

DISCIPLINE DECISION

REVIEWING PANEL: Deb Mattina, Public Member
Mike Ball, Registrant Member
Joe Malfara, Registrant Member

IN THE MATTER OF A DISCIPLINE HEARING HELD PURSUANT TO THE MOTOR
VEHICLE DEALERS ACT, 2002, S.O. 2002, c.30, Sch. B

B E T W E E N :

ONTARIO MOTOR VEHICLE)
INDUSTRY COUNCIL)
- and -)
S S AUTO GROUP INC.)
- and -)
HAMZA SHAHID)
- and -)
SHANE BIKHARI)
)

This matter proceeded by way of Rule 1.07 of the Rules of Practice before the Discipline Tribunal and the Appeals Tribunal. This Reviewing Panel has reviewed and considered written materials from the Parties together with a waiver of the requirement for an oral hearing and hereby makes the following Order:

Date of Decision: November 25, 2025

Findings: **S S Auto Group Inc. (the “Dealer”) has breached the following:**

- Sections 4(1), 4(2), 9(2) and 9(3) of the Code of Ethics, O. Reg. 332/08

Hamza Shahid (“Shahid”) has breached the following:

- Sections 6(2) and 9(3) of the Code of Ethics, O. Reg. 332/08

Shane Bikhari (“Bikhari”) has breached the following:

- Sections 4(2), 6(2) and 9(3) of the Code of Ethics, O. Reg. 332/08

Order:

1. The Dealer shall pay a fine in the amount of **\$4,500** no later than ninety (90) calendar days from the date of the Discipline Tribunal’s Order.
2. Shahid shall successfully complete the MVDA Key Elements Course no later than ninety (90) calendar days from the date of the Discipline Tribunal’s Order.
3. Bikhari shall successfully complete the MVDA Key Elements Course no later than ninety (90) calendar days from the date of the Discipline Tribunal’s Order
4. The Dealer shall **offer** to all current and future salespersons, employed by the Dealer, to **fund** their completion of the Automotive Certification Course, no later than ninety (90) calendar days from the date of the Discipline Tribunal’s Order.

Overview

This matter proceeded on the basis of an Agreed Statement of Facts, dated September 9, 2025, a jointly proposed disposition and a waiver of oral hearing, pursuant to Rule 1.07 of the Rules of Practice before the Discipline Tribunal and the Appeals Tribunal. The Agreed Statement of Facts states in relevant part as follows:

Withdrawals:

The allegations contained in paragraphs 12(c)-(f), 16(c)-(f) and 20-22 of the Notice of Referral to Discipline (“NORD”) dated April 22, 2025, are withdrawn.

Background:

1. The Dealer was first registered as a motor vehicle dealer under the Act in and around December 2023.
2. Shahid was first registered as a salesperson under the Act in and around December 2023. At all material times, Shahid has been an Officer, Director and Person in Charge of the day-to-day activities of the Dealer.
3. Bikhari was first registered as a salesperson under the Act in and around February 2024. At all material times, Bikhari has been a salesperson of the Dealer.

OMVIC Publications

4. Since the Act was proclaimed in 2010, OMVIC has issued various educational materials, including publications, webinars and guidelines, reminding dealers of their obligations to disclose all material facts about the vehicles they sell. Educational materials continue to be available on OMVIC’s website.

Direct Correspondence with Dealer

5. During an inspection on or about February 12, 2024, a representative of the Registrar reminded the Dealer to advertise all-inclusive prices, as required pursuant to section 36(7) of O. Reg. 333/08 and the Code of Ethics.
6. On or about February 12, 2024, the Registrar issued a formal warning letter to the Dealer, reminding the Dealer and its salespersons to comply with their all-in price advertising obligations pursuant to section 36(7) of O. Reg. 333/08 and the Code of Ethics.

