



Citation: Nsiah o/a Ashante Transport Systems v. Registrar, *Motor Vehicle Dealers Act*
ONLAT 14786/MVDA

Date: 2023-10-26
File Number:14786/MVDA

An appeal from a Notice of Proposal by the Registrar, *Motor Vehicle Dealers Act*, 2002,
S.O. c. 30 Sch. B to revoke registration.

Between:

George Nsiah o/a Ashante Transport Systems

Appellant

-and-

Registrar, *Motor Vehicle Dealers Act*, 2002

Respondent

CONSENT ORDER

ADJUDICATOR: Jeffery Campbell, Vice-Chair

Date: October 26, 2023

BACKGROUND

- [1] George Nsiah o/a Ashante Transport Systems (the “appellant”) appealed the Notice of Proposal to Revoke Registration dated February 2, 2023, (the “NOP”) issued by the Registrar, *Motor Vehicle Dealers Act, 2002* (the “respondent”) under the *Motor Vehicle Dealers Act, 2002*, C. 30, Sched. B (the “Act”).
- [2] The grounds in the NOP are that the appellant’s past conduct and his making of false statements in an application for registration are inconsistent with the intention and objective of the Act, and therefore warrants revocation of the appellant’s registration as a motor vehicle dealer under the Act.
- [3] The parties advised the Tribunal that they had resolved the issues in dispute and both parties have consent to the continued registration of the appellant as a motor vehicle dealer under the Act on the terms and conditions set out in Schedule A signed by the appellant on October 19, 2023, and by the respondent on October 20, 2023.
- [4] 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 signed by both parties is attached as Schedule A to this Order.

ON CONSENT OF BOTH PARTIES, I ORDER:

- [5] 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 October 19, 2023 and by the respondent on October 20, 2023, the copy 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: October 26, 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: George NSIAH o/a ASHANTE TRANSPORT SYSTEMS
56 Penn Drive
Toronto, ON. M9L 2A9.

Pursuant to subsection 6(2) of the *Motor Vehicle Dealers Act, 2002* George NSIAH o/a ASHANTE TRANSPORT SYSTEMS ("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"), "George NSIAH o/a ASHANTE TRANSPORT SYSTEMS" (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.
2. The Registrant will provide the Registrar with notice in writing, within five days of any substantive changes to their business plan or information provided in obtaining their registration, pursuant to section 31 of Ontario Regulation 333/08.
3. The Registrant acknowledges that "trade" refers to buying, selling, leasing, advertising or exchanging an interest in a motor vehicle or negotiating or inducing or attempting to induce the buying, selling, leasing or exchanging of an interest in a motor vehicle as defined in the MVDA and pursuant to

section 36 through to and including section 51 of Ontario Regulation 333/08; and is not limited to the signing of contracts. The Registrant further acknowledges that this includes attendance at auction on behalf of the Registrant and positions commonly referred to as Sales Manager, Finance and Insurance Manager, Branch Manager, Business Manager, General Manager or any individual who has supervisory authority over salespersons.

4. The Registrant will ensure that the registration will not be used to trade in motor vehicles where the Registrant knows, or ought to know, that trading motor vehicles will facilitate an illegal or unethical practice.
5. The Registrant will ensure that all personnel, agents, assignees or anyone acting on behalf of the Registrant are informed of the Terms and Conditions contained in this document to the extent necessary to ensure compliance with these Terms and Conditions.
6. The Registrant will ensure that all personnel, agents, assignees or anyone acting on behalf of the Registrant to trade motor vehicles will be registered as a salesperson to the Registrant.
7. The Registrant will not conduct business with any person acting as a motor vehicle dealer and trading in motor vehicles without first confirming that the person is registered as a motor vehicle dealer in accordance with the MVDA.

CRIMINAL RECORD

8. The Registrant will provide the Registrar with notice in writing of any findings of guilt, convictions and pending charges in the future.
9. 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.
10. The Registrant confirms that the particulars and circumstances of the findings of guilt, convictions and pending charges are substantially as disclosed to the Registrar.
11. The Registrant shall provide a "Police Information Check" or a report from Backcheck.com upon renewal. The Police Information Check results must include any available outstanding entries (pending charges) as well as any absolute/conditional discharges, judicial orders or stayed charges.
12. Registrant will advise of disposition of his pending charge within five (5) days of same and that the Registrant will comply with any and all recognizances, dispositions and/or probation orders.

CPIC

13. The Registrant will provide the Registrar with the original Criminal Record or Security Clearance Report ('the Report') after having received it from the local police. The Registrant accepts full responsibility for providing the Criminal Record or Report to OMVIC. The Registrar further confirms the Report will be a current report which is not dated more than 90 days.
14. Without limiting the generality of the foregoing, the Registrant acknowledges and understands the Criminal Record or Report will be provided no later than 90 days after entering into these Terms and Conditions.

OTHER

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

ACKNOWLEDGMENT AND UNDERTAKING:

16. 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.
17. 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.
18. 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.
19. 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 TORONTO this 19 day of 2023.



George NSIAH o/a ASHANTE TRANSPORT SYSTEMS
(signature)

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

Date: October 20 2023



Thaya Gengatharan - Deputy Registrar - signing on behalf of the Registrar

Maureen Harquail
Registrar