



**Citation: Sine v. Registrar, Motor Vehicle Dealers Act, 2002, 2025 ONLAT MVDA 16320**

**Licence Appeal Tribunal File Number: 16320/MVDA**

In the matter of an appeal from a Notice of Proposal to revoke a registration issued by the Registrar pursuant to *Motor Vehicle Dealers Act, 2002*, c. 30, Sch. B.

Between:

**Samuel Sine**

**Appellant**

and

**Registrar, *Motor Vehicle Dealers Act, 2002***

**Respondent**

## **DECISION**

**ADJUDICATOR: Caley Howard**

### **APPEARANCES:**

For the Appellant: Jonathan Gross, Counsel

For the Respondent: Zachary Kowalsky, Counsel

**Heard by videoconference: May 15 and 16, 2025**

## OVERVIEW

- [1] Samuel Sine, (the “appellant”), appeals from a Notice of Proposal (the “NOP”) issued by the Registrar, *Motor Vehicle Dealers Act, 2002* (the “respondent”) on September 23, 2024, proposing to revoke the registration of the appellant as a motor vehicle salesperson.
- [2] A Notice of Further and Other Particulars dated January 10, 2025 (the “NOFOP”), added a second ground for the proposed revocation, pursuant to s. 6(1)(a)(iii) of the *Motor Vehicle Dealers Act, 2002* (the “Act”).

## ISSUES

- [3] The issues in dispute are:
  - i. Does the past conduct of the appellant afford reasonable grounds for belief that he will not carry on business in accordance with the law and with integrity and honesty, thereby disentitling him to registration pursuant to s. 6(1)(a)(ii) of the *Act*?
  - ii. Has the appellant provided a false statement in an application for registration, thereby disentitling him to registration pursuant to s. 6(1)(a)(iii) of the *Act*?
  - iii. Based on the findings of issues i. and ii., should the respondent’s NOP be carried out?

## RESULT

- [4] I find:
  - i. The past conduct of the appellant affords reasonable grounds for belief that he will not carry on business in accordance with the law and with integrity and honesty;
  - ii. The appellant has provided a false statement in an application for registration;
  - iii. In the appellant’s circumstances, the public can adequately be protected through the addition of terms and conditions to the appellant’s registration; and
  - iv. I direct the respondent not to carry out the NOP.

## BACKGROUND

- [5] The appellant was first registered as a motor vehicle salesperson on May 27, 2021. 1499950 Ontario Ltd (“149 Ontario”) was first registered as a motor vehicle dealer on May 27, 2021. The appellant has been a director and the general manager of 149 Ontario at all times since May 27, 2021. 149 Ontario operated as Blue Bird Taxi until July 14, 2023, after which it has operated as BBG Sales and Service. Colleen Sine is also a director of 149 Ontario.
- [6] The parties agree that on or about March 9, 2023, the appellant submitted a form to the Ontario Motor Vehicle Industry Council (OMVIC), which administers the licensing of motor vehicle dealers under the Act, titled “Business Change Notice – Individuals/Amalgamation.” The purpose of submitting the form, as stated on the form itself, was to transfer ownership of the dealership from 149 Ontario to 1000303552 Ontario Inc. (“100 Ontario”). The appellant is the sole director and officer of 100 Ontario. Colleen Sine was no longer to be involved in the dealership.
- [7] On May 15, 2023, the appellant submitted, through the OMVIC portal, a business application to register 100 Ontario as a motor vehicle dealer.
- [8] On July 14, 2023, the appellant submitted to OMVIC, a form titled “Business Change Notice – Legal Name or Business (Trade Name)” on behalf of 149 Ontario.

## ANALYSIS

***The past conduct of the appellant affords reasonable grounds for belief that he will not carry on business in accordance with the law and with integrity and honesty***

- [9] Under s. 6(1)(a)(ii) of the Act, the onus is on the respondent to prove that the past conduct of the appellant affords reasonable grounds for belief that he will not carry on business in accordance with the law and with integrity and honesty. The standard of “reasonable grounds for belief” was set out by the Court of Appeal in *Ontario Alcohol and Gaming Commission of Ontario v. 751809 Ontario Inc. (Famous Flesh Gordon’s)*, 2013 ONCA 157 (CanLII). The respondent does not have to show that the appellant’s past conduct makes it more likely than not that the appellant will not carry out business as required, but only that its belief to that effect is based on more than mere suspicion and on compelling and credible information. Further, the respondent must also show that there is a nexus

between the past conduct and the appellant's ability to conduct business under the *Act* serving the interests of the public.

