



**Citation: Joshua Cunanan v. Registrar, *Motor Vehicle Dealers Act, 2002*,
2025 ONLAT MVDA 16184**

Licence Appeal Tribunal File Number: 16184/MVDA

In the matter of an appeal from a Notice of Proposal to Suspend Registration issued by the Registrar under the *Motor Vehicle Dealers Act, 2002*, S.O. 2002, c. 30, Sch. B. (the "Act")

Between:

Joshua Cunanan

Appellant

and

Registrar, *Motor Vehicle Dealers Act, 2002*

Respondent

CONSENT ORDER

ADJUDICATOR:

Jeffery Campbell, Vice-Chair

Date:

January 13, 2025

BACKGROUND

- [1] Joshua Cunanan (the “Appellant”) appeals a Notice of Proposal issued by the Registrar, Motor Vehicle Dealers Act, 2002 (the “Registrar”) to suspend registration as a motor vehicle salesperson, on August 6, 2024.
- [2] The Registrar claims that the appellant’s past conduct disentitles him to registration under the *Motor Vehicle Dealers Act, 2002* (the “Act”). This includes pending charges which are currently before the courts. The respondent claims that the appellant failed to disclose these charges and provided false statements in his salesperson change applications. As a result, it is the respondent’s position that this disentitles the appellant to registration pursuant to sections 6(1)(a)(ii) and 6(1)(a)(iii) of the *Act*.
- [3] The parties advised the Tribunal that they had resolved the issues in dispute and both parties have consented to the registration of the Appellant as a motor salesperson under the *Act* on the terms and conditions set out in Terms and Conditions between the Appellant and the Registrar signed by the Appellant on January 13, 2025 and by the Registrar on January 10, 2025. The Terms and Conditions shall constitute Schedule A.
- [4] Further, both parties confirmed that pursuant to section 4.1 of the *Statutory Powers Procedure Act, R.S.O. 1990, c. S 2* (the “SPPA”), both parties waive the requirements of a hearing and consent to an Order of the Tribunal to confirm the appellants’ registration on the Terms and Conditions set out on Schedule A. A copy of the agreements signed by all parties is attached as Schedule A to this Order.

ON CONSENT OF BOTH PARTIES, I ORDER:

- [5] Pursuant to s. 4.1 of the SPPA and on the consent of the parties, I dispose of this proceeding without a hearing on the Terms and Conditions set out in the agreement signed by the Appellant on January 13, 2025 and by the Registrar on January 10, 2025, a copy of which is attached to this order as Schedule A, which Schedule A is incorporated and made part of this Order.

LICENCE APPEAL TRIBUNAL



Jeffery Campbell, Vice-Chair

Released: January 13, 2025

LAT File No. 16184/MVDA

TO: Licence Appeal Tribunal
Tribunals Ontario
15 Grosvenor Street, Ground Floor
Toronto, ON M7A 2G6

FROM: The Registrar, *Motor Vehicle Dealers Act, 2002*
Ontario Motor Vehicle Industry Council
65 Overlea Blvd., Suite 300
Toronto, ON M4H 1P1

AND FROM: Joshua Cunanan

Pursuant to subsection 6(2) of the *Motor Vehicle Dealers Act, 2002* (the "MVDA"), Joshua Cunanan ("**Cunanan**", the "**Registrant**") and the Registrar, *Motor Vehicle Dealers Act, 2002*, (the "**Registrar**"), in accordance with section 4.1 of the *Statutory Powers Procedure Act*, do hereby waive the requirements of a hearing and consent to an Order of the Licence Appeal Tribunal ("**Consent Order**") based upon the following terms and conditions:

1. The Registrant shall not apply to be a director, officer, person-in-charge, dealer, finance manager or any position other than a salesperson for a period of five (5) years from the date of the Consent Order. If all the Registrant's current criminal proceedings:
 - a. 9 Counts – Trafficking in Stolen Goods over \$5,000, Section 355.2 of the Criminal Code of Canada ("CCC")
 - b. 9 Counts – Fraud Over \$5,000, Section 380(1)(a) of the CCC
 - c. 5 Counts – Forgery, Section 366(1)(b) of the CCC
 - d. 5 Counts – Utter Forged Document, Section 368(1)(a) of the CCC
 - e. 1 Count – Conspiracy to Commit Indictable Offence, Section 465(1)(c) of the CCC

are disposed of without a finding of guilt, the Registrant shall be able to apply to be a manager at a dealership and approval shall not be unreasonably withheld by the Registrar.

