



Citation: Amer Al-Ogaili o/a Zara Auto Sales et.al. v. Registrar, *Motor Vehicle Dealers Act, 2002*, 2021 ONLAT MVDA 12741

Date: 2021-12-20
File Number: 12741/MVDA

Appeal from a Notice of Proposal of the Registrar, *Motor Vehicle Dealers Act, 2002*, S.O. 2002, c.30, Sch. B - to Refuse and Revoke Registrations

Between:

Amer Al-Ogaili o/a Zara Auto Sales
11406507 Canada Inc. o/a Auto Ride
Amer Al-Ogaili

Appellants

-and-

Registrar, *Motor Vehicle Dealers Act, 2002*

Respondent

DECISION AND ORDER

ADJUDICATOR: Stephen Scharbach, Member

APPEARANCES:

For the Appellants: Amer Al-Ogaili, Self-Represented

For the Respondent: Michelle Samaroo, Counsel

Heard Via
Videoconference: October 1, 4, 6, 7, 2021

A. Overview

- [1] Mr. Amer Al-Ogaili (“appellant”) is registered under the *Motor Vehicle Dealers Act, 2002* (“Act”) as a motor vehicle dealer and carries on business in Hamilton, Ontario as a sole proprietor under the name Zara Auto Sales.
- [2] In November 2019, he applied for registration of his federal company (11406507 Canada Inc.) as a motor vehicle dealer, and of himself as a salesperson. His intention was to terminate his dealer registration under Zara Auto Sales if his federal company was granted registration as a dealer.
- [3] In May 2020, the Registrar issued a notice of proposal to revoke the appellant’s existing registration and to refuse the November 2019 applications. The appellant appeals that proposal to this Tribunal.
- [4] The Registrar’s proposal is mainly based on the appellant’s alleged participation in an organised scheme to traffic in stolen vehicles. However, the Registrar also alleges the appellant falsely indicated in a dealer renewal application that there were no charges pending against him, and failed to inform the Registrar of criminal charges as required under a condition of his registration.
- [5] For the reasons set out below, I have directed the Registrar to carry out his proposal.

B. The Law

- [6] The Act is a consumer protection statute which, along with its regulations, regulates the business of dealing in new and used motor vehicles in Ontario. Its main objective is to ensure that the public receives honest, ethical, and competent services from motor vehicle dealers and salespersons.
- [7] To achieve that, the Act prohibits anyone from acting as a dealer or salesperson unless they hold a registration granted by the Registrar. Registration is only granted to applicants who are qualified and have demonstrated their suitability to do business with the public.
- [8] The Registrar may refuse an application for registration, or revoke an existing registration, on the grounds that are specified in s. 6 of the Act. They include the grounds that the Registrar relies upon in this case:
 - the past conduct of the applicant/registrant¹ affords reasonable grounds for belief that the applicant/registrant will not carry on business in accordance with the law and with integrity and honesty,

¹ Or, in the case of a corporate applicant or registrant, the past conduct of the corporation’s officer/director.

- the applicant/registrant made a false statement in an application for registration or renewal.
- the registrant has breached of a condition of registration.

[9] However, before the Registrar may revoke a registration or refuse an application, the Act requires the Registrar to first give written notice to the registrant/applicant who may then request a hearing before this Tribunal.

[10] If requested, the Act requires the Tribunal to hold a hearing and determine whether the Registrar's proposal should be carried out, not carried out, or whether conditions should be placed on the appellant's registration. The Tribunal owes no deference to the Registrar may substitute its opinion for that of the Registrar. At a hearing, the onus is on the Registrar to prove the facts that support the proposal.

[11] In this case, the Registrar proposes revocation based mainly on the appellant's past conduct and thus a central issue in this case is what conduct did the appellant engage in, and does that conduct afford reasonable grounds for belief that he (or any company of which he is an officer/director) will not carry on business in accordance with the law and with integrity and honesty.

[12] To establish "reasonable grounds" the Registrar need not prove that the past conduct of the applicant/licencee makes it more likely than not that he or she will not carry on business as required. However, something more than "mere suspicion" is required.² The Registrar must establish an objective basis for the belief based on compelling and credible information. The Registrar must also establish a nexus between the past conduct and the activities of a licenced motor vehicle dealer.

C. The Registrar's Notice of Proposal

[13] The Registrar's proposal is based on the following three grounds.

(a) Past Conduct - The appellant, along with two others, "...engaged in conduct related to an organised scheme of illegal vehicle trafficking."

