

Licence  
Appeal  
Tribunal

Tribunal  
d'appel en  
matière de permis



DATE: 2014-01-23  
FILE: 7440/MVDA  
CASE NAME: 7440 v. Registrar, *Motor Vehicle Dealers Act, 2002*

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

Hussein Shahnematollah-Yazd and Premium Cars Wholesale Ltd

Applicants

-and-

Registrar, *Motor Vehicle Dealers Act, 2002*

Respondent

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**CONSENT ORDER**

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**CONSENT ORDER**

Upon the application to the Tribunal by Hussein Shahnematollah-Yazd and Premium Cars Wholesale Ltd, the Applicants, and the Registrar, under the *Motor Vehicle Dealers Act, 2002* for issuance of a Consent Order of the Tribunal without a hearing pursuant to section 4.1 of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22; and

Having reviewed the written settlement signed by the Applicants and the Registrar, *Motor Vehicle Dealers Act, 2002* as to the disposition of these proceedings which is filed and attached hereto as Schedule "A";

NOW THEREFORE, upon consent of the parties, this Tribunal orders that the proceedings in this matter are concluded and disposed of without a hearing on the basis of the terms set out in the said Schedule "A", which are incorporated into and made part of this Order.

LICENCE APPEAL TRIBUNAL



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Patricia McQuaid, Vice-Chair

*Released: January 23, 2014*

TO: Licence Appeal Tribunal  
20 Dundas Street West, 5<sup>th</sup> Floor  
Toronto, ON M5G 2C2

FROM: The Registrar  
*Motor Vehicle Dealers Act, 2002*  
Ontario Motor Vehicle Industry Council  
789 Don Mills Road, Suite 800  
Toronto, Ontario M3C 1T5

AND FROM: Premium Cars Wholesale Ltd.  
c/o Symon Zucker  
Danson & Zucker  
Barrister and Solicitor  
375 University Ave. Suite 701  
Toronto, ON M5G 2J5

AND FROM: Hussein Shahnematollah-Yazde  
c/o Symon Zucker  
Danson & Zucker  
Barrister and Solicitor  
375 University Ave. Suite 701  
Toronto, ON M5G 2J5

Pursuant to subsection 6(2) of the *Motor Vehicle Dealers Act, 2002* (the "Act"), Premium Cars Wholesale Ltd., ("Premium Cars"), Hussein Shahnematollah-Yazde ("Shahnematollah-Yazde"), 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 based upon the following terms and conditions:

1. Premium Cars shall cease advertising, in any medium, any false, misleading or deceptive price comparisons.
2. Premium Cars shall forthwith bring any website it operates or utilizes in order to advertise or trade in motor vehicles into compliance with the Act and the regulations prescribed thereunder.
3. For a period of one year from the date of release of this order, Premium Cars shall submit all statements in any advertisement in any form to be published or advertised by any means to the Registrar for approval before publication. Shahnematollah-Yazde shall undertake responsibility to ensure Premium Cars complies with this requirement.
4. Shahnematollah-Yazde shall ensure that Premium Cars will not involve Ahmad Shahnematollahyazde or Damion Whyte in the operation of the dealership, either directly or indirectly, and that Premium Cars will not employ Ahmad Shahnematollahyazde or Damion Whyte in any capacity unless those persons are registered to Premium Cars as salespersons under the Act.
5. Shahnematollah-Yazde shall ensure that Ahmad Shahnematollahyazde and Damion Whyte will not provide any -financing or a financial guarantee in any manner for the dealership.
6. Premium Cars and Shahnematollah-Yazde shall not promote or hold out to the public that Ahmad Shahnematollahyazde or Damion Whyte are associated with the business of

Premium Cars unless those persons are registered to Premium Cars as salespersons under the Act.

- 7. Shahnematollah-Yazde shall ensure that all personnel, agents, contractors, employees, assignees or anyone acting on behalf of Premium Cars are informed concerning the terms and conditions contained in this document to the extent necessary to ensure compliance with the said terms and conditions.
- 8. Premium Cars shall not retain the services of a salesperson unless the salesperson is registered under the Act in that capacity. Premium Cars shall ensure that anyone acting as a salesperson on its behalf is registered under the Act as a salesperson.
- 9. Shahnematollah-Yazde and Premium Cars shall not purchase, sell, trade, title or register motor vehicles at auctions or through any other means, using the accounts or identities of other motor vehicle dealers or persons.
- 10. Shahnematollah-Yazde and Premium Cars shall, at all times, comply with the Registrar's Standards of Business Practice, as may be amended from time to time.
- 11. Shahnematollah-Yazde and Premium Cars shall, at all times, comply with the Act and Ontario Regulations 333/08 and 332/08 prescribed under the Act.
- 12. Shahnematollah-Yazde shall complete and pass the one-day, on-site Ontario Motor Vehicle Industry Council Automotive Certification Course offered by the Automotive Business School at Georgian College within 60 days of the release of this Order. Shahnematollah-Yazde agrees to be responsible for all fees in relation to enrolment.
- 13. Shahnematollah-Yazde and Premium Cars hereby consent to an Order of the Licence Appeal Tribunal, which includes the terms and conditions set out herein.
- 14. Shahnematollah-Yazde and Premium Cars acknowledge that they have taken the time to carefully review these terms and conditions, and, by signing this document, acknowledge that they understand their significance and agree to abide by them.
- 15. Shahnematollah-Yazde and Premium Cars each hereby acknowledge that they have obtained or have had the opportunity to obtain independent legal advice with respect to their consent to the terms and conditions set out in this document.

Signed in the City of TORONTO this 7 day of January 2014.

(signature) I have authority to bind the dealer  
Premium Cars Wholesale Ltd.

Husseln Shahnematollah-Yazde (signature)

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

Date: Jan 7 2014

Carl Compton  
Registrar