- [10] The respondent submits that it has shown reasonable grounds for belief based on the evidence in support of its allegation that the appellant submitted a falsified zoning letter to OMVIC in support of an application that he made on behalf of 100 Ontario for registration as a motor vehicle dealer.

*Did the appellant provide a falsified zoning letter to OMVIC in support of an application for registration?*

- [11] I find that the appellant provided a falsified zoning letter to OMVIC in support of an application for registration.
- [12] The respondent alleges that the appellant falsified a zoning letter which he submitted to OMVIC as part of an application to register 100 Ontario as a motor vehicle dealer. The specific allegation is that the appellant altered a zoning letter which was issued to 149 Ontario to make it appear that it was written to 100 Ontario. The respondent has the onus of proving facts on a balance of probabilities. In support of its allegation, the respondent relies on the testimony of Thomas Deming, Senior Principal Planner for the City of Belleville, and Evelyn Ruta, Registration Manager at OMVIC.
- [13] The appellant submits that the respondent has not met its onus because Ms. Ruta's testimony, at times, conflicted with certain paragraphs of the NOP. The appellant submits that the testimony of Ms. Ruta disproves the allegation set out at paragraph 9 of the NOP, which, when read in conjunction with paragraph 6, states that the appellant submitted the allegedly falsified zoning letter as part of the March 9, 2023 business change application.
- [14] I do not agree with the appellant's interpretation of the NOP, or his submission that the respondent's testimony that the letter was submitted in May 2023 rather than March 2023, in support of a different application, disproves a fact that the respondent was required to prove in order to meet its onus. While the NOP states at paragraph 9 that the appellant submitted the allegedly falsified zoning letter as part of the business change application, it also states at paragraph 13 that the appellant submitted the allegedly falsified zoning letter in support of 100 Ontario's application for registration as a motor vehicle dealer. I find that both applications are referenced in the NOP in relation to the submission of the zoning letter. I find that the respondent is not required to prove that the zoning letter was submitted in support of both applications, merely one or the other.

- [15] For the reasons set out below, I find that the respondent proved that the appellant submitted the allegedly falsified zoning letter in support of the application that he submitted on behalf of 100 Ontario for registration as a motor vehicle dealer.
- [16] Ms. Ruta initially testified that the zoning letter was submitted in March 2023 as part of the business change application. On cross-examination she admitted that this was not the case. She then changed her testimony and stated that the letter was submitted in May 2023, in support of the application for registration of 100 Ontario as a motor vehicle dealer.
- [17] I find that Ms. Ruta's testimony on the subject of when and why the appellant submitted the allegedly falsified zoning letter was confused. Ms. Ruta did not have any direct dealings with the appellant. She testified based on her review of the appellant's file. I find that she lacked a clear understanding of the file and the events about which she testified, as demonstrated by the changes in her testimony. As a result, I give Ms. Ruta's testimony little weight.
- [18] However, I find that the documentary evidence establishes that the appellant submitted the zoning letter in support of the 100 Ontario application for registration as a motor vehicle dealer. Specifically, the respondent referred me to an email from OMVIC employee Natasha Sharifullin to the appellant, dated June 26, 2023, with a subject line that read "OMVIC Registration – 10000303552 ONTARIO INC o/a BBG SALES AND SERVICE." In the email, Ms. Sharifullin asked the appellant to provide a detailed explanation of how he obtained the zoning letter addressed to 100 Ontario.
- [19] The allegedly falsified zoning letter was dated May 17, 2021, addressed to 100 Ontario and signed by Mr. Thomas Demming, Principal Planner at the City of Belleville. The letter states the zoning designation for the property at 11 Moira Street West, City of Belleville, and the motor vehicle uses that are permitted within that zone. The name 100 Ontario is printed in a different font than the remainder of the letter and there is a black line above the address line, which appears to be a line of the type that occurs through photocopying.
- [20] Mr. Demming, the Senior Principal Planner at the City of Belleville, testified that the zoning letter dated May 17, 2021, addressed to 100 Ontario and signed by Mr. Demming, was not a legitimate zoning letter issued by the City of Belleville. Mr. Demming stated that he knew this because he checked the city's files and the only zoning letter that the city had issued in respect of the property in question was addressed to 149 Ontario and was also dated May 17, 2021. Mr. Demming pointed out that the zoning letter addressed to 100 Ontario was

identical to the one addressed to 149 Ontario, including the date, with the exception of the name of the numbered company in the address line. Mr. Demming also testified that there was no reason why the a legitimate letter would have.

