

**LICENCE APPEAL
TRIBUNAL**

**TRIBUNAL D'APPEL EN MATIÈRE
DE PERMIS**



**Safety, Licensing Appeals and
Standards Tribunals Ontario**

**Tribunaux de la sécurité, des appels en
matière de permis et des normes Ontario**

Citation: Min Tian o/a Nice Auto Sales and Zhijun Wang v. Registrar, *Motor Vehicle Dealers Act, 2002* 2018 ONLAT MVDA 11120

Date: August 8, 2018
File Number: 11120 MVDA

Appeal from the Notice of Proposal of the Registrar under the *Motor Vehicle Dealers Act, 2002*, S.O. 2002, C. 30, Sched. B. to Revoke a Registration and Refuse a Registration and Appeal from an Immediate Suspension Order

Between:

Min Tian o/a Nice Auto Sales

Appellant

and

Registrar, *Motor Vehicle Dealers Act, 2002*

Respondent

ORDER TO DISMISS

Adjudicator: Avril A. Farlam, Vice-Chair

Appearances:

For the Appellant: Symon Zucker, Counsel

For the Respondent: Michael Burokas, Counsel


REASONS FOR ORDER AND NOTICE OF INTENT TO DISMISS

- [1] Rule 3.4 (d) of the Rules provides that the Tribunal may dismiss an appeal if the appellant is found to have abandoned the proceeding. The appellant was found to have abandoned the appeal by Order released July 9, 2018 which gave the appellant the right to make written submissions to the Tribunal by July 20, 2018, as to why the appeal should not be dismissed, including an explanation of the appellant's failure to provide the Tribunal and the respondent with written notice by June 26, 2018 as to whether the appellant wished to continue her appeal or withdraw it.
- [2] The appellant failed to provide reasons why the appeal should be continued.
- [3] The respondent has asked to make submissions to the Tribunal on costs.
- [4] Therefore the Tribunal shall issue a final Order dismissing the appeal as abandoned, and will allow the respondent to make submissions regarding costs.

ORDER:

- [5] Therefore it is ordered that the appeal is dismissed as abandoned subject to submissions on costs as set out below.
- [6] If the respondent wishes to make submissions regarding costs it may do so in writing to the Tribunal and serve a copy of appellant's counsel by **August 13, 2018**.
- [7] If the respondent makes submissions regarding costs in writing to the Tribunal by **August 13, 2018**, appellant's counsel shall have until **August 20, 2018** to make responding submissions regarding costs in writing to the Tribunal. If appellant's counsel does not make responding submissions regarding costs in writing to the Tribunal, the Tribunal will make an Order regarding costs without further notice to appellant's counsel.

Released: August 8, 2018



Avril A. Farlam, Vice-Chair

