

ATTN: TAYLOR

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File # 2855552

**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 -

**1070604 ONTARIO LIMITED o/a FINE CARS MOTORS**

- and -

**NOBAR ZAKARIAN**

**AGREED STATEMENT OF FACTS AND PENALTY**

1070604 Ontario Limited o/a Fine Cars Motors and Nobar Zakarian have breached the following:

Section 7 of the Code of Ethics, Regulation 332/08

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

**SUMMARY OF AGREEMENT**

The parties to this proceeding agree that:

1. 1070604 Ontario Limited o/a Fine Cars Motors (the "Dealer") was first registered as a motor vehicle dealer in or around January 2011. Nobar Zakarian ("Zakarian") was first registered as a motor vehicle salesperson in or around January 2011. At all material times Zakarian was registered as officer and director of the Dealer.

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**OMVIC Publications:**

2. In the winter of 2008, OMVIC issued a Dealer Standard publication which highlighted some of the upcoming changes that would take place when the *Motor Vehicle Dealer Act, 2002* ("the Act") came into effect, including the requirement for dealers to disclose previous accident history.
3. OMVIC issued the following Dealer Standard publications reminding dealers of their obligations to provide consumers with written disclosure of vehicle's history and condition, such as accident histories and previous out of province registrations:
  - a. Summer 2011
  - b. Summer 2012
  - c. Winter 2013
  - d. Fall 2013
4. Furthermore, OMVIC issued the following dealer bulletins which also reminded dealers of their obligations to provide consumers with written disclosure of vehicle's history and condition, such as accident histories and previous out of province registrations:
  - a. January 2010
  - b. September 2012
  - c. December 2013
  - d. December 2014

**Previous Correspondence with Dealer:**

5. On or about May 18, 2011, a representative of the Registrar reminded the Dealer of his responsibility to disclose a vehicle's history clearly and prominently on retail bills of sale.
6. During an inspection of Fine Cars Motors on or about May 29, 2015, the following non-compliance issues were discovered:

**Non-Disclosure:**

7. On or about April 19, 2013 the Dealer purchased a 2012 Chevrolet Orlando, VIN (KL77P2EM7CK550688), with the following declarations:
  - a. Vehicle has been declared a total loss by the insurer
  - b. The manufacturer's warranty has been cancelled
  - c. Repair Estimate: \$12,643.03

On or about July 14, 2014 the Dealer sold the vehicle without disclosing a, b and c on the retail bill of sale. This is contrary to section 42(19), (20), (21) and (25) of Regulation 333/08, as well as sections 7 and 9 of the Code of Ethics. The Dealer has since provided confirmation that the consumer was aware of the vehicle history at the time of purchase.

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Registrar's Initials

8. On or about April 25, 2013 the Dealer purchased a 2010 Dodge Avenger R/T, VIN (1B3CC5FB9AN188310), with the following declarations:

- a. Vehicle has been declared a total loss by the insurer
- b. The manufacturer's warranty has been cancelled
- c. Repair Estimate: \$12,782.27

On or about August 22, 2014 the Dealer sold the vehicle without disclosing a, b and c on the retail bill of sale. This is contrary to section 42(19), (20), (21) and (25) of Regulation 333/08, as well as sections 7 and 9 of the Code of Ethics. The Dealer has since attempted to obtain confirmation that the consumer was aware of the vehicle history at the time of purchase.

9. On or about November 1, 2013 the Dealer purchased a 2013 Ford Focus, VIN (1FADP3F2XDL238830), with the following declarations:

- a. Vehicle has been declared a total loss by the insurer
- b. The manufacturer's warranty has been cancelled
- c. Repair Estimate: \$11,828.95

On or about July 26, 2014 the Dealer sold the vehicle without disclosing a, b and c on the retail bill of sale. This is contrary to section 42(19), (20), (21) and (25) of Regulation 333/08, as well as sections 7 and 9 of the Code of Ethics. The Dealer has since provided confirmation that the consumer was aware of the vehicle history at the time of purchase.

