

DISCIPLINE DECISION

REVIEWING PANEL: Greg Flude, Public Member
Mike Ball, 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 -)
2706818 ONTARIO LTD. o/a)
HOT WHEELS CAR SALES)
- and -)
TASLIMA ISMAIL)
)

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: December 29, 2025

Findings: **2706818 Ontario Ltd. o/a Hot Wheels Car Sales (the “Dealer”) has breached the following:**

- Sections 5(16), 5(17), 5(18), 5(19), 5(20), 5(21), 7(1), 9(1) and 9(3) of the Code of Ethics, O. Reg. 332/08

Taslina Ismail 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 **\$10,000**, to be paid as follows:
 - a. **\$2,500** is to be paid no later than ninety (90) calendar days from the date of the Discipline Tribunal's Order;
 - b. **\$2,500** is to be paid no later than one hundred and eighty (180) calendar days from the date of the Discipline Tribunal's Order;
 - c. **\$2,500** is to be paid no later than two hundred and seventy (270) calendar days from the date of the Discipline Tribunal's Order; and
 - d. **\$2,500** is to be paid no later than three hundred and sixty-five (365) calendar days from the date of the Discipline Tribunal's Order.
2. Taslima Ismail 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 October 20, 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:

Background

1. The Dealer was first registered as a motor vehicle dealer in and around March 2021.
2. Taslima Ismail ("Ismail") was first registered as a salesperson in and around March 2021. At all material times, Ismail has been a Director and the Person in Charge of the day-to-day activities of the Dealer.

Reminder to Comply

3. During a remote inspection on or about April 27, 2021, a representative of the Registrar reminded the Dealer and Ismail about their disclosure obligations on bills of sale under section 42 of O. Reg. 333/08.

Dealer's Non-Compliance

4. On or about January 28, 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 5 motor vehicles that contravened the Act and/or its Regulations, as particularized below:

A. 2016 Audi A5

5. On or about July 5, 2024, Ismail, on behalf of the Dealer, sold a 2016 Audi A5 (VIN# *008224) to another dealer. The Dealer failed to disclose the following on the wholesale bill of sale ("WBOS"):
 - a. Accident claim of \$29,882, contrary to section 5(16) of the Code of Ethics;
 - b. Cancellation of the manufacturer's warranty on the vehicle, contrary to section 5(17) of the Code of Ethics;
 - c. Declaration of total loss, contrary to section 5(18) of the Code of Ethics; and
 - d. Prior theft of the vehicle (theft claim of \$32,704), contrary to section 5(21) of the Code of Ethics.
6. As such, in addition to the provisions mentioned above, the Dealer has contravened sections 7(1) and 9(1) and (3) of the Code of Ethics.

B. 2021 GMC Yukon Denali

7. On or about April 23, 2024, Ismail, on behalf of the Dealer, sold a 2021 GMC Yukon Denali (VIN# *387641) to another dealer. The Dealer failed to disclose the following on the WBOS:
 - a. Cancellation of the manufacturer's warranty on the vehicle, contrary to section 5(17) of the Code of Ethics;
 - b. Prior theft of the vehicle (theft claim of \$49,848), contrary to section 5(21) of the Code of Ethics; and
 - c. Previous registration in Arkansas and Tennessee, contrary to section 5(19) of the Code of Ethics.
8. As such, in addition to the provisions mentioned above, the Dealer has contravened sections 7(1) and 9(1) and (3) of the Code of Ethics.

C. 2021 Toyota RAV 4

9. On or about July 6, 2024, Ismail, on behalf of the Dealer, sold a 2021 Toyota RAV 4 (VIN# *207030) to a consumer. The Dealer failed to disclose the following on the RBOS:
 - a. Declaration of total loss, contrary to section 42(21) of O. Reg. 333/08;
 - b. Accident claim estimate of \$16,221, contrary to section 42(19) of O. Reg. 333/08; and
 - c. Prior daily rental use, contrary to section 42(7)(i) of O. Reg. 333/08.

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

D. 2022 Ford F150

11. On or about January 22, 2025, Ismail, on behalf of the Dealer, sold a 2022 Ford F150 (VIN# *E71091) to a consumer. The Dealer failed to disclose the following on the RBOS:

a. Cancellation of the manufacturer's warranty on the vehicle, contrary to section 42(20) of O. Reg. 333/08;

b. Declaration of total loss, contrary to section 42(21) of O. Reg. 333/08; and

c. Accident claim of \$51,980, contrary to section 42(19) of O. Reg. 333/08.

