

Licence Tribunal
Appeal d'appel en
Tribunal matière de permis



DATE: 2015-07-23
FILE: 9442/MVDA
CASE NAME: 9442 v. Registrar, *Motor Vehicle Dealers Act 2002*

An Appeal from a Notice of Proposal by the Registrar, *Motor Vehicle Dealers Act, 2002*,
S.O. 2002, c. 30, Sch. B – dated May 16, 2013 to Revoke Registration

Jamie Giroux

Appellant

-and-

Registrar, *Motor Vehicle Dealers Act, 2002*

Respondent

CONSENT ORDER

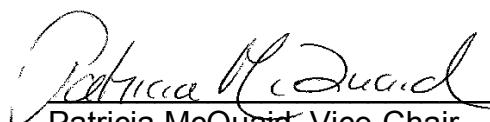
CONSENT ORDER

Upon the application to the Tribunal by Jamie Giroux, the Appellant, and the Registrar, under the *Motor Vehicle Dealers Act, 2002* for issuance of a Consent Order of the Tribunal without a hearing pursuant to section 4.1 of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22; and

Having reviewed the written settlement signed by the Appellant and the Registrar, *Motor Vehicle Dealers Act, 2002* as to the disposition of these proceedings which is filed and attached hereto as Schedule "A";

NOW THEREFORE, upon consent of the parties, this Tribunal orders that the proceedings in this matter are concluded and disposed of without a hearing on the basis of the terms set out in the said Schedule "A", which are incorporated into and made part of this Order.

LICENCE APPEAL TRIBUNAL


Patricia McQuaid, Vice-Chair

RELEASED: July 23, 2015

Schedule "A"

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TO: Licence Appeal Tribunal
530 - 20 Dundas Street West
Toronto, ON M5G 2C2

FROM: The Registrar
Motor Vehicle Dealers Act, 2002
Ontario Motor Vehicle Industry Council
65 Overlea Blvd., Suite 300
Toronto, ON M4H 1P1

AND FROM: Jamie M. Giroux
c/o Richmond Hill Auto Park Limited
o/a Richmond Hill Toyota
11240 Yonge St.
Richmond Hill, ON L4S 1K9

Pursuant to subsection 6(2) of the *Motor Vehicle Dealers Act, 2002* Jamie M. Giroux ("the Registrant") 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:

AUTOMOTIVE CERTIFICATION COURSE

1. The Registrant agrees to immediately enroll in the Ontario Motor Vehicle Industry Council's Automotive Certification Course ("Certification Course") and to be responsible for all fees in relation to enrolment. The Applicant further agrees to pass the Certification Course within 90 days of the date of this Order.

REGISTRATION

2. The Registrant will not be the final signatory on any sales or lease contracts on behalf of a dealer for a period of two years.
3. The Registrant will not transfer his registration as a salesperson under the *Motor Vehicle Dealers Act, 2002* ("MVDA") to another dealer without having first obtained prior written consent of the Registrar.
4. The Registrant will not transfer his registration to a dealer that is controlled directly or indirectly by Behzad Rabie ("Rabie") or a person who is not-at-arm's length with Rabie. For certainty, such not-at-arm's length persons shall include the spouse, children, grandchildren, parents, siblings, nieces and nephews of Rabie and their spouses.
5. The Registrant will not transfer his registration to a dealer in which any of these not-at-arm's length persons have a financial or other beneficial interest. The Registrant will not transfer his registration to a dealer for which any of these persons serve as directors or officers.
6. The Registrant will not act as a salesperson on behalf of any dealer other than the Registrant's sponsoring dealer. The Registrant will inform his sponsoring dealer of these Terms and Conditions.

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DISCLOSURE

- 7. The Registrant will disclose all material facts about the motor vehicles that the Registrant trades on behalf of his sponsoring dealer. The Registrant further agrees that he will inform himself of disclosure obligations in the MVDA and will comply with them.
- 8. The Registrant further agrees to disclose all material facts on the Bill of Sale, in writing. For greater certainty, a material fact is one that, if disclosed, could affect the decision of a reasonable person to purchase or lease the vehicle or affect the purchase price. In the case of damaged vehicles, the Registrant further agrees to disclose as much detail as possible regarding the nature and severity of the damage. The Registrant undertakes to research the history of all motor vehicles he trades to ensure all material facts are disclosed.

OTHER

- 9. The Registrant agrees to respond to any questions, inquiries and requests made by the Registrar in connection with any vehicle trades made by the Registrant on behalf of his sponsoring dealer.


ACKNOWLEDGMENT AND UNDERTAKING:

- 10. The Registrant shall, at all times, comply with the Registrar's Standards of Business Practice, as may be amended from time to time.
- 11. The Registrant shall, at all times, comply with the MVDA and Ontario Regulations 333/08 and 332/08 prescribed under the MVDA.
- 12. The Registrant hereby consents to an Order of the Licence Appeal Tribunal, which includes the terms and conditions set out herein.
- 13. The Registrant acknowledges that he has executed a separate Confirmation and Acknowledgement, also in resolution of this matter.
- 14. The Registrant acknowledges that he has taken the time to carefully review these terms and conditions, and, by signing this document, acknowledges that he understands their significance and agrees to abide by them.
- 15. 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.

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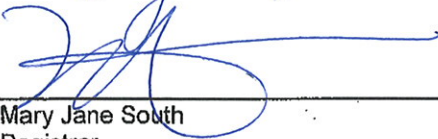
- 16. The Registrant hereby acknowledges that he has obtained or has had the opportunity to obtain independent legal advice with respect to his consent to the terms and conditions set out in this document.

Signed in the City of *Richmond Hill* this *22nd* day of *July* 2015.



Jamie M. Giroux (signature)

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

Date: *July 22nd*


Mary Jane South
Registrar

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