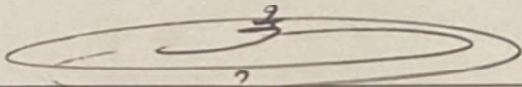
12. MQ Fine Motos shall ensure that all trades in motor vehicles are completed in accordance with section 30 of the MVDA and pursuant to sections 39, 40, 41, 42 and 43 of Ontario Regulation 333/08 and section 4 of Ontario Regulation 332/08, where applicable.
13. MQ Fine Motors shall clearly and truthfully disclose all material facts about the motor vehicles it offers for purchase to consumers. MQ Fine Motors further agrees to disclose all material facts on the Bill of Sale, in writing.
14. MQ Fine Motors shall ensure that all salespersons it employs are registered under the MVDA in accordance with section 4(1)(b) of the MVDA and section 6 of Ontario Regulation 332/08.
15. MQ Fine Motors shall not retain the services of a salesperson unless the salesperson is registered in that capacity in accordance with s.4(3) of the MVDA.

ACKNOWLEDGMENT AND UNDERTAKING:

16. The Registrar is relying on the accuracy and completeness of all documents, statements or

information provided by the Registrants.

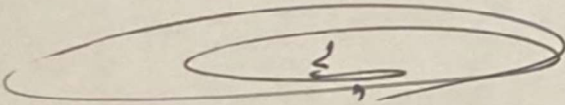
17. The Registrants acknowledge that the Registrar may take further administrative action, including a proposal to suspend or revoke registration, arising from any matters that have occurred or may occur related to honesty and integrity, financial responsibility or compliance with these terms and conditions.
18. Independent legal advice has been obtained or the Registrants have had the opportunity to obtain independent legal advice respecting consent to the Terms and Conditions contained in this document.



MQ Fine Motors Sales and Service Ltd.

Date:

I have authority to bind the Corporation



Mammoud Qasemzada

Date:

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



Thaya Gengatharan, Deputy Registrar- Signing on behalf of the Registrar

Maureen Harquail, Registrar

Date: January 2, 2024