

DISCIPLINE DECISION

REVIEWING PANEL: Greg Flude, Public Member
Anne French, 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 -)
MB PETERBOROUGH INC.)
O/A MERCEDES-BENZ)
PETERBOROUGH)
- and -)
MICHAEL DUARTE SANTOS)
- and -)
DAKIN BLAIR WILSON)
)

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: February 13 2026

Findings: MB Peterborough Inc. o/a Mercedes-Benz Peterborough (the “Dealer”) has breached the following:

- Sections 4(2), 6(1) and 9(3) of the Code of Ethics, O. Reg. 332/08

Michael Duarte Santos has breached the following:

- Sections 6(2) and 9(3) of the Code of Ethics, O. Reg. 332/08

Dakin Blair Wilson has breached the following:

- Sections 4(2), 6(2) and 9(3) of the Code of Ethics, O. Reg. 332/08

Order:

1. The Dealer shall pay a fine in the amount of **\$3,000** no later than ninety (90) calendar days from the date of the Discipline Tribunal's Order.
2. Michael Duarte Santos shall successfully complete (with a passing grade of at least 80%) the MVDA Key Elements Course no later than ninety (90) calendar days from the date of the Discipline Tribunal's Order.
3. Dakin Blair Wilson shall successfully complete (with a passing grade of at least 80%) 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 Automotive Certification 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 December 11, 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 against Leonel Peter Santos contained in paragraphs 2 and 15 of the Notice of Referral to Discipline ("NORD") dated July 16, 2025, along with the allegations contained in paragraphs 6, 11, and 12 of the NORD, are withdrawn.

Background

1. The Dealer was first registered as a motor vehicle dealer in and around June 2001.
2. Michael Duarte Santos ("M. Santos") was first registered as a salesperson in and around July 2006. At all material times, M. Santos has been the General Manager responsible for the day-to-day activities of the Dealer.

3. Dakin Blair Wilson (“Wilson”) was first registered as a salesperson in and around January 2016. At all material times, Wilson has been a salesperson on behalf of the Dealer.

Educational Resources:

4. Since the Act was proclaimed in 2010, OMVIC has issued various educational materials, including publications, webinars and guidelines, reminding registrants of their all-in price advertising obligations. Educational resources continue to be available on OMVIC’s website.

Dealer’s Non-Compliance:

5. On or before April 14, 2025, the Dealer published an advertisement for a 2020 Mercedes-Benz GLC, stock# P6526 (VIN# *239211) with an advertised cash price of \$36,995 plus taxes and licensing.

6. On or about April 16, 2025, an OMVIC Representative made inquiries about the vehicle, while posing as a member of the public (this is also known as a mystery shop).

7. Wilson, acting on behalf of the Dealer, provided the OMVIC Representative with a printed worksheet for the vehicle.

8. The worksheet for the vehicle showed a sale price of \$36,982.50. However, the following additional charges were also added to the sale price of the vehicle:

- a. OMVIC Fee of \$12.50
- b. Admin Fee of \$695

9. Adding the OMVIC Fee of \$12.50 and the Admin Fee of \$695 to the vehicle’s sale price of \$36,982.50 results in a sum of \$37,690. This sum is \$695 greater than the advertised cash price of \$36,995.

10. Wilson indicated that the other fees mentioned on the worksheet were optional.

11. As such, the Dealer’s advertised vehicle price for the 2020 Mercedes-Benz GLC was not all-inclusive. This is contrary to section 36(7) of O. Reg. 333/08, as well as sections 4(2), 6(1) and 9(3) of the Code of Ethics.

12. The 2020 Mercedes-Benz GLC was subsequently sold by the Dealer for less than its advertised price. Further, the Dealer has indicated that it has implemented changes to its dealer management system to prevent this error from re-occurring.

M. Santos’s Non-Compliance:

13. In regard to the conduct described above, M. Santos failed to ensure that the Dealer conducted its business in compliance with the Act, its regulations, and the Code of Ethics and thus personally contravened sections 6(2) and 9(3) of the Code of Ethics.

Wilson’s Non-Compliance:

14. In regard to the above-noted transaction of the 2020 Mercedes-Benz GLC, Wilson failed to represent the price of the vehicle and its additional fees in a manner which complied with all-in price advertising regulations and thereby violated sections 4(2) and 9(3) of the Code of Ethics. Wilson failed to ensure that the Dealer conducted its business in compliance with the Act, its regulations, and the Code of Ethics and thus personally contravened sections 6(2) and 9(3) of the Code of Ethics.

Code of Ethics Violations

15. As particularized above, the Dealer and Wilson have violated the following section of the Code of Ethics:

Disclosure and marketing

s. 4(2) A registrant shall ensure that all representations, including advertising, made by or on behalf of the registrant in connection with trading in motor vehicles, are legal, decent, ethical and truthful.

16. As particularized above, the Dealer, M. Santos, and Wilson have 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.

17. As particularized above, the Dealer has violated the following section of the Code of Ethics:

Accountability

s. 6(1) A registered motor vehicle dealer shall ensure that every registered salesperson that the dealer employs or retains to act as a salesperson carries out his or her duties in compliance with this Regulation.

18. As particularized above, M. Santos and Wilson have 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

1. 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:

- a. the Dealer has breached Sections 4(2), 6(1) and 9(3) of the Code of Ethics;
- b. Michael Duarte Santos has breached Sections 6(2) and 9(3) of the Code of Ethics; and
- c. Dakin Blair Wilson has breached Sections 4(2), 6(2) and 9(3) of the Code of Ethics.

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

Reasons for Decision

3. In reviewing the joint submission on penalty, the Reviewing Panel must determine if the proposed resolution is in the public interest or if it is so unhinged from the circumstances of the impugned behaviour that a reasonable person would believe that the justice system has broken down. In doing this analysis, the Reviewing Panel must bear in mind the aims of levying an administrative penalty: specific deterrence of the offender, general deterrence for the motor vehicle sales industry, and rehabilitation and remediation for these particular offenders. The proposed administrative penalty in this case involves a fine of \$3,000 and an education component. Dealing with the last of these first, given the education requirement for each of the personal applicants, it is hoped that this component will educate and encourage regulatory compliance in the future.

4. In considering the monetary penalty, the Reviewing Panel notes the following:
- a. OMVIC has published numerous bulletins, webinars, and guidelines on all-in pricing.
 - b. There is one trade at issue involving breach of the all-in pricing.
 - c. The Parties have not previously been before the Discipline Tribunal.

5. The Applicants have accepted responsibility for their actions as evidenced by entering into an agreed statement of facts and joint submission on penalty. The proposed penalty is in line with other penalties imposed by the Discipline Tribunal. The amount is sufficient to signal to the industry that breaches of the regulations are serious offences.

6. The Panel is satisfied that the agreed upon penalty satisfies the sentencing principles of specific and general deterrence, maintains public trust, meets the objectives of rehabilitation and remedial action, and that the proposed penalty is in the public interest. The parties are thanked for working towards a resolution short of the need for a hearing.

Ontario Motor Vehicle Industry Council
Discipline Tribunal

Dated: February 13, 2026



Greg Flude, Public Member

On behalf of:
Anne French, Registrant Member
Joe Malfara, Registrant Member