

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 -)
)
CHAMESEL-DIN HASSAN o/a SELECT AUTO)
)

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: **Chamesel-Din Hassan o/a Select Auto (“the Dealer”) has breached the following:**

- Sections 7(1) and 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 **\$2,500** no later than ninety (90) calendar days from the date of the Discipline Tribunal’s Order.
2. The Dealer 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 before the Discipline Tribunal and the Appeals Tribunal on the basis of an Agreed Statement of Facts, dated October 7, 2025, a jointly proposed disposition and a waiver of oral hearing, pursuant to Rule 1.07 of the Rules of Practice. The Agreed Statement of Facts states in relevant part as follows:

Background

1. Hassan Mohamid Chames-EI-Din ("Chames-EI-Din"), also known as "Sam", was first registered as a motor vehicle salesperson in and around April 1996. Chames-EI-Din's registration was terminated in and around April 2010.
2. In and around January 2008, Chames-EI-Din was registered as a motor vehicle dealer operating as Select Auto (the "Dealer"). Chames-EI-Din operates this business as a sole proprietorship. At all material times, Chames-EI-Din has been the owner and Person in Charge of the day-to-day activities of the Dealer.

Reminders to Comply

3. During an inspection on or about September 14, 2023, a representative of the Registrar reminded the Dealer and Chames-EI-Din of the Dealer's disclosure obligations, pursuant to section 42 of O. Reg. 333/08 and the Code of Ethics.

Dealer's Non-Compliance

4. On or about November 3, 2022, the Dealer purchased a 2015 Chevrolet Trax (VIN# *200531) from another registered motor vehicle dealer. The wholesale bill of sale disclosed that the vehicle had previously been registered in Quebec and that the vehicle had existing structural damage.
5. On or about November 10, 2022, the Dealer sold this vehicle to a consumer (the "Consumer") for \$8,000 plus HST. The Dealer failed to disclose on the retail bill of sale ("RBOS") that the vehicle had existing structural damage, contrary to sections 40(2)(1) and 42(10) of O. Reg. 333/08. The Dealer also failed to disclose on the RBOS that the vehicle had previously been registered in Quebec, contrary to sections 40(2)(1) and 42(22) of O. Reg. 333/08.
6. The Dealer indicated that the existing structural damage had been addressed prior to the sale of the vehicle to the Consumer.
7. On or about September 5, 2024, the Consumer filed a complaint with a representative of the Registrar regarding the Dealer. The Consumer stated that he found out about the structural damage through a Carfax report provided by a third-party.

8. From October 2024 to March 2025, another representative of the Registrar attempted to facilitate a resolution between the Consumer and the Dealer. Ultimately, the Dealer was unable to resolve the complaint in a manner which was acceptable to the Consumer.
9. By failing to disclose on the RBOS that the vehicle had existing structural damage and that the vehicle had previously been registered in Quebec, the Dealer has contravened sections 40(2)(1) and 42(10) and (22) of O. Reg. 333/08, as well as sections 7(1) and 9(1) and (3) of the Code of Ethics.

Code of Ethics Violations

10. As particularized above, the Dealer has violated the following sections of the Code of Ethics:

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.

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.

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 sections 7(1) and 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

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

offenders. Dealing with the last of these first, there is an education requirement for Dealer that, it is hoped, will educate and encourage regulatory compliance in the future.

2. In considering the administrative penalty, the Reviewing Panel notes that there are two breaches in one retail bill of sale: failure to disclose structural damage and failure to disclose the vehicle had been previously registered in Quebec. It is agreed the Agreed Statement of Facts that the Dealer believed that the structural damage had been repaired. The belief in repair alleviates the Reviewing Panel's concern that the Dealer had knowingly sold an unsafe vehicle. 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.
3. Taking all of the factors into account, the Reviewing Panel finds that the proposed penalty of \$2,500 is in line with other penalties imposed by the Discipline Tribunal in similar cases. We were referred to several cases involving multiple incidents of non-disclosure in one transaction: *Naifa Sultana Jafor o/a J & N Quality Cars (2020)* (penalty of \$2,500), *A&L Auto Recyclers Inc. (2024)* (penalty of \$2,800), and *Quantrill Chevrolet Buick GMC Cadillac Ltd. (2024)* (penalty of \$2,500). We find that a penalty of \$2,500 is sufficient to signal to the industry that breaches of the regulations regarding disclosure 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 remediation, 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