

## 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 :

<b>ONTARIO MOTOR VEHICLE INDUSTRY COUNCIL</b>	)
	)
- and -	)
	)
<b>HUMBERVIEW INC. O/A HUMBERVIEW BUICK GMC</b>	)
	)
- and -	)
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<b>HUMBERVIEW INC. O/A HUMBERVIEW MOTORSPORTS</b>	)
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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:** **Humberview Inc. o/a Humberview Buick GMC (“Humberview Buick”)** has breached the following:

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

**Humberview Inc. o/a Humberview Motorsports (“Humberview Motorsports”)** has breached the following:

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

**Order:**

1. Humberview Buick shall pay a fine in the amount of **\$5,000**, no later than ninety (90) calendar days from the date of the Discipline Tribunal's order.
2. Humberview Motorsports 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.
3. Humberview Buick 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.
4. Humberview Motorsports 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 September 18, 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:

**Amendments:**

The Amended Notice of Complaint ("NoC") dated December 14, 2022, is amended to reflect that the Ontario Motor Vehicle Industry Council ("OMVIC") replaces the Deputy *Registrar, MVDA 2002* as a party to this proceeding.

The NoC is further amended to reflect that the Discipline Tribunal has replaced the previous name of the Discipline Committee.

**Withdrawals:**

The allegations contained in paragraphs 4-7, and 12-13,14(a)(b)(c), 16, 17, 18, 20-22 of the NoC, are hereby withdrawn.

The allegations contained in paragraphs 8, 9, 10, 11 are hereby revised.

The remaining allegations contained in the NoC are otherwise revised or replaced, as set out in the below Agreed Statement of Facts

**Background:**

1. Humberview Buick was first registered as a motor vehicle dealer in or around March 1983.
2. Humberview Motorsports was first registered as a motor vehicle dealer in or around August 2010.

3. Humberview Motorsports is registered as a branch of Humberview Buick.

***OMVIC Publications:***

4. Since the Act was proclaimed, OMVIC has issued numerous publications, webinars and Guidelines, reminding registrants' of their obligations, including but not limited to, their obligation to disclose in writing on the bill of sale a vehicle's accident repair history. Educational materials continue to be available on OMVIC's website.
5. Since the Act was proclaimed, OMVIC has issued numerous publications and educational materials, reminding dealers of their obligation to ensure they are not improperly supplying vehicles to unregistered dealers (also known as curbsiders). Educational materials continue to be available on OMVIC's website.

***Reminders:***

6. Humberview Buick and Humberview Motorsports were both reminded of their disclosure obligations during an inspection of both dealers' books and records, which took place on or about December 2010.
7. Humberview Buick and Humberview Motorsports were again reminded of their disclosure obligations during an inspection of both dealers' books and records, which took place on or about February 2012.

**HUMBERVIEW BUICK'S NON-COMPLIANCE**

***Supplying vehicles to an unregistered dealer:***

8. In and around February, March and April 2021, Humberview Buick supplied several motor vehicles to a third-party, for the purpose of trading in motor vehicles. However, the third-party was not registered as a dealer under the Act during this time. The vehicles were as follows:
  - a. 2020 Audi A8 (VIN: \*2709)
  - b. 2021 Infiniti QX8 (VIN: \*0619);
  - c. 2021 Infiniti QX8 (VIN: \*0839);
  - d. 2021 Infiniti QX8 (VIN: \*1447); and
  - e. 2020 Landrover Range Rover (VIN: \*5137).
9. Humberview Buick's conduct was contrary to section 4(4) of the Act, as well as section 9(1) of the Code of Ethics.
10. On or about November 11, 2021, the third-party became registered as a dealer under the Act, with conditions attached to its registration.

***Non-Disclosure:***

11. During an inspection of Humberview Buick's books and records on or about April 6, 2022, the following non-compliant vehicle trade was found:

- a. On or about March 25, 2022, Humberview Buick sold a 2018 Equinox (VIN: 0615) to a consumer; however, it failed to provide written disclosure on the bill of sale of the vehicle's \$13,775 accident damage history. Thereby, Humberview Buick's conduct was contrary to section 42(19) of O. Reg. 333/08, as well as sections 7(1) and 9(3) of the Code of Ethics.

## **HUMBERVIEW MOTORSPORTS' NON-COMPLIANCE**

### ***Non-Disclosure:***

12. During an inspection of Humberview Motorsports' books and records on or about April 8, 2022, the following non-compliant vehicle trade was found:
  - a. On or about February 16, 2022, Humberview Motorsports purchased a 2010 Nissan Cube (VIN: \*1122). This vehicle was previously registered in Quebec. On or about March 4, 2022, Humberview Motorsports sold this vehicle to a consumer without providing written disclosure of the vehicle's previous out of province registration. Thereby, Humberview Motorsports' conduct was contrary to section 42(22) of O. Reg. 333/08, as well as sections 7(1) and 9(3) of the Code of Ethics.
13. As particularized above, Humberview Buick and Humberview Motorsports have violated the following sections of the Code of Ethics:

#### **Compliance**

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**

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.

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 Humberview Buick and Humberview Motorsports have breached Sections 7(1), 9(1) 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 accepts that the jointly proposed penalty and fine of \$5,000 for Humberview Buick for supplying vehicles to a 'curbsider', and \$2,500 for Humberview Motorsports for two instances of non-disclosure is a reasonable penalty in this matter.

The Panel accepts the submission that the supply of vehicles sold to the curbsider be considered as one infraction. In reaching that decision, the Panel factors in that the curbsider was subsequently approved and registered as a dealership.

In accepting the \$2,500 fine for Humberview Motorsports, the Panel factors in that there was no consumer harm, in that the incidences of non-compliance were found during an OMVIC dealership inspection and not driven by a consumer complaint.

In both cases there has been a significant passage of time since the non-compliance and there was no direct harm to a consumer. This is also the first disciplinary action against these dealerships.

Further, there have been no new disciplinary actions referred to the Discipline Tribunal regarding Humberview Buick and Humberview Motorsports.

OMVIC submitted that the penalty proposed is appropriate to this specific case and that the dealerships have demonstrated that they accept responsibility for the non-compliance, and that they have by way of agreement, avoided the time and expense of proceeding to a hearing.

In the Panels' view, the total fine amount of \$7,500 is a suitable deterrent for these specific dealerships, and the order demonstrates to other industry members that breaches of the Code of Ethics will not be tolerated, even when there is no consumer harm. As both dealerships have agreed to offer to all current and future salespersons to fund the Automotive Certification Course, the remedial component of goals of penalty, in the Panels' view, have been met.

Finally, the Panel considered and applied the test set out in the Supreme Court's ruling in *R. v. Anthony-Cook*, 2016 SCC 43. In that case, the Court said:

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.<sup>1</sup>

In the present case, the Panel finds that the penalty proposed by way of joint submission is not contrary to the public interest and therefore accepts it.

Ontario Motor Vehicle Industry Council  
Discipline Tribunal

Dated: October 24, 2025



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Deb Mattina, Public Member

On behalf of:

Paul Eros, Registrant Member  
Anne French, Registrant Member

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<sup>1</sup> *R. v. Anthony-Cook*, 2016 SCC 43 at para. 32