

DISCIPLINE DECISION

REVIEWING PANEL: Deb Mattina, Public Member
Paul Eros, Registrant Member
Anne French, 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 -)
110 AUTO VAUGHAN SALES LIMITED)
O/A MAPLE MAZDA)
- and -)
PATRICK NEIL MAGUIRE)
)

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: October 24, 2025

Findings: **110 Auto Vaughan Sales Limited o/a Maple Mazda (the “Dealer”)**
has breached the following:

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

Patrick Neil Maguire (“Maguire”) has breached the following:

- Sections 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 **\$13,000** no later than ninety (90) calendar days from the date of the Discipline Tribunal's Order.
2. Maguire 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. 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 July 31, 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 against Giuseppe Zanchin and contained in paragraphs 2 and 62 of the Notice of Referral to Discipline ("NORD") dated May 13, 2025, are withdrawn.

The allegations contained in paragraphs 11-22, 33-58 and 59(f)-(t) of the Notice of Referral to Discipline ("NORD") dated May 13, 2025, are withdrawn.

Background

1. The Dealer was first registered as a motor vehicle dealer in and around June 2009.
2. Maguire was first registered as a salesperson on or around September 21, 1999. Since in or around August 2023, Maguire has been the General Manager of the Dealer.

OMVIC Publications

3. 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.
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 pricing obligations. Educational materials continue to be available on OMVIC's website.

Direct Correspondence with Dealer

5. During an inspection on or about March 12, 2015, 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. During an inspection on or about August 7, 2020, a representative of the Registrar reminded the Dealer to disclose all material facts about a vehicle, as required pursuant to section 42 of O. Reg. 333/08 and the Code of Ethics.

Dealer's Non-Compliance:

7. During an inspection on or about February 19, 2025, a representative of the Registrar (the "Inspector"), attended the premises of the Dealer for an inspection of its books and records. The following issues of non-compliance were discovered as part of the inspection, as particularized below.

2021 Mazda CX-9 (VIN *453270)**

8. On or before October 20, 2024, the Dealer sold a 2021 Mazda CX-9 (VIN# ***453270) to a consumer.
9. The Dealer failed to disclose that the vehicle had been previously registered in Quebec.
10. This is contrary to section 42(22), of O. Reg. 333/08, as well as sections 7(1), 9(1) and 9(3) of the Code of Ethics.

2017 Mazda CX-5 (VIN *187941)**

11. On or before December 2, 2024, the Dealer published an advertisement for a 2017 Mazda CX-5, stock# P-2846A, (VIN# ***187941) with an advertised price of \$17,999.
12. On or about December 2, 2024, the Dealer sold the vehicle to a consumer.
13. The vehicle purchase agreement indicates that the following fees were added above the vehicle's advertised price.
 - a. \$100 Federal AC Levy
 - b. \$12.50 OMVIC fee
14. The additional fees result in a total of \$112.50, which was added above the advertised vehicle price of \$17,999.
15. 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.
16. The Dealer charged a \$100 Federal AC Levy despite the fact that the vehicle was a used vehicle. This is contrary to sections 4(2) and 9(3) of the Code of Ethics.

2016 Honda Odyssey (VIN *509865)**

17. On or before November 21, 2024, the Dealer published an advertisement for a 2016 Honda Odyssey, stock# P-2849A, (VIN# ***509865) with an advertised price of \$18,499.
18. On or about November 21, 2024, the Dealer sold the vehicle to a consumer.