2. The Registrant shall not be the final signatory on any sales or lease contracts on behalf of a dealer for four (4) years from the date of the Consent Order. If all the Registrant's current criminal proceedings:
 - a. 9 Counts – Trafficking in Stolen Goods over \$5,000, Section 355.2 of the Criminal Code of Canada ("CCC")
 - b. 9 Counts – Fraud Over \$5,000, Section 380(1)(a) of the CCC

- c. 5 Counts – Forgery, Section 366(1)(b) of the CCC
- d. 5 Counts – Utter Forged Document, Section 368(1)(a) of the CCC
- e. 1 Count – Conspiracy to Commit Indictable Offence, Section 465(1)(c) of the CCC

are disposed of without a finding of guilt, the Registrant shall be able to apply to be a final signatory on behalf of a dealer and approval shall not be unreasonably withheld by the Registrar.


3. The Registrant confirms that the particulars and circumstances of the pending charges are substantially as disclosed to the Registrar.
4. The Registrant will provide the Registrar and the sponsoring Dealer with notice in writing, within five (5) days of any findings of guilt, convictions, absolute or conditional discharges, and charges being stayed or withdrawn including but not limited to the following pending charges before the Ontario Court of Justice:
 - a. 9 Counts – Trafficking in Stolen Goods over \$5,000, Section 355.2 of the CCC
 - b. 9 Counts – Fraud Over \$5,000, Section 380(1)(a) of the CCC
 - c. 5 Counts – Forgery, Section 366(1)(b) of the CCC
 - d. 5 Counts – Utter Forged Document, Section 368(1)(a) of the CCC
 - e. 1 Count – Conspiracy to Commit Indictable Offence, Section 465(1)(c) of the CCC
5. The Registrant will provide the Registrar and the sponsoring Dealer with notice in writing, within five (5) days of being charged with an offence under any law, within or outside of Canada.
6. The Registrant will ensure that any and all sponsoring dealers, presently or in the future, are informed of the terms and conditions contained in this Consent Order.
7. The Registrant will provide the Registrar with full and complete disclosure in all future correspondence and on all future applications, regardless of whether disclosure has been made previously to the Registrar.
8. In the event of a breach of any of the terms and conditions contained herein or in the event that any disciplinary proceedings are commenced against the Registrant or any future Proposal is issued in respect of the registration of the Registrant, the Registrar shall be permitted to rely on the contents of the Registrar’s August 6, 2024, Notice of Proposal to Suspend Registration in support of any future administrative proceedings, including, without limitation, any Proposal to Refuse to Renew, Suspend or Revoke Registration.
9. In the event of any findings of guilt, convictions, absolute or conditional discharges, or pending charges being stayed or withdrawn, the Registrar shall be permitted to rely on the

contents of the Registrar's August 6, 2024, Notice of Proposal to Suspend Registration in support of any future administrative proceedings, including without limitation, any Proposal to Refuse to Renew, Suspend or Revoke Registration.

10. The Registrant shall comply with all requirements of the MVDA and Ontario Regulation 333/08, the *Code of Ethics* in Ontario Regulation 332/08, and the Ontario Motor Vehicle Industry Council ("OMVIC") Standards of Business Practice, 2010, as may be amended from time to time.
11. The Registrant shall provide the Registrar with notice in writing, within five (5) days of any substantive changes to any information provided to OMVIC in obtaining registration, pursuant to section 31 of Ontario Regulation 333/08.
12. The Registrant agrees to enroll in the Ontario Motor Vehicle Industry Council's Automotive Certification Course ("Certification Course") and to be responsible for all enrolment fees. The Registrant must complete the Certification Course exam within 30 days of the date of the Consent Order and report his test results to OMVIC. If the Registrant fails to achieve a passing grade on the Certification Course exam, he must complete the exam again within 60 days of the date of this Consent Order and report all results to OMVIC. Failure to achieve a passing grade within 60 days of the date of this Consent Order will result in the revocation of the Registrant's registration in accordance with section 5.1 of the MVDA.


ACKNOWLEDGMENT AND UNDERTAKING:

13. The Registrant acknowledges that the Registrar is relying on the accuracy and completeness of all documents, statements or information provided by the Registrant.
14. The Registrant acknowledges that the Registrar may take further administrative action, including a Proposal to Refuse to Renew, Suspend or Revoke Registration, arising from any matters that have occurred or may occur related to honesty and integrity, financial responsibility or compliance with these terms and conditions.
15. Independent legal advice has been obtained or the Registrant has had the opportunity to obtain independent legal advice with respect to consenting to the Terms and Conditions contained in this document.



Joshua Cunanan
Date: January 13, 2024

These Terms and Conditions are accepted by the Registrar, *Motor Vehicle Dealers Act, 2002*.



Maureen Harquail, Registrar
Date: January 10, 2025