Dealer's Non-Compliance:

Failure to advertise an all-in price

7. On or before January 23, 2025, the Dealer published an advertisement for a black 2018 Land Rover Velar R-Dynamic, stock# 1100-033, (VIN ***742160), with an advertised price of \$33, 975, plus taxes and licensing.
8. On or about January 23, 2025, a representative of OMVIC (the "Representative") made inquiries about the vehicle, while posing as a member of the public (also known as a 'mystery shop').
9. Bikhari, acting on behalf of the Dealer, advised the Representative that a \$699 safety fee had been added above the vehicle's advertised price.
10. Bikhari advised that the vehicle could not leave the Dealer's premises unless the vehicle had been safety certified representing the \$699 safety fee as mandatory.
11. As a result, the Dealer's advertised vehicle price was not all-inclusive. This is contrary to section 36(7) of O. Reg. 333/08, as well as sections 4(2) and 9(3) of the Code of Ethics.

Failure to advertise in a clear, comprehensible and prominent manner

12. On or about February 2, 2025, a representative of the Registrar reviewed advertisements posted on the Dealer's platform with respect to the following motor vehicles:
 - a. 2020 Audi A4, VIN# *** 006600
 - b. 2018 BMW 330i, VIN# ***M33577
13. The Dealer advertised the above-mentioned vehicles as being "safety certified".
14. The Dealer, however, also indicated in the advertisements that the vehicles could be safety certified for an additional fee.
15. By simultaneously advertising the vehicle as safety certified and requiring safety certification at an additional cost, the Dealer failed to advertise the vehicle's price in a clear, comprehensible, and prominent manner, contrary to section 36(7) of O. Reg. 333/08, as well as sections 4(1), 4(2) and 9(3) of the Code of Ethics.

Failure to advertise required credit offer information

16. On or about February 2, 2025, a representative of the Registrar reviewed advertisements posted on the Dealer's platform with respect to the following motor vehicles.
 - a. 2020 Audi A4, VIN# *** 006600
 - b. 2018 BMW 330i, VIN# ***M33577
17. The advertisements indicated that prime rate financing was available for as low as 7.99% on approved credit.
18. The advertisements however failed to disclose the following:
 - a. The annual percentage rate
 - b. The length of the term of credit agreement
 - c. The cost of borrowing
19. As a result, the Dealer contravened section 61 of O. Reg. 17/05 as well as sections 4(2), 9(2) and 9(3) of the Code of Ethics.

Shahid's Non-Compliance:

20. In regards to all of the above, Shahid as a Person in Charge, failed to ensure that the Dealer conducted its business in compliance with the Act, its regulations, and the Code of Ethics and thus personally contravened sections 6(2) and 9(3) of the Code of Ethics.

Bikhari's Non-Compliance:

21. In regard to 2018 Land Rover Velar R-Dynamic, Bikhari engaged in the trade of a vehicle in a manner that is contrary to sections 4(2) and 9(3) of the Code of Ethics and also caused the Dealer to contravene the Act, its regulations, and the Code of Ethics and thus personally contravened sections 6(2) and 9(3) of the Code of Ethics.
22. As particularized above, the Dealer has violated the following sections of the Code of Ethics:

Disclosure and marketing

s. 4(1) 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.

Professionalism

s. 9(2) In carrying on a business, a registrant shall act with honesty, integrity and fairness.

23. As particularized above, the Dealer and Bikhari have violated the following sections of the Code of Ethics:

Disclosure and marketing

s. 4(2) A registrant shall ensure that all representations, including advertising, made by or on behalf of the registrant in connection with trading in motor vehicles, are legal, decent, ethical and truthful

24. As particularized above, the Dealer, Shahid and Bikhari have violated the following sections of the Code of Ethics:

Professionalism

s. 9(3) A registrant shall use the registrant's best efforts to prevent error, misrepresentation, fraud or any unethical practice in respect of a trade in a motor vehicle.

25. As particularized above, Shahid and Bikhari has violated the following section of the Code of Ethics:

Accountability

s. 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.

Decision of the Reviewing Panel

Having reviewed and considered the Agreed Statement of Facts and written submissions provided by the Parties, the Reviewing Panel is satisfied that the evidence contained in the Agreed Statement of Facts substantiates the allegations that: the Dealer has breached the Sections 4(1), 4(2), 9(2) and 9(3) of the Code of Ethics, O. Reg. 332/08; Shahid has breached Sections 6(2) and 9(3) of the Code of Ethics, O. Reg. 332/08 and Bikhari has breached Sections 4(2), 6(2) and 9(3) of the Code of Ethics, O. Reg. 332/08.