- [21] The appellant submits that the appellant attended at the city planning department and a clerk made the necessary revisions to the May 17, 2021 letter, printed the letter for him and did not charge him for the new letter. He submits that he did not notice that the clerk had failed to change the date on the letter. He submits that it is possible that the clerk failed to save the changes to the city's computer system.
- [22] The appellant did not testify, but put his submissions to Mr. Demming on cross-examination. Mr. Demming testified that it would be contrary to proper procedures for a clerk to make changes to a letter and issue it without Mr. Demming's approval. He further testified that there would be no incentive for a clerk to do so, as obtaining Mr. Demming's approval and signature for a new letter would be a simple procedure and 100 Ontario would have been entitled to receive such a letter from the city.
- [23] I find Mr. Demming's testimony credible as it was consistent, was supported by the documentary evidence, and the appellant offered no conflicting testimony. Based on Mr. Demming's testimony and my review of the zoning letter addressed to 100 Ontario and a legitimate zoning letter previously issued to 149 Ontario, I find it is more likely than not that the zoning letter addressed to 100 Ontario was falsified as described by Mr. Demming.
- [24] However, Mr. Demming also testified that the zoning relates to the land. The content of the zoning letter was accurate as it pertained to the address at which 100 Ontario proposed to do business, which was the same address used by 149 Ontario. Mr. Demming testified that had the appellant attended at the city planning department, he would have been entitled to ask for and receive a similar letter to the falsified zoning letter, with a different date.

*Does the submission of the falsified zoning letter afford reasonable grounds for belief?*

- [25] I find that the appellant's submission of the falsified zoning letter provides reasonable grounds for belief that the appellant will not carry on business in accordance with the law, and with integrity and honesty because the falsified document submitted was in support of an application for registration. I find that this is directly related to the appellant's ability to conduct business under the *Act*

in a manner that serves the interest of the public because it demonstrates either a lack of knowledge of the *Act* or a disregard for the *Act* and an attack on the regulator who has been designated by the Legislature to oversee the industry. The appellant's decision not to cooperate honestly with the regulator in this context provides reasonable grounds for belief that he will not carry on business in accordance with the law, and with integrity and honesty.

- [26] Despite the fact that the appellant would have been entitled to a similar zoning letter had he sought one from the city planning office, I find that it demonstrates a concerning decision not to comply with *Act* and regulations governing motor vehicle dealers and salespeople.
- [27] Therefore, I find that the past behaviour of the appellant affords reasonable grounds for belief that he will not carry on business in accordance with the law and with integrity and honesty. He is therefore not entitled to registration pursuant to s. 6(1)(a)(ii) of the *Act*.

***Did the appellant provide a false statement in an application for registration?***

- [28] Pursuant to s. 6(1)(a)(iii) of the *Act*, the appellant will be entitled to registration unless he submitted a false statement in an application for registration or for renewal of a registration.
- [29] I have found above, on a balance of probabilities, that the zoning letter addressed to 100 Ontario was falsified and that it was submitted by the appellant in support of the application for registration of 100 Ontario as a motor vehicle dealer. The issue for the Tribunal to decide is whether the appellant knew the statement was false [see *Registrar, Motor Vehicle Dealers Act v. Vernon*, 2016 ONSC 304]. I find that the appellant knew that the zoning letter was falsified when he submitted it to the respondent because all of the evidence suggested that the appellant was the only person involved in the multiple registration applications that were discussed at the hearing.
- [30] Therefore, I am satisfied that the respondent has met its burden and demonstrated that the appellant is not entitled to registration pursuant to s. 6(1)(a)(iii) of the *Act*.

