

DISCIPLINE COMMITTEE OF THE ONTARIO MOTOR VEHICLE INDUSTRY COUNCIL

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

BETWEEN:

REGISTRAR, MOTOR VEHICLE DEALERS ACT, 2002

- and -

ASTRA MOTORS INC.

- and -

PAUL JADWIDZIC

AGREED STATEMENT OF FACTS AND PENALTY

Astra Motors Inc. and Paul Jadwidzic have breached the following:

Section 4 of the Code of Ethics, Regulation 332/08

Section 9 of the Code of Ethics, Regulation 332/08

SUMMARY OF AGREEMENT

The parties to this proceeding agree that:

1. 2228175 Ontario Inc. Astra Motors Inc. (the "Dealer") was first registered as a motor vehicle dealer in or around December 2000. Paul Jadwidzic ("Jadwidzic") was first registered as motor vehicle salesperson in or around October 1997. At all material times, Jadwidzic was the director of the Dealer.


Registrant's Initials

Direct correspondence with the Dealer:

2. During an inspection on or about March 7, 2014, a representative of the Registrar reminded the Dealer of their obligation to disclose all damage amounts and material facts and not to just report "damage over \$3,000".
3. In an email dated April 9, 2014, OMVIC's Director of Compliance responded to an email from the Dealer's counsel. In said email, the Director of Compliance referred counsel to OMVIC's bulletin dated December 2013, which set out OMVIC's position on accident disclosures.
4. During an inspection on or about October 29, 2015 a representative of the Registrar reminded the Dealer of their obligation to disclose all material facts in accordance with regulation 42 of the *Motor Vehicle Dealers Act*.
5. In a letter dated February 18, 2016, a representative of the Registrar again reminded the Dealer of their obligation to ensure consumers receive disclosure of material facts that may influence their decision, including fulsome information about previous accidents.

Dealer non-compliance:

6. On or before April 15, 2016, the Dealer placed an online advertisement for a 2012 BMW 3-Series (Kijiji Ad ID # 1156005050). This vehicle was an insurance write off and had an estimate repair total loss of \$16,532. While posing as a member of the public, a representative of the Registrar shopped the dealer via email, enquiring as to whether the vehicle had any damage. The Dealer advised the same representative that the vehicle was in "tip top shape". When a follow up email was sent by the same representative to the Dealer asking for further information regarding an accident history, the Dealer advised that the "rear bumper was replaced approx. \$3,000 damage". As such, the Dealer's representation of the vehicle was misleading and contrary to section 28 of the Act, as well as section 4 and 9 of the Code of Ethics.

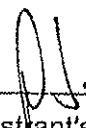
By failing to comply with the following sections of the *Motor Vehicle Dealers Act, 2002*:

False Advertising

28. No registrant shall make false, misleading or deceptive statements in any advertisement, circular, pamphlet or material published by any means relating to trading in motor vehicles.

It is hereby agreed that the Dealer and Jadwidzic have breached the following sections of the Code of Ethics, as set out in Regulation 332/08:

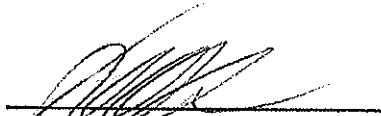
4. A registrant shall be clear and truthful in describing the features, benefits and prices connected with the motor vehicles in which the registrant trades and in explaining the products, services, programs and prices connected with those vehicles.



Registrant's Initials

By signature below the Registrar agrees, acknowledges, understands and consents to the final settlement of this matter by way of this Agreed Statement of Facts and Penalty.

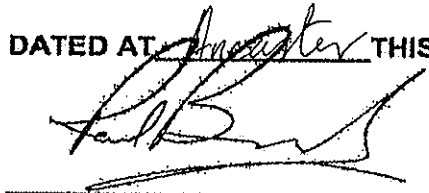
DATED AT Toronto THIS 5th DAY OF May, 2017



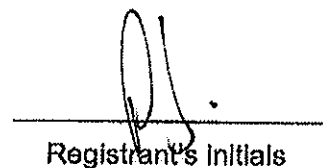
Laura Halbert,
Deputy Registrar, *Motor Vehicle Dealers Act, 2002*

Pursuant to Rule 1.07, I accept this Agreed Statement of Facts and Penalty from the Parties identified above:

DATED AT Amesbury THIS 19th DAY OF May, 2017



Paul Burroughs
Chair, Discipline Committee of the
Ontario Motor Vehicle Industry Council



Registrant's Initials