

**DISCIPLINE TRIBUNAL**  
**OF THE ONTARIO MOTOR VEHICLE INDUSTRY COUNCIL**

PANEL:	Mr. Robert MacKay, Chair	Public Member
	Mr. Nelson Caetano	Registrant
	Mr. Paul Repar	Registrant

**DISCIPLINE DECISION**

**IN THE MATTER OF A DISCIPLINE HEARING HELD PURSUANT TO THE MOTOR**  
**VEHICLE DEALERS ACT 2002, S.O. 2002, C.30, Sch. B**

BETWEEN :

Appearances<sup>1</sup>:

<b>ONTARIO MOTOR VEHICLE</b>	)	
<b>INDUSTRY COUNCIL</b>	)	Mr. Johathan Hou
	)	for OMVIC
- and -	)	
<b>Mr. Mervin Joseph Antonipillai</b>	)	Not present,
	)	unrepresented
<b>and</b>	)	
<b>M &amp; M Auto Sales</b>	)	
	)	
	)	
	)	Date of Hearing: October 21, 2025

<sup>1</sup> Also present at the hearing were independent legal counsel Ms. Liz McLellan, and Hearing Administrators Mr. David Dailly and Ms. Ayat Noori, who recorded the hearing.

## Findings:

The Dealer has breached the following sections of the Code of Ethics:

### *Professionalism*

s. 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 unprofessional of a registrant.

## DECISION AND REASONS

### Introduction

1. This was a hearing before a panel of the Discipline Tribunal (the "Panel") of the Ontario Motor Vehicle Industry Council ("OMVIC") pursuant to section 17 of the *Motor Vehicle Dealers Act, 2002*, S.O. 2002, c. 30, Schedule B ("MVDA"). OMVIC has a mandate to maintain a fair and informed marketplace by protecting the rights of consumers, enhancing industry professionalism, and ensuring fair, honest, and open competition for registered motor vehicle dealers.
2. The hearing was convened October 21, 2025 (the "Hearing"). The Hearing was held virtually using video conferencing.

### The Allegations

3. The allegation against Mr. Mervin Joseph Antonipillai o/a M & M Auto Sales (the "Dealer" or the "Registrant") was set out in a Notice of Referral to the Discipline Tribunal (the "NORD"), dated September 26, 2024. The NORD was entered as **Exhibit 1** at the Hearing and is attached to these reasons as Appendix "A".

### Preliminary Matter

4. At the outset of the Hearing, counsel for OMVIC, Mr. Jonathan Hou advised the Panel that Mr. Antonipillai had not been responding to communications from

OMVIC for some time. The Dealer was not expected, however OMVIC was prepared to proceed.

#### Plea of the Registrant

5. In the absence of the Dealer, the Panel proceeded on the basis that the Registrant was denying the allegation, failing to comply with the order of the Discipline Tribunal, as set out in the NORD.

#### Preliminary Matters

6. Mr. Hou addressed the issue of the Dealer being absent and no one appearing for the Dealer in his absence.
  
7. OMVIC presented the Panel with the Affidavit of Ms. Natalia Sharifullin which was marked as **Exhibit 2**. Ms. Sharifullin is a Law Clerk working at OMVIC and was assigned responsibility with the preparation, service, and further administration of the NORD (Exhibit 1) with respect to the file of Antonipillai Mervin Joseph o/a M & M Auto Sales. The affidavit provided the Panel with, among other things, extensive information about:
  - The business and personal physical addresses of the Dealer
  - The email address of the Dealer
  - When Ms. Sharifullin used the email address to send the NORD to the Dealer
  - When Ms. Sharifullin used the email address to send the Book of Documents and the Book of Authorities to the Dealer
  - When Ms. Sharifullin used FedEx to deliver physical copies of the same documents to the business and person physical addresses of the Dealer

8. The Panel then sought and received advice from Ms. Liz McLellan (“ILC”) on the record. Consistent with Rule 1.05 (8) of the Rules of Practice Before the Discipline Tribunal and the Appeals Tribunal (the “Rules”), the Panel took a 15-minute recess before continuing in the absence of the Registrant. The Panel found that there were sufficient efforts made to provide the Registrant with notice of the Hearing. The Panel also found, that the Rules were complied with<sup>2</sup>. Therefore, the Panel ruled the Hearing could continued *ex parte*.
9. The second preliminary matter was the issue of whether the Tribunal had jurisdiction when the Registrant is no longer a registered member of OMVIC.
10. It was the submission of OMVIC that although the MVDA is silent on the issue of members who resign their registration during a discipline process, the NORD was issued while the Dealer was registered. Mr. Hou further submitted there is no prohibition from the Tribunal continuing the discipline process after a matter is referred. Not continuing would limit the ability of OMVIC to regulate, impact accountability of the regulator, and negatively affect consumer confidence.
11. The Panel sought and received advice from ILC which included the advice that the Panel did have jurisdiction from the NORD which was issued before the Dealer allowed his Registration to expire.
12. The Panel then rose to consider the issue of jurisdiction. Upon reconvening the Panel advised that they had found the Panel does have jurisdiction to hear and decide this matter. In coming to that conclusion, the Panel accepted the advice of ILC and reviewed the MVDA 14 (1) which states:

