

DISCIPLINE COMMITTEE OF THE ONTARIO MOTOR VEHICLE INDUSTRY COUNCIL

**IN THE MATTER OF A DISCIPLINE HEARING HELD PURSUANT TO THE MOTOR
VEHICLE DEALERS ACT, 2002, S.O. 2002, c.30, Sch. B**

BETWEEN:

REGISTRAR, MOTOR VEHICLE DEALERS ACT, 2002

- and -

STREETXTREME AUTOMOTIVE INC. o/a STREETXTREME AUTO GALLERY

AGREED STATEMENT OF FACTS AND PENALTY

Streetxtreme Automotive Inc. o/a Streetxtreme Auto Gallery has breached the following:

Section 6 of the Code of Ethics, Regulation 332/08

Section 9 of the Code of Ethics, Regulation 332/08

Background:

1. Streetxtreme Automotive Inc. o/a Streetxtreme Auto Gallery (the "Dealer") was first registered as a motor vehicle dealer in around December 2013.
2. Between approximately December 8, 2017 and July 26, 2019, the Dealer retained the services of "Salesperson A". While employed at the Dealer, Salesperson A's job responsibilities included, among other things, trading vehicles to customers.

Non-compliant vehicle trades:

Consumer A:

3. On or about March 1, 2019, Salesperson A sold Consumer A the following three vehicles, on behalf of the Dealer:
 - a. 2018 Altima (VIN 1N4AL3AP2JC105539)
 - b. 2018 Hyundai Elantra (VIN KMHH35LE8JU067983)
 - c. 2018 Hyundai Santa Fe (VIN KM8SNDHF1JU279667)
4. The vehicle trades took place at a location other than the Dealer's registered premises. This is contrary to section 28(4) of Regulation 333/08, as well as section 9 of the Code of Ethics.



Registrant's Initials

5. At the conclusion of these trades, Consumer A signed bill of sales which identified the address of the Dealer's registered premises.
6. Consumer A was a relative of an employee of the Dealer.

Consumer B:

7. On or about July 9, 2019, Salesperson A sold a Consumer B a 2014 Ford Mustang (VIN 1ZVBP8EMXE5323378), on behalf of the Dealer. The trade took place at a location other than the Dealer's registered premises. This is contrary to section 28(4) of Regulation 333/08, as well as section 9 of the Code of Ethics.
8. At the conclusion of the trade, Consumer B signed a bill of sale which identified the address of the Dealer's registered premises.

Generally:

9. The Dealer failed to ensure that Salesperson A carried out his duties in compliance with the law. This is contrary to sections 6 and 9 of the Code of Ethics.

It is thereby agreed the Dealer has breached the following sections of the Code of Ethics, as set out in Regulation 332/08:

Accountability:


6. (1) A registered motor vehicle dealer shall ensure that every registered salesperson that the dealer employs or retains to act as a salesperson carries out his or her duties in compliance with this Regulation.

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.

JOINT SUBMISSION ON PENALTY:

1. The Dealer agrees to pay a fine in the total amount of \$2,500. \$1,250 will be paid no later than **October 31, 2021** and \$1,250 will be paid no later than **December 31, 2021**.
2. The Dealer agrees to offer all current and future sales staff the opportunity to complete the Automotive Certification course (the "Course"). Current sales staff will be offered the Course no later than **October 31, 2021**. Future sales staff will be offered the course within 90 days of being retained in this capacity by the Dealer. The Dealer will incur all costs associated with this. It is understood between the parties this clause does not apply to sales staff who have completed the course after January 1, 2009, or who are otherwise required to do so pursuant to the Act.




Registrant's Initials

3. The Dealer and Hoang agree to comply with the Act and Standards of Business Practice, as may be amended from time to time.

DATED AT Markham THIS 15 DAY OF July, 2021

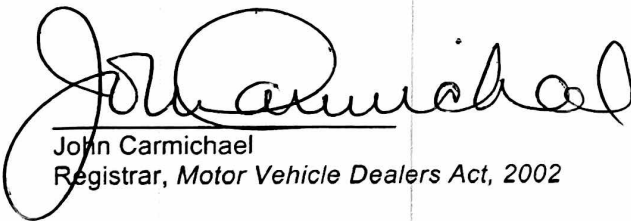
Patrick Hoang
(please print)



I have the authority to bind the corporation:
STREETXTREME AUTOMOTIVE INC. o/a STREETXTREME AUTO GALLERY

By signature below the Registrar agrees, acknowledges, understands and consents to the final settlement of this matter by way of this Agreed Statement of Facts and Penalty.

DATED AT Toronto THIS 15th DAY OF July, 2021


John Carmichael
Registrar, Motor Vehicle Dealers Act, 2002

Registrant's Initials

Pursuant to Rule 1.07, I accept this Agreed Statement of Facts and Penalty from the Parties identified above:

DATED AT Toronto THIS 16th DAY OF July, 2021



Stuart Sherman
Vice-Chair, Discipline Committee of the
Ontario Motor Vehicle Industry Council

Registrant's Initials