



Citation: Abdalla Naddaf, v. Registrar, Motor Vehicle Dealers Act, 2002 ONLAT-MVDA
13259

Date: 2021-09-03
Tribunal File Number: 13259/MVDA

Appeal from a Proposal of the Registrar under the *Motor Vehicle Dealers Act*, R.S.O.
2002, c. 30, Sch. B, to Revoke Registration

Between:

Abdallah Naddaf

Appellant

and

Registrar, *Motor Vehicle Dealers Act*, 2002

Respondent

CONSENT ORDER

Order Made by: Ian Maedel, Vice Chair

Date of Order: September 3, 2021

BACKGROUND

- [1] This is an appeal from a Notice of Proposal issued by the Registrar under the *Motor Vehicles Dealers Act, 2002* (“Act”), to revoke the registration of Abdallah Naddaf (“the appellant”) as a motor vehicle salesperson pursuant to the *Act*.
- [2] The parties have advised the Tribunal that they were able to agree upon a settlement of all outstanding issues in this matter have requested that the terms of settlement be incorporated into a Consent Order disposing of this proceeding.
- [3] In accordance with s. 6(2) of the *Act* and s. 4.1 of the *Statutory Powers and Procedure Act*, the parties do hereby waive the requirements of a hearing.

ORDER AND DIRECTION

- [4] Accordingly, on the consent of the parties and upon having reviewed the agreement signed by the parties, the Tribunal, pursuant to *Motor Vehicles Dealers Act, 2002* directs and orders that the appellant shall be bound by the terms of the consent agreement signed and executed by all of the parties.
- [5] The signed agreement is appended as **Schedule “A”** to this Order.
- [6] The hearing dates scheduled for this matter in November 2021 shall be vacated.
- [7] The Tribunal file shall be closed.

LICENCE APPEAL TRIBUNAL



**Ian Maedel,
Vice Chair**

Released: September 3, 2021

Schedule "A"

TO: Licence Appeal Tribunal
Tribunals Ontario
Safety, Licensing Appeals and Standards Division
PO Box 250
Toronto, ON M7A 1N3

FROM: The Registrar, *Motor Vehicle Dealers Act, 2002*
Ontario Motor Vehicle Industry Council
65 Overlea Blvd., Suite 300
Toronto, ON M4H 1P1

AND FROM: Abdallah Naddaf
c/o Canada Sagh Auto Sales Inc. o/a Credit Car Canada
1520 Michael Street, Unit B
Ottawa, ON K1B 3S1

Pursuant to subsection 6(2) of the *Motor Vehicle Dealers Act, 2002* (the "MVDA"), Abdallah Naddaf ("Naddaf") and the Registrar, *Motor Vehicle Dealers Act, 2002*, ("the Registrar"), in accordance with section 4.1 of the Statutory Powers Procedure Act, do hereby waive the requirements of a hearing and consent to an Order of the Licence Appeal Tribunal based upon the following terms and conditions. :

GENERAL

1. Naddaf will be registered as a motor vehicle salesperson subject to the requirements outlined in the MVDA and the terms and conditions contained herein.
2. Naddaf shall comply with all requirements of the MVDA and Ontario Regulation 333/08, the Code of Ethics in Ontario Regulation 332/08 and the Ontario Motor Vehicle Industry Council ("OMVIC") Standards of Business Practice, 2010, as may be amended from time to time.
3. Naddaf will not apply to be a dealer.
4. Naddaf will not be a partner, shareholder, officer, director or controlling mind of a dealer.
5. Naddaf will not be the final signatory on any sales or lease contracts on behalf of her sponsoring dealer.
6. Naddaf shall only be employed as a salesperson at a registered dealer with the approval of the Registrar and such approval shall not be unreasonably withheld.

Naddaf's employment as a salesperson shall not be transferred to another registered dealer unless that transfer is approved beforehand by the Registrar and such approval shall not be unreasonably withheld.

7. Naddaf shall ensure that their sponsoring dealer is informed of the Terms and Conditions contained in this document and shall provide the Registrar with proof thereof within five (5) days of the transfer. If Naddaf's registration is transferred to another, or additional, sponsoring dealer, she shall ensure that the new sponsoring dealer is informed of the Terms and Conditions contained in this document, and shall provide the Registrar with proof thereof within five (5) days of the transfer.
8. Naddaf agrees to enrol in the Ontario Motor Vehicle Industry Council's Automotive Certification Course ("Certification Course") within 60 days of this order and to be responsible for all fees in relation to enrolment. Naddaf further agrees to pass the Certification Course within 60 days of enrolling in this course.

MOTOR VEHICLE DEALERS COMPENSATION FUND

9. Naddaf acknowledges that he will be responsible for any future claims and payouts made by the Compensation Fund resulting from complaints against any of his previous dealers. Naddaf agrees that a new repayment arrangement may be determined at that time if there are future payouts.

LIENED VEHICLE

10. Naddaf agrees that, on or about September 14, 2019, he (on behalf of 1799775 Ontario Inc. o/a Car Evolution) sold a 2008 Audi A4 (VIN: WAUKF68E88A128287) to a consumer. Naddaf also agrees that he failed to have a lien removed from this vehicle at the time of this sale and that this lien remains registered to the vehicle.

11. Within 60 days of the date of this Order, Naddaf agrees to:
 - a. Resolve the issue of the outstanding lien on the above-mentioned vehicle;
or
 - b. Reverse the trade with the above-mentioned consumer by providing the consumer with a full refund.

ACKNOWLEDGMENT AND UNDERTAKING

12. Naddaf acknowledges that the Registrar may take further administrative action, including a proposal to suspend or revoke registration, arising from any matters that have occurred or may occur related to honesty and integrity, financial responsibility or compliance with these terms and conditions.

13. The Conditions contained in this document shall be in force for a period of two (2) years from the date of the Order of the Licence Appeal Tribunal.

Abdallah Naddaf

Date:

These Terms and Conditions are accepted by the Registrar, *Motor Vehicle Dealers Act, 2002*.

John Carmichael, Registrar

Date: August 30, 2021