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<sup>2</sup> Directly following the Hearing, the Panel noted the Notice of Hearing was not included in the Book of Documents of OMVIC. On October 22, 2025 the Panel, through ILC, requested the Notice of Hearing and evidence of service from OMVIC. On November 11, 2025 the Panel received those documents. Accordingly, the Panel marked the Notice of Hearing pages 9 and 10 of “2025.11.11 OMVIC Book of Document for Written Submissions” as **Exhibit 19**. The FedEx Tracking, pages 20 and 21 of the same Book of Document were marked as **Exhibit 20**.

When a matter is referred to the discipline committee, the chair of the committee shall assign a panel in accordance with this section to hear and determine the matter under subsection 17 (1) of the Act. O. Reg. 332/08, s. 14 (1).

13. The Panel notes the use of the word "shall" which indicates, once referred to the committee it is required to proceed.
14. The Panel also took guidance from the Court of Appeal from Saskatchewan decision, *Dr. Raymond Abouabdallah v. College of Dental Surgeons of Saskatchewan*, 2011 SKCA 99, where at paragraph 51, the SKCA held  
To permit Dr. Abouabdallah to oust an ongoing investigation by causing his membership in the College to lapse while continuing to practise as a dentist in another Canadian jurisdiction would clearly undermine the public's confidence in the ability of the College to self-regulate.
15. Although there is no suggestion the Dealer in this matter continued to conduct business in another jurisdiction, we take note of the importance of concluding a matter once it has been initiated by the NORD regardless of the registration status going forward.

#### Overview

16. This matter arises from the alleged failure of the Dealer to comply with one of the orders contained in a decision of a discipline panel dated August 16, 2023 arising from a hearing held July 31, 2023 (the "Decision").
17. Mr. Hou submitted that the Dealer had not complied with penalty order number two of the Decision which stated:  
Mr. Antonipillai is ordered to successfully complete the Automotive Certification course (the "Course"), no later than November 30, 2023.
18. OMVIC called Ms. Aneesa Mohammed as a witness in this matter. Ms. Mohommed is a Compliance Officer at OMVIC and was able to tell the Panel

about her communication with the Dealer where she was confirming that the Dealer had complied with the penalty orders 1, 2, 3, and 4. She also authenticated documents which were entered as **Exhibits 3 through 18**. These documents were primarily emails between OMVIC and the Dealer, communication between OMVIC and Georgian College, and also included two documents concerning the vision problems of the Dealers.

19. The emails were useful to the Panel in that they revealed the Dealer had completed the penalty orders of the Decision with the exception of penalty order number two. The Dealer had on several occasions requested extension of the time to complete the Automotive Certification course. Each request was granted by OMVIC. The emails also show the Dealer stopped responding to communication from OMVIC after his last email of May 21, 2024.

20. The communication from Georgian College (Exhibit 16) confirmed that the Dealer had not completed, nor enrolled to take, the course as ordered in item two of the Decision as of July 19, 2024. This was after the last deadline extension to June 28, 2024.

#### Credibility of the Witness

21. The Panel found Ms. Aneesa Mohammed to be credible. She appeared honest, she had firsthand knowledge of the matters she was testifying to, and her oral evidence was consistent with the documentation before the Panel. Therefore, we accepted her evidence.

#### Decision of the Panel and Reasons for the Decision

22. The Panel found that the Decision, which the Dealer had agreed to jointly with respect to the merits of that matter and the penalty, was clear on what course the Dealer needed to complete and by when.

23. There was regular communication about the outstanding penalty order (Item two of the Decision) while the Dealer was seeking deadline extension. The Panel had no doubt the Dealer was aware of the requirement to complete the course as ordered.

24. The Panel found the email from Georgian College was sufficient evidence to establish the Dealer had not completed the course requirement (Item two of the Decision)

25. Therefore, the Panel made the following findings:

The Dealer has breached the following section of the Code of Ethics:

*Professionalism*

s. 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 unprofessional of a registrant.