19. The vehicle purchase agreement listed the basic vehicle price as \$19,999. The increased basic vehicle price is \$1,500, above the advertised vehicle price of \$18,499.
20. 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 remit proceeds of sale of warranties within the prescribed period

21. Between December 10, 2024, and December 21, 2024, the Dealer facilitated the sale of extended warranty products for the following vehicles.
 - a. 2024 Honda CR-V (VIN# ***103671)
 - b. 2021 Mazda3 (VIN# ***324398)
 - c. 2021 Mazda6 (VIN# ***611384)
 - d. 2021 Mazda CX-30 (VIN# ***221614)
 - e. 2019 Mazda3 (VIN# ***101800)
22. The Dealer failed to remit the proceeds of the sale of the warranties, within thirty days of the sale.
23. As a result, the Dealer contravened section 47(7) of Ontario Regulation 333/08, as well as sections 3(1), 9(1), and 9(3) of the Code of Ethics

Maguire's Non-compliance:

24. Maguire, as General Manager, failed to ensure that the Dealer conducted its business in compliance with the Act, its regulations, and the Code of Ethics, with respect to the infractions discovered during the February 2025 inspection only, and thus personally contravened sections 6(2) and 9(3) of the Code of Ethics.

Agreed Facts Relevant to Penalty

25. On or about June 12, 2012, the Discipline Tribunal found that the Dealer failed to advertise all-inclusive prices, contrary to section 36(7) of Ontario Regulation 333/08 as well as sections 4 and 9 of the Code of Ethics, Ontario Regulation 332/08.
26. As a result, the Discipline Tribunal issued an Order, and among other things, the Dealer was ordered to pay a fine of \$2,500.
27. As particularized above, the Dealer has violated the following section of the Code of Ethics:

Integrity

- s. 3(1) A registrant shall be financially responsible in carrying on business

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

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.

28. As particularized above, the Dealer and Maguire have violated the following section 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.

29. As particularized above, Maguire 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: (1) the Dealer has breached Sections 3(1), 4(2), 7(1), 9(1) and 9(3) of the Code of Ethics, O. Reg. 332/08; and (2) Maguire has breached Sections 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

The Panel is satisfied that the agreed upon penalty of \$13,000 (\$4,000 for a second time violation of the all-in price obligation, \$4,000 for another second time violation of the all-in price violation, \$2,000 for failure to disclose material fact and \$3,000 of failure to remit warranties of 5 vehicles within thirty days) is within the range of reasonable outcomes.

In coming to this decision, the Panel considered that the penalty is consistent with recent decisions of the Discipline Tribunal in, namely *OMVIC v. Quantrill Chevrolet Buick GMC Cadillac Ltd. et al.* (2024), *Registrar, Motor Vehicle Dealers Act, 2002 v. Oakville Chrysler Dodge Jeep Ram Ltd. et al.* (2018), *OMVIC v. Tremblay Chevrolet Buick GMC Inc. et al.* (2025), and finally *Registrar, Motor Vehicle Dealers Act, 2002 v. 2410647 Ontario Inc. O/A Four Star Motors Inc. et al.* (2024).

The Panel acknowledges that it is in the public interest to have similar outcomes for similar contraventions of the Code of Ethics.

The Panel acknowledges that in considering whether to accept or reject a joint submission, the test to adopt is whether the penalty 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

In the present case, the Panel is satisfied that the proposed penalty and fine in the amount of \$13,000 for the Dealer plus course requirements for remedial effect would be in the public interest. The course requirements address the Registrants' conduct violations and reinforces them of their obligations under the MVDA. The proposed penalty serves to deter the Registrants from future non-compliance.

The Panel notes that the Registrants have admitted to violating the Code of Ethics by way of the Agreed Statement of Fact. This indicates they have taken responsibility for their misconduct and they have also indicated they are committed to ensuring future compliance with the MVDA and other regulations.

The Panel accepts as mitigating factors that although this is the Dealer's second time before the Discipline Tribunal, the first time was about thirteen (13) years ago and it is Maguire's first time before the Tribunal.

The Panel is convinced that the above order satisfies the sentencing principles of specific and general deterrence, maintaining public trust, and the objectives of rehabilitation.

Ontario Motor Vehicle Industry Council
Discipline Tribunal

Dated: October 24, 2025



Deb Mattina, Public Member

On behalf of:

Paul Eros, Registrant Member
Anne French, Registrant Member

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