

DISCIPLINE DECISION

REVIEWING PANEL: Greg Flude, Public Member
Jon Lemaire, Registrant Member
Joe Malfara, Registrant Member

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 -)
2132046 ONTARIO INC. o/a)
AUTO LOAN SERVICES)
)

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: September 10, 2025

Findings: **2132046 Ontario Inc. o/a Auto Loan Services (“Auto Loan Services” or the “Dealer”) has breached the following:**

- Section 7(1) of the Code of Ethics, O. Reg. 332/08

Order:

1. 2132046 Ontario Inc. o/a Auto Loan Services (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. 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 August 16, 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 made against Robert Binette, contained in paragraphs 2 and 9-16 of the Notice of Referral to Discipline (“NORD”) dated May 10, 2024, are withdrawn.

The allegations against George Shawcroft, contained in paragraphs 3 and 17 of the NORD, are withdrawn.

The remaining allegations are otherwise amended and revised, as set forth in the below agreed facts.

Background:

1. On or about June 15, 2007, Dealer was first registered as a motor vehicle dealer under the Act.

Dealer’s Non-Compliance

2. On or about August 31, 2022, a salesperson, acting on behalf of the Dealer, sold a 2019 Dodge Ram 1500 (VIN *679564) to Consumer A in the amount of \$37,995.
3. On the bill of sale and financing documents, the vehicle’s distance driven was disclosed to be 60,090 km; however, this information was not accurate. The vehicle’s true distance driven was 129,000 km.
4. The next day on September 1, 2022, Consumer A sent an email to the salesperson to confirm if the kilometers were actually 60,090 km and the salesperson immediately replied, stating:

“No that’s a mistake, I noticed it late last night. I’ll get you a revised bill of sale showing the correct mileage!”
5. On or about September 2, 2022, Consumer A proceeded with the purchase and took delivery of the vehicle.
6. On or about April 12, 2023, Consumer A filed a complaint with a Representative of the Registrar regarding this vehicle purchase.
7. Auto Loan Services explained to OMVIC, that it revised the bill of sale and corrected the distance driven to be 129,000 km and asked Consumer A to attend the dealership; however, Consumer A did not attend the dealership and the Dealer did not email a revised copy to Consumer A. As such, the Dealer was unable to ensure Consumer A signed and received a copy of the revised bill of sale, as required pursuant to s. 40(9) of O. Reg. 333/08.

8. Regarding the above transaction, the Dealer thereby acted contrary to s. 7(1) of the Code of Ethics.
9. As particularized above, the Dealer has violated the following section of the Code of Ethics:

Compliance

7. (1) A registrant shall ensure that all documents used by the registrant in the course of a trade in a motor vehicle are current and comply with the law.

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 the Dealer has breached Section 7(1) of the Code of Ethics, O. Reg. 332/08.

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

Reasons for Decision

The Reviewing Panel has considered the proposed resolution. It finds that the penalty achieves the goals of adequate punishment for the offence, specific deterrence of the Dealer against future breaches of the code of ethics, and general deterrence for the industry showing that such breaches are considered serious and will be treated accordingly. There is a provision for further education that addresses the remediation goals of disciplinary action. In this particular matter, the parties agreed to the resolution. The Reviewing panel finds that the resolution is within the range of penalties for similar acts in other matters before this Tribunal and is not contrary to the public interest.

Ontario Motor Vehicle Industry Council
Discipline Tribunal

Dated: September 10, 2025



Greg Flude, Public Member
On behalf of:

Jon Lemaire, Registrant Member
Joe Malfara, Registrant Member