(b) False Information in Renewal Application - In his January 2020 application to renew his dealer registration, the appellant answered "no" to a question asking whether there were any charges pending against him. In fact, the appellant had been charged on December 5, 2019 with several criminal offences relating to his alleged participation in the stolen car scheme.

² 751809 Ontario Inc. (*Famous Flesh Gordon's*) v. Ontario (Registrar, Alcohol and Gaming Commission), 2013 ONCA 157, paragraphs 18-26.

(c) Breach of Condition – The appellant’s dealer registration was subject to a condition that required him to inform the Registrar in writing of any charges laid against him and he failed to inform the Registrar of the December 5, 2019 charges.

[14] My analysis and conclusions with respect to each of those grounds is set out below.

D. Analysis and Findings

(a) Past Conduct - Scheme to Obtain and Export Stolen Cars

[15] This is the Registrar’s main allegation. The Registrar alleges that the appellant, along with two others, participated in an organised scheme of illegal vehicle trafficking which involved obtaining stolen vehicles, installing false vehicle identification numbers (“VINs”) to conceal their stolen status, and shipping them out of Canada for sale overseas.

[16] The Registrar’s evidence regarding this allegation is derived from an investigation conducted by the Hamilton Police Service (“HPS”) from August to December 2019 known as “Project Seagull”.

[17] Project Seagull resulted in several criminal charges being laid against the appellant and others. However, the charges against the appellant were eventually stayed at the Crown’s request. The reasons for that request are unknown.

[18] The Registrar argues that although the charges were stayed, the information gathered during Project Seagull proves on a balance of probabilities that the appellant was knowingly involved in a scheme to obtain and export stolen cars. Members of the Project Seagull investigation team testified and provided evidence about their findings.³

[19] For the reasons described below, I conclude that the evidence is insufficient to establish that the appellant was responsible for stealing vehicles, tampering with VINS, or shipping stolen vehicles.

[20] However, I do conclude on a balance of probabilities that the appellant was in possession of two vehicles that he was aware were stolen and were intended for export. In one case, he used his dealer’s plates to move the stolen vehicle to the location where it was loaded in a shipping container for export.

(i) Overview of Project Seagull

³ Detective George Gallant of the HPS, the lead Project Seagull investigator, Michael Keiserward, auto theft investigator, Insurance Bureau of Canada, and Blake Smiley, investigator, Ontario Motor Vehicle Council (“OMVIC”).

- [21] Project Seagull commenced when HPS received information that Mr. Yehia Al-Jbouri, who operated a vehicle recycling and export business in Hamilton, was involved in organised auto theft and export of stolen vehicles.
- [22] Mr. Al-Jbouri's business was being operated out of two locations – one at 401 Parkdale Ave N⁴, and another at 6 Macallum St. in Hamilton. HPS conducted surveillance at those two locations and others from August to December 2019, and observed several stolen vehicles and shipping containers in and around Mr. Al-Jbouri's premises.
- [23] In October 2019, HPS investigators observed 2 shipping containers being loaded with vehicles at Mr. Al-Jbouri's Macallum St. yard and removed for shipping. The containers were detained at a Canada Border Services Agency ("CBSA") facility where they were opened in the presence of Project Seagull investigators. They held 4 vehicles and forensic examination revealed that 3 of them were stolen. The visible VINs on the stolen vehicles had been removed and replaced with VINs from salvaged vehicles to conceal their stolen status.
- [24] On November 14, 2019, HPS executed a search warrant on a building in Mr. Al-Jbouri's Parkdale Ave N. yard which revealed several stolen vehicles. One of them was discovered in the process of being fitted with a false VIN.
- [25] On December 5, 2019, HPS laid criminal charges against Mr. Al-Jbouri, the appellant and another defendant alleging their involvement in the stolen car scheme. Charges against the appellant included participation in a criminal organisation, conspiracy to commit an indictable offence, possession and trafficking in stolen property, and tampering with VINs.
- [26] On March 22, 2021, the charges against the appellant and the other defendant were stayed at the Crown's request. The reason is unknown.
- [27] On September 14, 2021 Mr. Al-Jbouri pled guilty to several charges related to the scheme including making a false VIN, unlawful removal of VINs, being in possession of stolen vehicles, and trafficking in stolen vehicles. He spent about 6 months in pre-trial custody and was given a conditional sentence of two years and two years probation.

(ii) Evidence of the Appellant's Involvement

- [28] Project Seagull investigation reports were placed into evidence. They make it clear that investigators suspected that the appellant was responsible for shipping the containers from Mr. Al-Jbouri's yard that held stolen vehicles, including the containers that were opened in October 2019.