***Terms and conditions to be attached to the appellant's registration***

- [31] I find that the NOP should not be carried out. Instead, I find that the public can adequately be protected through the addition of terms and conditions to the appellant's registration.
- [32] Under s. 9 (5) of the Act, following a hearing I may by order direct the Registrar to carry out its proposal or substitute my opinion for that of the Registrar. Additionally, I may attach conditions to my order or to a registration.
- [33] The Tribunal has the statutory discretion to consider an appellant's circumstances and determine whether the public interest requires outright revocation of the registration, as proposed in the NOP, or whether the consumer protection purpose of the *Act* can be adequately protected through the imposition of conditions.
- [34] The conduct of the appellant consists of providing a falsified zoning letter to the respondent in support of 100 Ontario's application for registration as a motor vehicle dealer.
- [35] The appellant submits that his record as a motor vehicle salesperson is spotless, aside from this one incident. He further submits that the incident that brought about this appeal did not involve a consumer complaint respecting a motor vehicle transaction. The appellant submits that terms and conditions involving education and future compliance would be sufficient to ensure the protection of the public.
- [36] The respondent submits that terms and conditions are not appropriate in these circumstances because trust is a pre-requisite for terms and conditions, and the respondent can no longer trust the appellant. Further, the respondent submits that the appellant's otherwise spotless record should be given less weight on the basis that the appellant has only been registered for three years. The respondent also points to the fact that the appellant has not acknowledged any wrongdoing.
- [37] In support of his submissions, the appellant relies on the testimony of Sean Kelly, a Belleville city councillor, radio station host and a customer of the appellant. Mr. Kelly testified that he has known the appellant for three years and has taken his vehicle for service at 149 Ontario on several occasions. 149 Ontario, in addition to being a motor vehicle dealership, also provides vehicle maintenance services and taxi services. Mr. Kelly spoke enthusiastically about the quality of service he has received from the appellant and testified that he referred his brother to the



appellant and that he has taken his daughter's vehicle to the appellant for service. Mr. Kelly gave an example of an interaction with the appellant during which Mr. Kelly inquired about a more expensive pair of windshield wipers for his vehicle and the appellant advised him that the less expensive option was just as good. Mr. Kelly appreciated the appellant's honesty in that instance and it influenced Mr. Kelly's decision to refer the appellant to his family members. Mr. Kelly also testified that he felt the appellant's dealership met an important need in the Belleville community, where a significant segment of the population was struggling financially, creating a need for reliable and affordable used vehicles.

- [38] The respondent submits that Mr. Kelly's testimony should be given less weight as Mr. Kelly did not purchase a vehicle from the appellant. Rather, the respondent argues that Mr. Kelly was more familiar with the appellant as a mechanic and as the owner of a taxi service. I disagree. Mr. Kelly's testimony spoke to the appellant's honesty and trustworthiness when dealing with the public in general. I specifically rely on the example involving the windshield wipers, which involved the appellant giving Mr. Kelly honest advice in the face of his own conflicting financial interest. In addition, the appellant's conduct in dealing with consumers under the *Act* has not been questioned by the respondent. I find Mr. Kelly's testimony relevant.
- [39] I find that Mr. Kelly's testimony is supported by the fact that there have been no consumer complaints against the appellant since his registration three years ago. In these circumstances, I find Mr. Kelly's testimony credible and I rely on it in making my decision.
- [40] Mr. Demming testified that 100 Ontario would have been entitled to receive a zoning letter from the city and that the substance of the falsified zoning letter was accurate. I find that there was no benefit to the appellant in submitting the falsified zoning letter instead of a legitimate version that he could have obtained from the city. I therefore find it likely that the appellant falsified the zoning letter due to a lack of understanding of the laws and the importance of his honest interaction with respondent. As a result, I find that terms and conditions set out below, relating to re-education and spelling out his responsibilities for the prompt provision of information to the respondent, will be adequate to protect the public.
- [41] CONCLUSION I find that:
- i. The past conduct of the appellant affords reasonable grounds for belief that he will not carry on business in accordance with the law and with integrity and honesty;

- ii. The appellant has provided a false statement in an application for registration; and
- iii. In the appellant's circumstances, the public can adequately be protected through the addition of terms and conditions to the appellant's registration.

## ORDER

[42] The Tribunal substitutes its opinion for that of the registrar. The registration is reinstated with the following conditions :

- i. The appellant shall comply with all requirements of the *Act*, Ontario Regulation 333/08, the Code of Ethics in Ontario Regulation 332/08, the OMVIC Standards of Business Practice, 2010 and OMVIC Guidelines, as may be amended from time to time. Further, the appellant shall read all correspondence and bulletins from OMVIC as they are released;
- ii. The appellant shall provide the respondent with notice in writing, within five business days, of any substantive changes to information that the appellant provided for the purpose of obtaining registration, pursuant to s. 31 of the Ontario Regulation 333/08;
- iii. The appellant shall immediately enroll in the OMVIC Automobile Certification Course offered through Georgian College and shall be responsible for all fees in relation to enrolment. He shall successfully pass the course within 90 days of the date of this Order and shall forthwith provide proof of compliance to the respondent within five business days of being notified of his successful completion; and
- iv. The terms and conditions shall remain effective from the date of this Order for a period of two years.

**Released:** June 16, 2025



**Caley Howard**  
Adjudicator