



**Citation: Waddell and Shapiro v. Registrar, *Motor Vehicle Dealers Act, 2002*, 2024
ONLAT MVDA 15579**

File Number: 15579/MVDA

Appeal from a Notice of Proposal to Revoke Registrations, *Motor Vehicle Dealers Act, 2002*, S.O. 2002, c. 30, Sch B

Between:

Hugh Waddell and Gerald Shapiro

Appellants

and

Registrar, *Motor Vehicle Dealers Act, 2002*

Respondent

CONSENT ORDER

ADJUDICATOR: Jeffery Campbell, Vice-Chair

Date: August 29, 2024

BACKGROUND

- [1] On December 27, 2023, the Registrar, *Motor Vehicle Dealers Act, 2002*, (the “Registrar”) issued a Notice of Proposal (the “NOP”) to revoke the registration of Hugh Waddell (the “Appellant Waddell”) and Gerald Shapiro (the “Appellant Shapiro”), as motor vehicle salespersons, under the *Motor Vehicle Dealers Act, 2002*, S.O. 2002, c. 30, Sched B and the Regulations (the “Act”). Temporary Suspension Orders (“Suspension Orders”) were made which suspended the Appellants’ registrations under s. 10 of the Act.
- [2] The NOP is based on the grounds that both Appellants’ past conduct is inconsistent with the intention and objective of the Act, and therefore warrants their disentanglement to registration.
- [3] The Appellant Waddell withdrew his appeal by way of a Notice of Withdrawal dated August 1, 2024. The Appellant Shapiro remains as a party.
- [4] The Registrar and the Appellant Shapiro advised the Tribunal that they had resolved the issues in dispute and both parties consent to the registration of the Appellant Shapiro as a motor vehicle salesperson under the Act on the terms and conditions set out in Terms and Conditions between the Appellant Shapiro and the Registrar signed by the Appellant Shapiro on August 16, 2024 and the Registrar on August 28, 2024. The Terms and Conditions shall constitute Schedule A.
- [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 approve the Appellant Shapiro’s registration on the terms and conditions set out on Schedule A. A copy of the agreement signed by all 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 Appellant Shapiro on August 16, 2024 and by the Registrar on August 28, 2024, a copy of which is attached to this order as Schedule A, which Schedule A is incorporated and made part of this Order.

LICENCE APPEAL TRIBUNAL

A handwritten signature in black ink, appearing to read "Jeffery Campbell", is written over a horizontal line.

Jeffery Campbell, Vice-Chair

Released: August 30, 2024

Schedule A

LICENCE APPEAL TRIBUNAL

IN THE MATTER OF the Motor Vehicle Dealers Act, 2002, S.O. 2002, Chapter 30, Schedule B and Regulations, as amended

BETWEEN:

GERALD SHAPIRO

Appellant

-and-

REGISTRAR, MOTOR VEHICLE DEALERS ACT, 2002

Respondent

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: Gerald Shapiro

Pursuant to subsection 6(2) of the *Motor Vehicle Dealers Act, 2002* (the "MVDA"), Gerald Shapiro ("Shapiro", 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 ("Consent Order") based upon the following terms and conditions:

GERALD SHAPIRO

1. Shapiro shall be registered as a motor vehicle salesperson under the MVDA.
2. Shapiro shall not be involved in any capacity, either directly or indirectly, in the operation of any motor vehicle dealer, in which Hugh Waddell is an interested person, associated person, a salesperson, manager, officer, director, shareholder, or otherwise involved.
3. Shapiro shall not apply to be a director, officer, person-in-charge, finance manager or any position other than a salesperson for a period of two (2) years.
4. Shapiro shall not apply to be a dealer for a period of four (4) years.

5. Shapiro will ensure that any and all sponsoring dealers, presently or in the future, are informed of the terms and conditions contained in this Consent Order.
6. The Registrar shall be permitted to rely on the contents of the Registrar's 2023 Proposal to Revoke Registrations in support of any future administrative proceedings, including without limitation, any Proposal to Refuse to Renew, Suspend or Revoke Registration.

ACKNOWLEDGEMENT AND UNDERTAKING:

7. The Registrant acknowledges that the Registrar is relying on the accuracy and completeness of all documents, statements or information provided by the Registrant.
8. The Registrant acknowledges 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.
9. 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.




Gerald Shapiro

Date:

Aug 16, 2024

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



Maureen Harquail, Registrar

Date:

Aug 28/24