⁴ Not to be confused with the appellant's business premises and used car sales lot located at 119 Parkdale Ave. N., Hamilton.

[29] However, its investigation was ultimately inconclusive on that point. Shipping of the containers was handled by Global Logistics, a freight forwarding company. HPS investigators learned from Global Logistics that the containers were booked and shipped by “Bengal Auto”. According to Det. Gallant’s testimony, Project Seagull investigators were unable to identify who was behind Bengal Auto.

[30] The remaining Project Seagull evidence that linked the appellant to the scheme consisted of:

- Evidence that the appellant was in possession of a stolen 2019 Dodge RAM (“RAM”) and facilitated taking it to Mr. Al-Jbouri’s yard where it was placed in a shipping container for export.
- Evidence that the appellant was in possession of a stolen 2018 Mercedes-C300 (“MB”) on October 10, 2019 before it was placed in a shipping container at Mr. Al-Jbouri’s yard for export.
- A 2017 Ford Explorer was observed parked outside the appellant’s business premises at 119 Parkdale Ave N. in Hamilton on October 23, 2019. It was reported stolen on October 31, 2019 and, on December 5, 2019, it was found during the execution of a search warrant at Mr. Al-Jbouri’s 401 Parkdale Ave N. yard.
- Cell phone and text messaging analysis by the HPS indicating that the appellant and Mr. Al-Jbouri were in frequent contact in October, November, and December 2019.

(iii) Dodge RAM and MB

[31] The evidence establishes on a balance of probabilities that the appellant was in possession of these two stolen vehicles before they were placed in shipping containers for export, knowing that they were stolen.

[32] The appellant came to the attention of Project Seagull investigators on October 17, 2019. Investigators conducting surveillance of Mr. Al-Jbouri’s Macallum St. yard observed a blue Dodge RAM bearing the appellant’s dealer plates being driven into the yard. It was followed by a Honda Civic whose licence plates were registered to the appellant. According to the police, when the Honda left the yard, the person in the passenger seat appeared to be the appellant.

[33] Police surveillance observed the RAM being lifted and placed into a container which was later transported from the Macallum St yard for shipping. Project Seagull investigators

arranged for that container, as well as another that had been shipped from the same location, to be inspected by the CBSA at a warehouse in Mississauga.

- [34] On October 25, 2019, the containers were opened, and the contents examined. Inside one was the blue RAM that police observed being driven into the Macallum St. yard on October 17, 2019, and a 2018 Audi Q7.
- [35] Inside the other was the MB and 2018 Kia LX.
- [36] Forensic examination revealed that the RAM, the Q7 and the MB were all stolen. Their visible VINs had been replaced with VINs from “donor vehicles” – in this case collision damaged vehicles that had been sold off as salvage vehicles.
- [37] Project Seagull investigators were able to conclusively establish that the appellant had been in possession of the Dodge RAM and the MB after they were stolen and before they were placed in the containers.
- [38] With respect to the RAM, it was stolen in London, Ontario on July 19, 2019. On October 17, 2021, police observed the RAM being driven into the Macallum St. yard with the appellant’s dealer plates affixed and accompanied by the appellant’s Civic.
- [39] A Canadian Tire gas receipt was found in the RAM when the container was opened. It related to a gas purchase in Brampton, Ontario on October 9, 2019. Investigators went to that gas station and retrieved CCTV footage of the appellant putting gas into the stolen vehicle.
- [40] With respect to the MB, it was reported stolen in Hamilton on August 7, 2019 and the evidence indicates that the appellant was in possession of it on October 10, 2021.
- [41] As with the RAM, a gas receipt was found in the stolen MB relating to a purchase at an Esso station in Mississauga on October 10, 2019. Investigators also went to that gas station and retrieved CCTV footage showing the appellant inside the station paying for the purchase.

(iv) Ford Explorer

- [42] Project Seagull investigators observed a white 2017 Ford Explorer parked outside of the appellant’s business premises at 119 Parkdale Ave. in Hamilton on October 23, 2019. It was reported stolen on October 31, 2019.
- [43] On December 5, 2019, investigators executed a warrant on Mr. Al-Jbouri’s property at 401 Parkdale Ave N. in Hamilton. The property consisted of a fenced yard containing a Quonset hut. Stolen vehicles and parts were found inside and outside the hut.

