

DISCIPLINE DECISION

REVIEWING PANEL: Sherry Darvish, Discipline Tribunal Chair, Public Member
Mike Ball, Registrant
Chris Pinelli, Registrant

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 -)
)
KANATA FORD SALES LTD.)
)
- and -)
)
JEFFREY MANDERSON)
)
)

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, 2025

Findings: **Kanata Ford (or the “Dealer”) has breached the following:**

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

Jeffrey Manderson has breached the following:

- Sections 6(2) and 9(1) of the Code of Ethics, O. Reg. 332/08

Order:

1. Kanata Ford Sales Ltd. (the “Dealer”) shall pay a fine in the amount of **\$4,000** no later than ninety (90) calendar days from the date of the Discipline Tribunal’s Order.
2. Jeffrey Manderson (“Manderson”) 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. Manderson shall successfully complete 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 MVDA Key Elements 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 February 20, 2025, 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:

Withdrawals:

The allegations contained in paragraphs 2, 7, 10, 12, 16 and 18 of the Notice of Referral to Discipline (“NORD”) dated June 2024, are hereby withdrawn.

Background:

1. In or around July 1998, Kanata Ford Sales Ltd. (“Kanata Ford”) was first registered as a motor vehicle dealer under the Act.
2. In or around February 1997, Jeffrey Manderson (“Manderson”) was first registered as a motor vehicle salesperson under the Act. At all material times, Manderson has been registered as a salesperson to Kanata Ford and has been a Person in Charge.

Dealer’s Non-Compliance:

3. On or about January 31, 2023, a customer provided a \$2,000 deposit to Kanata Ford in regards to two motor vehicles the customer was interested in purchasing. At that time, the customer had not signed a final bill of sale to purchase either of the vehicles.
4. In or around July 2023, Kanata Ford advised the customer the vehicles had been delivered to the dealership and were available for purchase. However, by that time, the customer was no longer interested in purchasing the vehicles and the customer requested the return of the deposit.
5. Kanata Ford failed to immediately return the deposit, contrary to section 38 of O. Reg. 333/08. Kanata Ford thereby breached sections 9(1) and 9(3) of the Code of Ethics.

6. On or about October 4 and 5, 2023, the customer sent emails to employees of the dealership (including Manderson) and requested the return of the \$2,000 deposit.
7. On or about October 13, 2023, the customer contacted the Registrar's Office to file a complaint.
8. On or about November 14 and 23, 2023, the Representative of the Registrar sent correspondence to Kanata Ford outlining the nature of the customer's complaint and requested further information, pursuant to section 14 of the Act. In particular, a copy of any documents or agreements signed by the customer.
9. Kanata Ford failed to comply with the Representative's requests for information, contrary to section 14 of the Act. It thereby violated section 9(1) of the Code of Ethics.
10. On or about December 18, 2023, Kanata Ford returned the customer's deposit in full.
11. In response to the Notice of Referral to Discipline, Kanata Ford has since provided to the Registrar documentation that was signed by the customer in relation to the transaction.

Manderson's Non-Compliance:

12. Manderson, as a Person in Charge, failed to ensure that Kanata Ford conducted its business in compliance with the Act, its regulations, and the Code of Ethics and thus personally contravened sections 6(2) and 9(1) of the Code of Ethics.
13. As particularized above, Kanata Ford has 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.

14. As particularized above, Kanata Ford and Manderson have violated 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 disgraceful, dishonourable, unprofessional or unbecoming of a registrant.

15. As particularized above, Manderson has 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: (1) the Dealer has breached subsections 9(1) and 9(3) of the OMVIC Code of Ethics; (2) Manderson has breached subsections 6(2) and 9(1) of the OMVIC Code of Ethics.

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

Reasons for Decision

The Reviewing Panel received and considered comprehensive written materials from the parties and was left satisfied that the proposed resolution has no risk of being contrary to the public interest. The outcome is clearly connected to the admitted breaches of the Code of Ethics and consistent with other outcomes ordered in this Tribunal in similar cases. In such circumstances, disposition under Rule 1.07 is appropriate and ordered accordingly.

Dated: March 13, 2025

Ontario Motor Vehicle Industry Council
Discipline Tribunal

S. Darwish

Sherry Darwish, Discipline Tribunal Chair,
Public member
On behalf of:

Chris Pinelli, Registrant
Mike Ball, Registrant

