

DISCIPLINE DECISION

REVIEWING PANEL: Greg Flude, Public Member
Anne French, 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 -)
2106074 ONTARIO LIMITED)
O/A BANK STREET MITSUBISHI)
- and -)
MICHAEL VINCENT FAUST)
)

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: February 13, 2026

Findings: **2106074 Ontario Limited o/a Bank Street Mitsubishi (the “Dealer”) has breached the following:**

- Sections 4(2), 7(1), 9(1) and 9(3) of the Code of Ethics, O. Reg. 332/08

Michael Vincent Faust has breached the following:

- Sections 6(2), 9(1) and 9(3) of the Code of Ethics, O. Reg. 332/08

Order:

1. The Dealer shall pay a fine in the amount of **\$8,000** no later than ninety (90) calendar days from the date of the Discipline Tribunal's Order.
2. Michael Vincent Faust shall successfully complete (with a passing grade of at least 80%) the MVDA Key Elements Course, no later than ninety (90) calendar days from the date of the Discipline Tribunal's Order.
3. 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 November 19, 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contained in paragraphs 17-18 of the Notice of Referral to Discipline ("NORD") dated May 21, 2025 are hereby withdrawn

Background

1. The Dealer was first registered as a motor vehicle dealer in and around August 2006.
2. Michael Vincent Faust ("Faust") was first registered as a salesperson in and around August 2018. At all material times, Faust has been a Sales Manager of the Dealer. In and around September 2025, Faust ceased to be a Sales Manager of the Dealer.
3. On or about August 16, 2014, the Licence Appeal Tribunal issued a Consent Order whereby the Dealer's registration would be subject to terms and conditions (the "T&Cs"). Paragraph 2 of the T&Cs states as follows:
 2. The Dealer agrees it will comply with section 36 of Ontario Regulation 333/08, as well as the Code of Ethics Regulation [Ont. Reg. 332/08], any publications by OMVIC relating to advertising, and the Standards of Business Practice, 2010, which may be amended from time to time.

Educational Resources

4. Since the Act was proclaimed in 2010, OMVIC has issued various educational materials, including publications, webinars and guidelines, reminding registrants of their all-in price advertising obligations. Educational resources continue to be available on OMVIC's website.

Reminders to Comply

5. During an inspection on or about October 22, 2020, a representative of the Registrar reminded the Dealer of its all-in price advertising obligations pursuant to section 36(7) of O. Reg. 333/08.

6. On or about April 26, 2021, a representative of the Registrar emailed the Dealer, reminding the Dealer to ensure that their advertisements are compliant with all-in price advertising obligations pursuant to section 36(7) of O. Reg. 333/08.

7. On or about May 27, 2024, an OMVIC Representative sent a letter to the Dealer to inform the Dealer that OMVIC Representatives posing as members of the public had attended the Dealer's premises on or about May 14, 2024 to conduct a "mystery shop" and found that one or more of the Dealer's advertisements complied with all-in price advertising obligations pursuant to section 36(7) of O. Reg. 333/08. The Dealer was encouraged to review these requirements to ensure that its operations complied with the Act and O. Reg. 333/08.

Dealer's Non-Compliance

8. On or about March 12, 2025, a representative of the Registrar attended the Dealer's premises for a scheduled books and records inspection. During the inspection, it was found that the Dealer engaged in the trade of 4 motor vehicles that contravened the Act and/or its Regulations, as particularized below:

A. 2024 Mitsubishi Outlander, Stock# 8209

9. On or before January 16, 2025, the Dealer published an advertisement for a 2024 Mitsubishi Outlander, stock# 8209 (VIN# *618632) with an advertised price of \$46,538 (\$48,038 minus a Dilawri Discount of \$1,500).

10. On or about January 22, 2025, Faust, on behalf of the Dealer, sold the vehicle to a consumer for \$44,498 plus the following mandatory fees:

- a. Lock Nuts fee of \$129
- b. Air Tax of \$100
- c. Freight of \$1,800
- d. OMVIC fee of \$12.50
- e. PDI fee of \$499
- f. Administration fee of \$599
- g. Tire and Oil Filter Levy of \$29.20

11. Adding the fees to the price of the vehicle results in a total of \$47,666.70, which is \$1,128.70 above the advertised price of \$46,538.

12. The Dealer has indicated that the advertised price of \$46,538 was intended as a cash price, as the Dilawri Discount was only available for consumers paying for the vehicle by cash. The consumer in this transaction had opted for financing, and as such, the Dilawri Discount was not available for the consumer.

13. However, the advertisement for the vehicle failed to indicate clearly that that the Dilawri Discount of \$1,500 was only available for consumers paying for the vehicle by cash. The Dealer has indicated that it will take steps to ensure that its advertisements will explicitly reflect all conditions and be clear and accurate.
14. As such, the Dealer's advertised vehicle price was not all-inclusive. This is contrary to section 36(7) of O. Reg. 333/08 and paragraph 2 of the T&Cs, as well as sections 4(2) and 9(3) of the Code of Ethics.

