

## DISCIPLINE DECISION

REVIEWING PANEL: Sherry Darvish, Public Member  
Chris Pinelli, Registrant Member  
Paul Repar, 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 - )  
2022815 ONTARIO INC. )  
O/A BAY MAZDA )  
- and - )  
JAMES MCPEAKE )  
- and - )  
MATTHEW WHITE )

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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:** March 13, 2026

**Findings:** **2022815 Ontario Inc. o/a Bay Mazda (the “Dealer”) has breached the following:**

- Sections 4(1), 4(2) and 9(3) of the Code of Ethics, O. Reg. 332/08

**James McPeake has breached the following:**

- Sections 6(2) and 9(2) of the Code of Ethics, O. Reg. 332/08

**Matthew White has breached the following:**

- Sections 6(2) and 9(3) of the Code of Ethics, O. Reg. 332/08

**Order:**

1. 2022815 Ontario Inc. o/a Bay Mazda (the “Dealer”) 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.
2. James McPeake (“McPeake”) shall pay a fine in the amount of **\$500** no later than ninety (90) calendar days from the date of the Discipline Tribunal’s Order.
3. Matthew White (“White”) shall successfully complete (with a passing grade of at least 80%) the MVDA Key Elements Course, no later than ninety (90) calendar days from the date of the Discipline Tribunal’s Order.
4. The Dealer shall **offer** to all current and future salespersons, employed by the Dealer, to **fund** their completion of the Automotive Certification Course, 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 January 16, 2026, 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. The Dealer was registered as a motor vehicle dealer in or about March 2003 and is currently registered.
2. McPeake was registered as a salesperson in or about October 2004 and is currently registered. At all material times, McPeake has been the Sales Manager and Person in Charge of the day-to-day activities of the Dealer.
3. White was registered as a salesperson in or about September 2014 and is currently registered.

**Educational Resources**

4. Since the Act was proclaimed in 2010, OMVIC has issued various educational materials, including publications, webinars and guidelines, reminding registrants of their all-in price advertising obligations. Educational resources continue to be available on OMVIC’s website.

**Dealer's Non-Compliance:**

5. On or before June 24, 2025, the Dealer published an advertisement for a black 2020 Mazda CX9 GT (VIN 1831).
6. On or about June 24, 2025, a representative of OMVIC ("the Representative"), posing as a consumer (also known as a "Mystery Shop"), conducted an inquiry about a black 2020 Mazda CX9 GT (VIN 1831), with an advertised selling price of \$30,995.00, excluding taxes and fees.
7. White, acting on behalf of the Dealer, provided a worksheet to the Representative, which quoted additional fees of \$499 for a "Tricare Package" and \$12.50 for OMVIC fee, totaling \$511.50 above the advertised selling price, permitted license fee, and HST.
8. White further mentioned to the Representative that the additional fees were not optional.
9. As a result, the Dealer's advertised vehicle price was not all-inclusive. This is contrary to section 36(7) of O. Reg. 333/08, as well as sections 4(1), 4(2), and 9(3) of the Code of Ethics.

**McPeake's Non-Compliance**

10. McPeake, as a Sales Manager and Person in Charge, failed to ensure the Dealer conducted its business in compliance with the Act, its regulations, and the Code of Ethics and thus personally contravened sections 6(2) and 9(2) of the Code of Ethics.

**White's Non-Compliance:**

11. White, engaged in the representation of a vehicle in a manner that is contrary to sections 4(1), 4(2), and 9(3) of the Code of Ethics and also caused the Dealer to contravene the Act, its regulations, and the Code of Ethics and thus personally contravened sections 6(2) and 9(3) of the Code of Ethics.

**GENERALLY**

12. The above-noted registrants have indicated to the Registrar, that proactive steps have been taken to ensure that White and other salespersons are aware of the all-in pricing requirements, the internal advertising procedure reviewed and have taken steps to ensure motor vehicle trades are conducted in accordance with the requirements.

**Code of Ethics Violations**

13. As particularized above, the Dealer and White have violated the following section of the Code of Ethics:

*Disclosure and marketing*

- s. 4(1) A registrant shall be clear and truthful in describing the features, benefits and prices connected with the motor vehicles in which the registrant trades and

in explaining the products, services, programs and prices connected with those vehicles.

s. 4(2) A registrant shall ensure that all representations, including advertising, made by or on behalf of the registrant in connection with trading in motor vehicles, are legal, decent, ethical and truthful.

14. As particularized above, the Dealer and White have violated the following section of the Code of Ethics:

*Professionalism*

s. 9(3) A registrant shall use the registrant's best efforts to prevent error, misrepresentation, fraud or any unethical practice in respect of a trade in a motor vehicle.

15. As particularized above, McPeake, has violated the following section of the Code of Ethics:

*Professionalism*

s. 9(2) In carrying on a business, a registrant shall act with honesty, integrity and fairness.

16. As particularized above, McPeake and White have violated the following section of the Code of Ethics:

*Accountability*

s. 6(2) A registered salesperson shall not do or omit to do anything that causes the registered motor vehicle dealer who employs or retains the salesperson to contravene this Regulation or any applicable law with respect to trading in motor vehicles.

**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:

- a. the Dealer has breached Sections 4(1), 4(2) and 9(3) of the Code of Ethics
- b. McPeake has breached Sections 6(2) and 9(2) of the Code of Ethics, and
- c. White has breached sections 6(2) and 9(3) of the Code of Ethics.

The Reviewing Panel accepted the parties' proposed resolution for the reasons below.

**Reasons for Decision**

The penalty is consistent with the previous decisions that have involved similar breaches of the Code of Ethics and the fact that this is a first instance for the registrants involved. The penalty meets the objectives of penalty and does not bring the administration of justice into disrepute. The registrants have admitted liability and this satisfies the panel that they have taken

accountability for their conduct and that future contraventions of the Code of Ethics will not occur.

Ontario Motor Vehicle Industry Council  
Discipline Tribunal

Dated: March 13, 2026

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S. Darvish  
Sherry Darvish, Public Member

On behalf of:  
Chris Pinelli, Registrant Member  
Paul Repar, Registrant Member