

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 :

ONTARIO MOTOR VEHICLE)
INDUSTRY COUNCIL)
- and -)
)
KOISTON YU)
)

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: Koiston Yu (“Yu”) has breached the following:

- Section 9(1) of the Code of Ethics, O. Reg. 332/08

Order:

1. Yu shall pay a fine in the amount of **\$2,000** 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 August 11, 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:

Background:

1. Koiston Yu (“Yu”) was first registered as a salesperson in or around November 1995. At all material times, Yu has been an Officer and the Person-in-Charge of the day-to-day activities of 1124701 Ontario Inc. o/a Car Wings Auto Services, a registered motor vehicle dealer, (the “Dealer”).

Yu’s Non-Compliance:

2. On or about July 9, 2024, a representative of the Registrar (the “Inspector”), attended the premises of the Dealer for an inspection of its books and records.
3. The Inspector found multiple violations of the Act and its regulations including:
 - a. Engaging the services of unregistered salespersons
 - b. Incomplete retail bills of sale
 - c. Failure to maintain records relating to trades
 - d. Failure to disclose material facts in bills of sale
 - e. Selling vehicles on an as is basis with safety.
4. The violations identified during the inspection were brought to the attention of the Registrar on or about July 9, 2024.
5. On or about August 21, 2024, the Registrar issued an Order pursuant to section 14(4) of the Act, that required Yu, in his capacity as an officer and Person-in-Charge, successfully complete the MVDA Key Elements Course (the “Course”) by November 19, 2024.
6. On or about October 11, 2024, a representative of the Registrar reminded Yu of the Registrar’s Order and the deadline to complete the Course.
7. On or about November 19, 2024, a representative of Yu inquired if the requirement for Yu to complete the Course could be waived.
8. On or about November 25, 2024, a representative of the Registrar advised Yu's representative that the request had not been accepted, indicating to Yu’s representative that Yu must complete the Course by a new deadline of December 4, 2024. However, Yu failed to do so.
9. Despite reminders, on or about December 5, 2024, January 6, 2025, and January 9, 2025, Yu failed to complete the Course.
10. On or about January 9, 2025, Yu’s representative advised that Yu would not be taking the exam as Yu had retired.
11. On or about January 10, 2025, Yu’s representative was again reminded of Yu’s obligation to comply with the Registrar’s Order. The Registrar’s representative highlighted that records reflect that Yu was still an officer, a salesperson and Person-in-Charge of the Dealer.

12. To date, Yu has failed to complete the Course as Ordered by the Registrar, despite multiple reminders to do so.
13. In failing to comply with the Registrar's Order to complete the Course, Yu contravened section 9(1) of the Code of Ethics.
14. Following the issuance of the Notice of Referral to Discipline, a representative of Yu advised OMVIC that Yu had personal challenges which made it difficult to take the Course. OMVIC was advised that Mr. Yu is currently taking steps to voluntarily cancel his OMVIC registration.
15. As particularized above, Yu has violated the following section of the Code of Ethics:

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.

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: (1) Yu has breached Section 9(1) 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 the jointly proposed penalty and fine of \$2,000 for one instance of failure to comply with the Registrar's order to complete a course.

The proposed penalty is consistent with the specific circumstances of a 2022 decision of the Discipline Tribunal (formerly the Discipline Committee), *in Registrar, Motor Vehicle Dealers Act, 2002 v. Gurdev Thind*, (2022). This matter also involved one instance of failure to complete the Course and similarly, it was the respondents' first time before the Discipline Tribunal. In that matter, the fine amount ordered was \$1,500. The penalty fine proposed in the present case is slightly higher, but the Panel is satisfied that it is not inconsistent with an increase that is relevant to inflation.

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. ¹

The Panel accepts that the proposed fine amount of \$2,000 for Yu is in the public interest. The proposed penalty would also deter registrants from future instances of non-compliance. The Panel agrees that requiring Yu to complete a course relevant to an industry in which he is no longer participating does not serve the public interest. Therefore, the Panel is satisfied that ordering Yu to complete the MVDA Elements Course would be meaningless in this context.

This order reinforces the principle that departing the industry will not void responsibility and accountability for failing to adhere to the Registrar's orders.

The Panel is satisfied that the sentencing principles of specific and general deterrence and maintaining the public trust are fulfilled by the proposed penalty.

Ontario Motor Vehicle Industry Council
Discipline Tribunal

Dated: October 24, 2025



Deb Mattina, Public Member

On behalf of:

Paul Eros, Registrant Member
Anne French, Registrant Member

¹ R. v. Anthony-Cook, 2016 SCC 43 at para. 32