Penalty

26. The Panel then sought submissions from OMVIC on penalty. Mr. Hou made submissions on the objective of a penalty order included deterrence, specific and general and to instil public confidence in the profession and its regulator. Mr. Hou submitted that the Dealer having failed to comply with a Discipline Committee order and by stopping communication with the regulator demonstrated that the Dealer was ungovernable.

27. OMVIC submitted that there are no mitigating factors and that the aggravating factors were that the Dealer showed no remorse and did not take advantage of the deadline extension.

28. The Penalty orders sought by OMVIC were a fine of \$6,000, to be paid within 90 days of this decision, an order to take the Automotive Certification course, and offer the course to all current and future employees.

29. The Panel then heard advice from ILC. Ms. McLellan agreed with Mr. Hou on the objective of a penalty order. ILC advised the Panel they should consider any aggravating and mitigating factors the Panel may identify when considering Penalty.

#### Penalty Decision and Reasons for the Decision

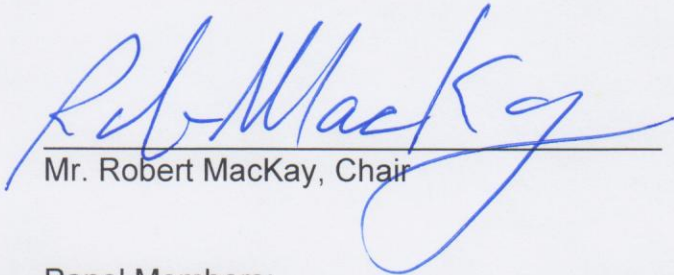
30. An appropriate penalty should provide for a general deterrence for registrants of OMVIC, and specific deterrence so that the Dealer will not engage in similar conduct in the future. The penalty imposed should provide opportunities for rehabilitation on the part of the Dealer. The penalty should also serve to protect the interests of consumer and inspiring public confidence and credibility in the profession.

31. The Panel found that the penalty order sought by OMVIC addresses the objectives of penalty set out above. Therefore, the Panel makes an order that:

- i. Antonipillai Mervin Joseph o/a M & M Auto Sales shall pay a fine in the amount of \$6,000 no later than 90 days from the date of this decision.
- ii. Mr. Mervin Joseph Antonipillai shall successfully complete the Automotive Certification course, no later than 90 days from the date of this decision. And,
- iii. Mr. Mervin Joseph Antonipillai is ordered to offer all current and future employees involved in the trade of motor vehicles ("Employees") the opportunity to complete the Automotive Certification course at the expense of the Dealer. Current Employees are to complete the course no later than 90 days from the date of this decision. Future Employees are to complete the course no later than 90 days from the start of their employment.



32. I, Robert MacKay, sign this decision and reasons for the decision as Chair of this discipline Panel and on behalf of the members of the discipline Panel as listed below.



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Mr. Robert MacKay, Chair

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Date: November 19, 2025

Panel Members:

Mr. Nelson Caetano  
Mr. Robert MacKay  
Mr. Paul Repar

## Appendix "A"

### NOTICE OF REFERRAL TO DISCIPLINE TRIBUNAL

Take notice that pursuant to section 14(4) 4 of the *Motor Vehicle Dealers Act, 2002*, (the "Act"), the Registrar has referred the complaint(s) against Antonipillai Mervin Joseph o/a M & M Auto Sales to the Discipline Tribunal for alleged violations under the Code of Ethics, as set out in Ontario Regulation 332/08.

#### REASONS

Section 17 of the Act establishes a Discipline Tribunal and empowers the Discipline Tribunal to hear and determine issues concerning alleged breaches of the Code of Ethics. The Code of Ethics applies to all Registrants registered under the Act. Any Registrants that disregard or violate the Code of Ethics are subject to having their conduct reviewed by the Discipline Tribunal. The Code of Ethics requires that all Registrants conduct business with Integrity, Accountability, Compliance, Respect and Professionalism as well as ensuring that requirements are met when it comes to Disclosure and Marketing and the Disclosure of Information in Sale and Lease Contracts.

#### PARTICULARS

The reasons for this Notice are:

##### Background:

1. Antonipillai Mervin Joseph o/a M & M Auto Sales (the "Dealer") was first registered as a motor vehicle dealer in and around November 2000. The Dealer operates as a sole proprietorship.