B. 2024 Mitsubishi Outlander, Stock# 8191

15. On or before January 11, 2025, the Dealer published an advertisement for a 2024 Mitsubishi Outlander, stock# 8191 (VIN# *616642) with an advertised price of \$47,338 (\$48,838 minus a Dilawri Discount of \$1,500).
16. On or about January 11, 2025, Faust, on behalf of the Dealer, sold the vehicle to a consumer for \$45,798 plus the following mandatory fees:
 - a. Lock Nuts fee of \$129
 - b. Air Tax of \$100
 - c. Freight of \$1,800
 - d. OMVIC fee of \$12.50
 - e. PDI fee of \$499
 - f. Administration fee of \$599
 - g. Tire and Oil Filter Levy of \$29.20
17. Adding the fees to the price of the vehicle results in a total of \$48,966.70, which is \$1,628.70 above the advertised price of \$47,338.
18. The Dealer has indicated that the advertised price of \$47,338 was intended as a cash price, as the Dilawri Discount was only available for consumers paying for the vehicle by cash. The consumer in this transaction had opted for financing, and as such, the Dilawri Discount was not available for the consumer.
19. However, the advertisement for the vehicle failed to indicate clearly that that the Dilawri Discount of \$1,500 was only available for consumers paying for the vehicle by cash. The Dealer has indicated that it will take steps to ensure that its advertisements will explicitly reflect all conditions and be clear and accurate.
20. Furthermore, even without accounting for the Dilawri Discount of \$1,500, the total price of the vehicle would be \$47,466.70, which is \$128.70 above the advertised price of \$47,338.
21. As such, the Dealer's advertised vehicle price was not all-inclusive. This is contrary to section 36(7) of O. Reg. 333/08 and paragraph 2 of the T&Cs, as well as sections 4(2) and 9(3) of the Code of Ethics.

C. 2019 Kia Niro

22. On or about March 1, 2025, the Dealer sold a 2019 Kia Niro, stock# 17001A (VIN# *220029) to a consumer. The Dealer failed to disclose on the RBOS an accident claim of \$3,432 on the RBOS and a glass damage record of \$1,135, contrary to sections 40(2)(1) and 42(19) and (25) of O. Reg. 333/08.

23. As such, the Dealer has contravened sections 7(1) and 9(1) and (3) of the Code of Ethics.

Faust's Non-Compliance:

24. By acting as a salesperson for the sale of the 2024 Mitsubishi Outlander, stock# 8209 and the 2024 Mitsubishi Outlander, stock# 8191, Faust 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(1) and (3) of the Code of Ethics.

Code of Ethics Violations

25. As particularized above, the Dealer has 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.

Compliance

- s. 7(1) A registrant shall ensure that all documents used by the registrant in the course of a trade in a motor vehicle are current and comply with the law.

26. As particularized above, the Dealer and Faust have violated the following section of the Code of Ethics:

Professionalism

- s. 9(1) In carrying on business, a registrant shall not engage in any act or omission that, having regard to all of the circumstances, would reasonably be regarded as disgraceful, dishonourable, unprofessional or unbecoming of a registrant.

- 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.

27. As particularized above, Faust 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

1. 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:

- a. the Dealer has breached Sections 4(2), 7(1), 9(1) and 9(3) of the Code of Ethics, and
- b. Michael Vincent Faust has breached Sections 6(2), 9(1) and 9(3) of the Code of Ethics.

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

Reasons for Decision

3. In reviewing the joint submission on penalty, the Reviewing Panel must determine if the proposed resolution is in the public interest or if it is so unhinged from the circumstances of the impugned behaviour that a reasonable person would believe that the justice system has broken down. In doing this analysis, the Reviewing Panel must bear in mind the aims of levying an administrative penalty: specific deterrence of the offender, general deterrence for the motor vehicle sales industry, and rehabilitation and remediation for these particular offenders. Dealing with the last of these first, there is an education requirement for each of the personal applicants that, it is hoped, will educate and encourage regulatory compliance in the future.

4. In considering the monetary penalty, the Reviewing Panel notes the following:

- a. The Dealer had been previously counselled by OMVIC on all-in pricing on at least two occasions and OMVIC has published numerous bulletins on all-in pricing.
- b. There are 4 impugned trades at issue, three of which involve breaches of the all-in pricing regulations and one of which involves a failure to disclose. These breaches go to the very core of the level of integrity required to trade in motor vehicles.
- c. The Dealer has previously been the subject of a proceeding before the Ontario Licence Appeal Tribunal, a very serious proceeding limited to suspension and revocation of registration, and settled that proceeding by consent to terms, including a term to abide the all-in pricing regulations and the Standards of Business Practice.

5. The Applicants have accepted responsibility for their actions as evidenced by entering into an agreed statement of facts and joint submission on penalty. The proposed penalty is in line with other penalties imposed by the Discipline Tribunal. The amount is sufficient to signal to the industry that breaches of the regulations are serious offences.

6. The Panel is satisfied that the agreed upon penalty satisfies the sentencing principles of specific and general deterrence, maintains public trust, meets the objectives of rehabilitation and remedial action, and that the proposed penalty is in the public interest. The parties are thanked for working towards a resolution short of the need for a hearing.

Ontario Motor Vehicle Industry Council
Discipline Tribunal

Dated: February 13, 2026



Greg Flude, Public Member

On behalf of:
Anne French, Registrant Member
Joe Malfara, Registrant Member