The Reviewing Panel accepted the parties' proposed resolution for the reasons below.

Reasons for Decision

In considering the sentencing principles of specific and general deterrence, maintaining public trust, and the objectives of rehabilitation and remedial action, the Panel is satisfied the proposed penalty is in the public interest. However, in reviewing this agreement, the Panel is of the opinion that the fine is on the lower end of an appropriate penalty for the issues before it, which include all-in price violation, failure to advertise in a clear, comprehensible and prominent manner and failure to advertise required credit offer information.

The Panel acknowledges that this is the first time the Dealer is before the Discipline Tribunal. However, the Panel has concerns that this Dealer, having been registered for just under two (2) years, has already failed to meet these requirements set out in *Motor Vehicle Dealers Act*.

The Panel notes that the agreed upon penalty includes a clause requiring the Dealer to complete the MVDA Key Elements Course, which the Panel wholly endorses. Dealers, particularly new ones, should be aware of the resources available to them through OMVIC. Taking the Key Elements Course may help to inform the Dealer of those resources.

The Panel is concerned that a Dealer registered so recently would run afoul of the regulations so significantly and suggests that the Dealer may wish to make use of the resources available to them through OMVIC.

As mitigating factors, the Panel acknowledges that this is the Respondents' first time before the Discipline Tribunal. The Panel accepts that by engaging in the process of negotiating an agreement, the Dealer has demonstrated that they have taken responsibility for their misconduct, and they are committed to avoiding future non-compliance. Additionally, the Panel noted that the allegations in this case originated from a mystery shop and not from a consumer complaint. There is no evidence to suggest that actual consumer harm occurred.

The Panel recognizes the diligent efforts on the part of both parties for arriving at this settlement which has saved the time and expense of proceeding to a contested hearing. The parties are encouraged to reach a settlement and support the Discipline Tribunal's objectives of proceeding in a fair, timely and efficient manner.

The Panel accepts that the agreed upon penalty and fine is consistent with comparable jurisprudence and is within the range of reasonable outcomes. It is in the public interest to have similar outcomes for similar contraventions of the Code of Ethics.

It is also consistent with the specific circumstances of the case, as outlined in these recent decisions of the Discipline Tribunal (formerly the Discipline Committee): *Registrar, Motor Vehicle Dealers Act, 2002 v. Matin Autohaus Limited o/a Owen Sound Honda et al.* (2023) and *Registrar, Motor Vehicle Dealers Act, 2002 v. Woodstock Used Car Centre Inc. et al* (2023).

In considering whether to reject a joint submission, the test to adopt is whether or not it is in the public interest. The public interest test is set out in the Supreme Court's ruling in *R. v. Anthony-Cook*, 2016 SCC 43. In that case, the Court stated:

Under the public interest test, a trial judge should not depart from a joint submission on sentence unless the proposed sentence would bring the administration of justice into disrepute or would otherwise be contrary to the public interest.¹

The public interest test was adopted by the Divisional Court in the context of professional regulation in *Bradley*²:

Rejection denotes a submission so unhinged from the circumstances of the offence and the offender that its acceptance would lead reasonable and informed persons, aware of all the relevant circumstances, including the importance of promoting certainty in resolution discussions, to believe that the proper functioning of the justice system had broken down. This is an undeniably high threshold...³

The Panel acknowledges that it is bound by the above noted Court decisions and is satisfied that the Penalty agreed upon by the Parties does not fall outside that very high standard.

¹ *R. v. Anthony-Cook*, 2016 SCC 43 at para. 32

² *Bradley v. Ontario College of Teachers*, 2021 ONSC 2303

³ *Bradley*, at para. 11

The proposed penalty and fine amount of \$4,500 for the Dealer plus course requirements for remedial effect are in the public interest. The course requirements address the Respondents' conduct violations. The proposed penalty also works to deter the Respondents from future non-compliance.

Ontario Motor Vehicle Industry Council
Discipline Tribunal

Dated: November 25, 2025



Deb Mattina, Public Member

On behalf of:
Mike Ball, Registrant Member
Joe Malfara, Registrant Member