10. On or about November 21, 2013 the Dealer purchased a 2011 Dodge Journey, VIN (3D4PG5FG1BT541501), with the following declarations:

- a. Vehicle has been declared a total loss by the insurer
- b. The manufacturer's warranty has been cancelled
- c. Repair Estimate: \$20,533.79

On or about June 10, 2014 the Dealer sold the vehicle without disclosing a, b and c on the retail bill of sale. This is contrary to section 42(19), (20), (21) and (25) of Regulation 333/08, as well as sections 7 and 9 of the Code of Ethics. The Dealer has since provided confirmation that the consumer was aware of the vehicle history at the time of purchase.

11. On or about May 6, 2014 the Dealer purchased a 2009 Dodge Grand Caravan S, VIN (2D8HN44E89R695026), with the following declarations:

- a. Vehicle has been declared a total loss by the insurer
- b. Repair Estimate: \$13,756.39

On or about July 12, 2014 the Dealer sold the vehicle without disclosing a and b on the retail bill of sale. This is contrary to section 42(19), (21) and (25) of Regulation 333/08, as well as sections 7 and 9 of the Code of Ethics. The Dealer has since provided confirmation that the consumer was aware of the vehicle history at the time of purchase.

By failing to comply with the following sections of the *Motor Vehicle Dealers Act, 2002*,  
Regulation 333/08

**42. Non-Disclosure**

- 19) If the total costs of repairs to fix the damage caused to the motor vehicle by an incident exceed \$3,000, a statement to that effect and if the registered motor vehicle dealer knew the total costs, a statement of the total costs.
- 20) If the manufacturer's warranty on the motor vehicle was cancelled, a statement to that effect.
- 21) If the motor 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.
- 25) Any other fact about the motor vehicle that, if disclosed, could reasonably be expected to influence the decision of a reasonable purchaser or lessee to buy or lease the vehicle on the terms of the purchase or lease.

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

- 7. 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.
- 9. 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 amount of \$4,000. \$1,000 to be paid within 90 days of the date of the Discipline Committee Order and the remaining \$3,000 within 180 days of the date of the Discipline Committee Order.
2. Zakarian agrees to successfully complete the OMVIC certification course (the "course") within 90 days of the date of the Discipline Committee Order.
3. The Dealer is ordered to offer all current and future sales staff the opportunity to complete the course. Current sales staff will be offered the course within 90 days of the date of the Discipline Committee Order. Future sales staff will be offered the course within 90 of be retained in this capacity. 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 or who are otherwise required to do so pursuant to the Act.

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

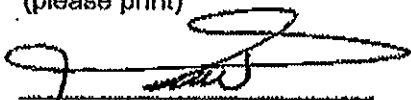
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\_\_\_\_\_  
Registrant's Initials

By signature below, I acknowledge that I have read and understand the penalty outlined herein and agree to the said terms and/or conditions and that I exercised my right to be represented by Counsel or agent in this matter. I understand, acknowledge and consent to waive the requirement for a hearing and to request an Order from the Chair of the Discipline Committee that includes this Agreed Statement of Facts and Penalty as a final settlement of this matter.

DATED AT Toronto THIS 13th DAY OF Oct., 2015

NOBAR ZAKARIAN

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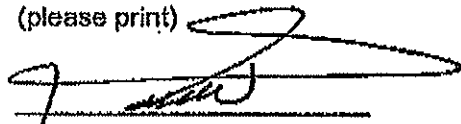


(Nobar Zakarian)

DATED AT Toronto THIS 13th DAY OF Oct., 2015

NOBAR ZAKARIAN

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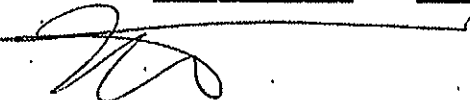


(signature)

I have the authority to bind the corporation:  
1070604 Ontario Limited o/a Fine Cars Motors

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 22nd DAY OF October, 2015



Mary Jane South,  
Registrar, Motor Vehicle Dealers Act, 2002

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Registrant's Initials

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

DATED AT London THIS 3 DAY OF Nov, 2015



Catherine Poulitney  
Chair, Discipline Committee of the  
Ontario Motor Vehicle Industry Council

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