12. In addition, a Safety Standards Certificate had been issued for the vehicle on or about January 16, 2025; however, the Dealer sold the vehicle to a consumer on an "as-is" basis, The Dealer thereby violated section 40(3) of O. Reg. 333/08.

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

E. 2023 F150 Tremor

14. On or about December 3, 2024, Ismail, on behalf of the Dealer, sold a 2023 Ford F150 Tremor (VIN# *A15041) to another dealer. The Dealer failed to disclose the following on the WBOS:

a. Cancellation of the manufacturer's warranty on the vehicle, contrary to section 5(17) of the Code of Ethics;

b. Declaration of total loss, contrary to section 5(18) of the Code of Ethics;

c. Accident claim of \$46,467, contrary to section 5(16) of the Code of Ethics; and

d. Salvage branding of the vehicle, contrary to section 5(20) of the Code of Ethics.

15. As such, in addition to the provisions mentioned above, the Dealer has contravened sections 7(1) and 9(1) and (3) of the Code of Ethics.

Ismail's Non-Compliance

16. By acting as a salesperson in the transactions described above, and as a Director and Person in Charge of the Dealer's day-to-day activities, Ismail 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

17. As particularized above, the Dealer has violated the following section of the Code of Ethics:

Disclosure of information in contracts of sale and lease

s. 5 A registered motor vehicle dealer who enters into a contract to sell or lease a motor vehicle to a person who is also a registered motor vehicle dealer shall ensure that the following information is disclosed in the contract:

16. If the total costs of repairs to fix the damage caused to the vehicle by an incident exceed \$3,000, a statement to that effect and if the dealer knew the total costs, a statement of the total costs.

17. If the manufacturer's warranty on the vehicle was cancelled, a statement to that effect.

18. If the vehicle was declared by an insurer to be a total loss, regardless of whether the vehicle was classified as irreparable or as salvage under section 199.1 of the *Highway Traffic Act*, a statement to that effect.

19. If the vehicle previously received treatment in a jurisdiction other than Ontario that was equivalent to having had a permit issued under section 7 of the *Highway Traffic Act* or having been traded in Ontario, a statement to that effect and a statement of which jurisdictions, except if one or more permits have been issued for the vehicle under section 7 of that Act to cover at least the seven previous consecutive years.

20. If the vehicle has been classified, under section 199.1 of the *Highway Traffic Act*, as irreparable, salvage or rebuilt, a statement as to how it was last classified.

21. If the vehicle had been recovered after being reported stolen, a statement to that effect.

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.

18. As particularized above, the Dealer and Ismail 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.

19. As particularized above, Ismail 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 the Dealer has breached the sections 5(16), 5(17), 5(18), 5(19), 5(20), 5(21), 7(1), 9(1) and 9(3), of the Code of Ethics and Ismail has breached sections 6(2), 9(1) and 9(3) of the Code of Ethics.

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

Reasons for Decision

1. 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.¹ 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 the particular offenders. Dealing with the last of these first, there is an education requirement the personal applicant that, it is hoped, will educate and encourage regulatory compliance in the future.
2. In considering the administrative penalty, the Reviewing Panel notes that the impugned transactions all follow a similar pattern of non-disclosure. They also impacted both dealer trades and consumer transactions. The Reviewing Panel is very troubled by this pattern in an industry where full disclosure is not optional but is mandated by the legislation. Legislative mandate, however, is no substitute for inherent integrity and it is hoped that the Applicants will govern themselves with integrity going forward.
3. In mitigation, we note that the Applicants have accepted responsibility for their actions as evidenced by entering into an agreed statement of facts and joint submission on penalty. This is also the first appearance before the Discipline Tribunal. Taking all of the factors into account, the Reviewing Panel finds that the proposed penalty of \$10,000 is in accordance with other penalties imposed by the Discipline Tribunal in similar cases. We

¹ *R. v. Anthony Cook* (2016) SCC 43, *Timothy Edward Bradley v. Ontario College of Teachers*, 2021 ONSC 2303

were referred to several case involving multiple infractions, all slightly different from the current case where the administrative penalties were in the region of \$10,000 to \$11,500. (see: *1802247 Ontario Inc o/a Collingwood Hyundai (2023)* (total penalty of \$11,000), *VPRO Auto Group Inc. (2024)* (total penalty of \$11,500), and *Shephard, Gary o/a Shephard Auto Sales (2025)* (penalty of \$10,000)). The amount is sufficient to signal to the industry that failures to disclose material facts are serious offences and will draw significant sanctions.

4. The Reviewing 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: December 29, 2025



Greg Flude, Public Member

On behalf of:
Mike Ball, Registrant Member
Joe Malfara, Registrant Member