##### Prior Discipline Committee Order

2. On or about August 16, 2023, the Discipline Committee (as it was formerly known) found that the Dealer contravened section 9(2) of the Code of Ethics.
3. The Discipline Committee ordered the following:
  - a. The Dealer shall pay a fine in the amount of \$3,000, with \$1,500 paid no later than August 31, 2023 and the remaining balance paid no later than November 30, 2023 (the "First Requirement").
  - b. The Dealer shall successfully complete the Automotive Certification Course (the "Course") no later than November 30, 2023 (the "Course Requirement").
  - c. The Dealer shall offer all current and future sales staff the opportunity to complete the Automotive Certification Course and to incur all associated

costs no later than November 30, 2023 (the "Third Requirement").

**Dealer's Non-Compliance:**

4. On or about February 9, 2024, a representative of the Registrar (the "Representative") sent an email to the Dealer, requesting the Dealer to indicate whether it had satisfied all three requirements as ordered by the Discipline Committee.
5. On or about February 14, 2024, the Dealer sent an email to the Representative, confirming that the First Requirement was fulfilled and asked for clarification on which course the Discipline Committee's order required him to take.
6. On or about March 20, 2024, the Representative sent an email to the Dealer, pointing out that the Discipline Committee's order indicated the Automotive Certification Course. The Representative reminded the Dealer that the deadline of November 30, 2023 had not been complied with and indicated to the Dealer to complete the Course Requirement by April 5, 2024.
7. On or about March 26, 2024, the Dealer responded to the Representative's email, requesting to complete the Course Requirement by a later date.
8. On or about March 27, 2024, the Representative emailed the Dealer, indicating to the Dealer to complete the Course Requirement by May 31, 2024.
9. On or about April 5, 2024, the Dealer sent an email to the Representative in order to address the Third Requirement, stating that the only employee of the Dealer is himself. As such, no further action on the Dealer's part was required for compliance with the Third Requirement.
10. On or about May 21, 2024, the Dealer sent an email to the Representative, requesting to complete the Course Requirement by a later date.
11. On or about May 28, 2024, the Representative indicated to the Dealer to complete the Course Requirement by June 28, 2024.
12. On or about June 26, 2024, the Representative sent an email to the Dealer, reminding the Dealer to complete the Course Requirement by June 28, 2024.
13. To date, the Dealer has failed to complete the Course Requirement despite multiple reminders to do so. By failing to complete the Course Requirement as ordered by the Discipline Committee, the Dealer contravened section 9(1) of the Code of Ethics.

**The Registrant(s) may provide a written response to the particulars set out above to OMVIC within 15 days of service of this Notice to: [legal\\_dept@omvic.on.ca](mailto:legal_dept@omvic.on.ca)**

If the Discipline Tribunal makes a determination that a registrant has failed to comply with the Code of Ethics, it may order one or more of the following:

- A fine up to \$25,000 per party;
- Require the registrant to take further educational courses;
- If the registrant is a motor vehicle dealer, require the dealer to arrange and fund educational courses for salespersons employed by the dealer;
- Award costs.

This Notice of Referral to Discipline ("NORD") and decisions of the Discipline Tribunal may be published. Hearings before the Discipline Tribunal may be recorded and are open to the public.

#### **APPLICATION OF THE STATUTORY POWERS PROCEDURE ACT**

The *Statutory Powers Procedure Act, R.S.O 1990 c.s.22*, applies to the hearing to be held by this Discipline Tribunal. A party to a proceeding may be represented by counsel or an agent.

The good character, propriety of conduct or competence of the Registrant(s) shall be an issue in any hearing before the Discipline Tribunal and reasonable information of allegations with respect thereto has been furnished.

The Rules of Practice of the Discipline Tribunal will apply and are available on OMVIC's website. A Notice of Hearing and disclosure will be provided in accordance with the Rules of Practice of the Discipline Tribunal.

Take note that as per the Rules of Practice, failure to attend a hearing before the Discipline Tribunal may result in a decision being determined *ex parte* (in your absence).

#### **APPLICATION OF THE RULES OF PRACTICE OF THE DISCIPLINE TRIBUNAL**

This is to serve notice that OMVIC may make application for its costs, pursuant to Rule 13 of the Rules of Practice.

#### **FURTHER PARTICULARS/SUPPLEMENTAL NOTICE**

The Registrar may provide further and other particulars in respect of any other matters herein or in respect to any other matter including further particulars of violations of the Code of Ethics.

DATED at Toronto, this 26<sup>th</sup> day of September, 2024.

Maureen Harquail  
Registrar, *Motor Vehicle Dealers Act, 2002*