- [44] The stolen Explorer was found inside the Quonset hut in the process of being fitted with a false VIN. The windshield had been removed to access the dashboard VIN. The original VINs from both the dashboard and the driver's side door area had been removed and were found on the dashboard.
- [45] Investigation revealed that the registered owner of the stolen Explorer was connected to the appellant. - the registered address of the owner was the same address as Zara Auto Sales. Project Seagull investigators thought this connection was suspicious given the appellant's connection with other stolen vehicles shipped from Mr. Al-Jbouri's yard.

(v) Cell phone and Text Messaging Analysis

- [46] Cell phone and messaging analysis of Mr. Al-Jbouri's cell phone indicated that Mr. Al-Jbouri and the appellant were in frequent contact during October, November, and December 2019.
- [47] Some of the text messages were recovered and translated and refer to shipping vehicles in containers and the paperwork necessary to do that.
- [48] According to the Registrar and Project Seagull investigators, that evidence, together with the appellant's connection to the stolen vehicles shipped from and found in Mr. Al-Jbouri's yard, confirms the appellant's knowing participation in a scheme with Mr. Al-Jbouri to obtain, re-VIN, and ship stolen vehicles.

(vi) Appellant's Explanation

- [49] The appellant admits that he was briefly in possession of the RAM and the MB but only to assist his friend "Hayder" who he believed owned both vehicles.
- [50] According to the appellant, in addition to operating Zara Auto Sales in Hamilton, he has a yard in Mississauga from which he regularly exports used vehicles and parts. In October 2019, Hayder brought the RAM and the MB to the appellant for shipping. To ship them, the appellant required proof of ownership such as an owner registration or a bill of sale. According to the appellant, Hayder claimed to be the owner and provided bills of sale for both vehicles.
- [51] The appellant testified that the two vehicles were on his lot in Mississauga, but he was running out of space and told Hayder that he couldn't ship them right away. Hayder asked the appellant to bring the vehicles to Hamilton. According to the appellant, he drove the RAM to Hayder's house in Hamilton and put gas in the vehicle to do so. He left the gas receipt in the vehicle so that Hayder would reimburse him. He later got a call from Hayder asking the appellant to use his dealer plates to take the vehicle from Hayder's home to Mr. Al-Jbouri's Macallum St. yard for shipping.
- [52] Police surveillance on October 17, 2019 noted the RAM being driven into the Macallum St. yard with the appellant's dealer plates and followed by the appellant's Honda. According to

the appellant, Hayder drove the RAM into the yard and he followed in his Honda - he did not drive the RAM and was not in possession of it.

- [53] With respect to the MB, the appellant states that he also drove that vehicle from his lot in Mississauga to Hayder's home in Hamilton. He also put gas into that vehicle and left the receipt in it so that Hayder would reimburse him. According to the appellant, after driving the MB to Hayder's home, he never saw it again.
- [54] With respect to the Explorer, the appellant states that it was observed parked outside of Zara Auto Sales on October 23, 2019, (before it was reported stolen) because it was owned by a tenant who lived in a residential unit connected to his business premises. The appellant denied stealing that vehicle or having anything to do with it ending up in Mr. Al-Jbouri's yard.
- [55] With respect to the text and cell phone messages showing contact between the appellant and Mr. Al-Jbouri, the appellant states that Mr. Al-Jbouri was well known in Hamilton and operated a vehicle recycling and export business. The appellant stated that he was often in contact with Mr. Al-Jbouri and regularly bought rims from him. The appellant states that the contacts between him and Mr. Al-Jbouri were normal and legitimate and are not evidence that he participated in Mr. Al-Jbouri's scheme to ship stolen vehicles.

(vii) Conclusion on Past Conduct

- [56] With respect to the RAM and the MB, I conclude on a balance of probabilities that the appellant was in possession of them shortly before they were placed in containers for export, and that he knew that they were stolen. I come to that conclusion for the following reasons.
- [57] The recovered CCTV footage of the appellant putting gas in both vehicles confirms that he was in possession of them on October 9 and 10, 2019.
- [58] Project Seagull investigators also observed the stolen RAM being driven into the Macallum St. yard on October 17, 2019 with the appellant's dealer plates attached and followed by his Honda. The appellant testified that he was present in the Honda but was not driving the RAM. Frankly, I think it makes little difference. By attaching his dealer's plates and by accompanying the vehicle, the appellant was present and facilitated transport of the stolen vehicle to the place where it was loaded for export.
- [59] The more contentious issue is whether the appellant knew that the RAM and the MB were stolen when he was in possession of them. I conclude on a balance of probabilities that he did.
- [60] Firstly, the appellant's explanation for being in possession of the stolen vehicles depends entirely on his description of the involvement of Hayder. Hayder was not called as a witness and there was no independent confirmation of his existence or his role in these events.

