

File# 2963795

**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 -**

**830375 ONTARIO INC. o/a MOTOR SPORTS WORLD**

**- and -**

**CHRISTOPHER WUBS**

**AGREED STATEMENT OF FACTS AND PENALTY**

830375 Ontario Inc. o/a Motor Sports World and Christopher Wubs have breached the following:

Section 4 of the Code of Ethics, Regulation 332/08

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

**SUMMARY OF AGREEMENT**

The parties to this proceeding agree that:

1. 830375 Ontario Inc. o/a Motor Sports World (the "Dealer") was first registered as a motor vehicle dealer in or around June 1994. Christopher Wubs (Wubs) was first registered as a motor vehicle salesperson in or around June 1994. At all material times, Wubs was the officer and director of the Dealership.

**Direct Correspondence with the Dealer:**

2. On or about May 16, 2013 the Dealer was reminded that advertised vehicle prices must include all additional costs such as freight, PDI and dealer administration fees.



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3. On or about March 24, 2014 the Dealer was reminded of its obligation to include all additional fees in the advertised price.
4. During an inspection on or about January 27, 2015 it was found that new vehicle inventory was not compliant with all-in regulations. The dealer was reminded of its obligation to ensure all advertised prices are all-inclusive.

**All In Pricing:**

5. On or before August 31, 2016, an advertisement was placed by or on behalf of the Dealer for a 2015 Yamaha R3 with an advertised price of \$3,999. On or about August 31, 2016, a representative of the Registrar approached the Dealer and made inquiries while posing as a member of the public. The representative was advised by the salesperson at the dealership that a \$199 license fee would be applied on top of the advertised price. Moreover, the salesperson later confirmed this fee is "just our dealer fee, it's not a reflection of the exact cost of licensing." As such, the advertisement did not promote an all-inclusive price, contrary to sections 36(7) of Regulation 333/08, as well as sections 4 and 9 of the Code of Ethics.
6. The dealer has agreed to attend the OMVIC advertising seminar within 90 days of the Discipline Order.

By failing to comply with the following regulations under the *Motor Vehicle Dealers Act, 2002*:

**Advertising**

36. (1) A registered motor vehicle dealer to whom this section applies shall ensure that any advertisement placed by the dealer complies with this section.
- (7) If an advertisement indicates the price of a motor vehicle, the price shall be set out in a clear, comprehensible and prominent manner and shall be set out as the total of,
  - (a) the amount that a buyer would be required to pay for the vehicle; and
  - (b) subject to subsections (9) and (10), all other charges related to the trade in the vehicle, including, if any, charges for freight, charges for inspection before delivery of the vehicle, fees, levies and taxes.

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

4. 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.

  
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 Registrant's Initials

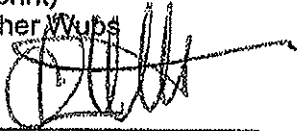


By signature below, I acknowledge that I have read and understand the penalty outlined herein and agree to the said terms and/or conditions and that I exercised my right to be represented by Counsel or agent in this matter. I understand, acknowledge and consent to waive the requirement for a hearing 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 Orillia THIS 17<sup>th</sup> DAY OF Nov., 2016

Chris Wubs

(please print)  
Christopher Wubs



(signature)  
Christopher Wubs

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 26<sup>th</sup> DAY OF November, 2016



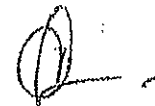
Mary Jane South  
Registrar, Motor Vehicle Dealers Act, 2002

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

DATED AT Ancaster THIS 19<sup>th</sup> DAY OF December, 2016



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



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