- [61] When asked about this at the hearing, the appellant stated that although Hayder is in Hamilton, he would not attend the hearing and admit that he was trafficking in stolen vehicles. However, as far as I was made aware, the appellant didn't request Hayder to testify, or attempt to compel his testimony through issuance of a summons. In the absence of any corroboration, I am left with only the appellant's bare assertion that he was innocently duped by Hayder.
- [62] Secondly, the appellant testified that he believed Hayder's claim that he owned the vehicles. Hayder provided the appellant with a bill of sale for each vehicle to support that claim.
- [63] Copies of those bills of sale were admitted into evidence. They were purportedly issued by Copart Canada, an on-line auto auctioneer which sells salvaged vehicles. The VIN number for each vehicle on the bill of sale is the false VIN originating from the donor vehicle.
- [64] Blake Smiley, whose evidence on this point I accept, testified that he asked the general manager of Copart Canada in London, Ontario (where, according to the bills of sale, the vehicles were stored before sale) to review them. According to the general manager, in the case of the MB, Copart did sell the donor vehicle but from its location in Toronto (not London) and to a different buyer and for a different price. In the case of the RAM, Copart did not sell a RAM with the VIN number indicated. According to Copart, both bills of sale are fraudulent.
- [65] More importantly, they do not support the appellant's assertion that they confirmed Hayder's ownership. There is nothing on them that indicates that Hayder owned the vehicles. Both bills of sale state that the purchaser is "DHL Drilling Service Inc." There was no evidence that Hayder had anything to do with that company or purchased the vehicle from it.
- [66] The appellant testified that in the last two years he has sold approximately 400 vehicles and ships 4-5 containers of vehicles and parts per month for export. He is apparently an experienced and astute motor vehicle dealer. He testified and struck me as neither naïve nor gullible. The bills of sale give no indication that the vehicles were owned by Hayder and I do not accept that the appellant sincerely believed that.
- [67] With respect to the Explorer, according to the appellant, the registered owner was his tenant and it was not unusual or suspicious that it was observed outside his business premises on October 23, 2019, a week before it was stolen.
- [68] MTO records support the appellant's claim. They confirmed that when the Explorer was reported stolen (October 31, 2019) the vehicle was registered to Zaher Alaref, whose address was the appellant's business address at 119 Parkdale Ave N. There was also evidence that there was a residential unit attached to the business premises of Zara Auto Sales.

- [69] Although the circumstances are suspicious, the evidence is insufficient to conclude that the appellant was ever in possession of the Explorer, or that he had anything to do with it being stolen or turned over to Mr. Al-Jbouri.
- [70] I also consider the cell phone extraction information to be of limited value. The content of the telephone calls between Mr. Al-Jbouri and the appellant is unknown. Some of the text messages were recovered and translated but their content is arguably consistent with the appellant's description of his business dealings with Mr. Al-Jbouri.
- [71] In summary, the evidence of the appellant's connections with Mr. Al-Jbouri's stolen car for export scheme is insufficient to establish that the appellant was in a joint venture with Mr. Al-Jbouri to obtain stolen vehicles, install false VIN numbers and ship them out of Canada.
- [72] However, I conclude on a balance of probabilities that the appellant was in possession of the stolen RAM and MB knowing that they were stolen and, in the case of the RAM, he used his dealer plates to convey that stolen vehicle to Mr. Al-Jbouri's yard where it was placed in a container for export.

(b) False Information in Renewal Application

- [73] On January 2, 2020 the appellant submitted an application to renew his dealer registration as sole proprietor operating under the name Zara Auto Sales.
- [74] One of the questions asked on that application was:
- Has the registrant ever been found guilty or convicted of an offence under any law or are there any charges pending... ?
- [75] The appellant falsely answered "no" to that question. In fact, he was arrested and charged shortly before - on December 5, 2019 - with several criminal offences regarding his alleged participation in the stolen car scheme.
- [76] The appellant testified that he thought the question was asking about convictions or pending charges against his motor vehicle dealership business – Zara Auto Sales. He claims he did not understand that the question applied to him in his personal capacity.
- [77] In my view, the question was clear and unambiguous. It asks whether there are any charges pending against the "registrant" and in this case the registrant was the appellant in his personal capacity operating as a sole proprietor. The application also contained a statement clarifying that on the signing page; "For the purposes of this application, "Registrant" means the sole proprietor...".

[78] When the appellant completed the renewal application, he had been charged with several serious crimes less than a month before and they were likely a significant and on-going concern to him.

[79] By claiming that there were no charges pending against him, I conclude that the appellant knowingly provided false information in his renewal application.

(c) Breach of Condition

[80] The Registrar also alleges that the appellant breached a condition of his registration that required him to inform the Registrar in writing of any charges laid against him. The appellant was charged on December 5, 2019 with several criminal offences relating to the stolen car scheme and failed to inform the Registrar.

[81] The relevant condition states:

The Registrant will provide the Registrar with notice in writing, within 5 days, of any substantive changes to their business plan or information provided in obtaining their registration pursuant to s. 31 of Ontario Regulation 333/08

[82] Section 31 of the Regulation requires every registrant to notify the Registrar in writing within 5 days of any changes to the information that the registrant supplied for the purpose of obtaining registration. According to the Registrar, that would include new criminal charges.

[83] It appears that the condition did require the appellant to inform the Registrar within 5 days of any change to the information he provided when he obtained his registration and that included, among other things, new criminal charges. However, I conclude that the appellant's breach of that condition was likely inadvertent, and I do not take it into account in reaching my overall disposition.

[84] In my view, the condition itself is vague. The expressed requirement is that the licensee update changes to the information provided in his initial application for registration. To determine what information must be updated, a licensee must refer to the initial registration application.

[85] The condition itself makes no mention of disclosing criminal charges within 5 days. Although that may be sufficiently clear for many licensees, I conclude that it was unclear to the appellant and his failure to comply with it was inadvertent.

Decision

[86] In summary, I have concluded that:

- **Past Conduct** – the appellant was in possession two stolen vehicles knowing that they were stolen, and he used his dealer’s plates to move one of those vehicles to the location where it would be shipped,
- **False Information** – the appellant provided false information in his dealer renewal application by falsely stating the were no charges pending against him, and

[87] The most serious ground relates to Mr. Al-Ogaili’s past conduct. In my view, that past conduct affords reasonable grounds for belief that he and his federal company will not carry on business as a motor vehicle dealer/salesperson in accordance with the law and with integrity and honesty.

[88] Registration is granted to licensees who demonstrate and maintain both an ability and a willingness to trade in motor vehicles lawfully. In this case, the appellant’s past conduct involved knowingly possessing stolen vehicles, and in one case transporting a stolen vehicle under the legitimacy of his dealer’s plates. There is clearly a nexus between that past conduct and the activity of a licensed motor vehicle dealer. I conclude the appellant’s past conduct in possessing and transporting stolen vehicles affords reasonable grounds for belief that he will not carry trade in motor vehicles in accordance with law and with integrity and honesty.

[89] My findings with respect to the second allegation – false information submitted in the renewal application - support that conclusion. Honesty in the application process is fundamental to the registration system which, in the end, is meant to protect the public. No person may act as motor vehicle dealer or salesperson unless they are determined by the Registrar to be qualified and suitable for registration. The Registrar relies on the information submitted by applicants/registrants on their application/renewal forms to make that determination. Applicants/registrants are required by law to answer those questions truthfully. Knowingly providing false information weakens and undermines the regulatory scheme and casts doubt on the applicant/registrant’s willingness to be truthful with the Registrar in other matters.

[90] In concluding that the Registrar’s proposal should be carried out, I have considered whether the imposition of conditions would adequately protect the public. However, in my view this is not an appropriate case for conditions. While conditions involving training, monitoring, reporting etc. may effectively address deficiencies in knowledge, training, or standards of practice, I am unconvinced that there are workable conditions that would effectively address a willingness to possess and traffic in stolen vehicles. Certainly, none were suggested by either of the parties.

[91] I conclude that there are no conditions that would sufficiently protect the public given the findings I have made about the appellant's past conduct.

Order

[92] Pursuant to s. 9(5) of the *Motor Vehicle Dealers Act, 2002*, I direct the Registrar to carry out his proposal dated May 13, 2020 to revoke the registration of Amer Al-Ogaili as a motor vehicle salesperson, and to refuse the applications of 11406507 Canada Inc. as a dealer and Mr. Al Ogaili as a salesperson.

LICENCE APPEAL TRIBUNAL

A handwritten signature in black ink, appearing to read "Stephen Scharbach", written over a horizontal line.

Stephen Scharbach, Adjudicator

Released: December 20, 2021