

**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 -**

**147766 CANADA LTD o/a WINDSOR HONDA**

**- and -**

**KENNETH EANSOR**

**AGREED STATEMENT OF FACTS AND PENALTY**

147766 Canada Ltd o/a Windsor Honda has breached the following:

Sections 4(2) and 9(3) of the Code of Ethics, Ontario Regulation 332/08

Kenneth Eansor has breached the following

Sections 6(2) of the Code of Ethics, Regulation 332/08

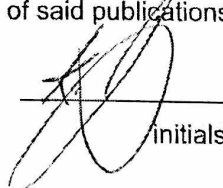
**SUMMARY OF AGREEMENT**

The parties to this proceeding agree that:

1. 147766 Canada Ltd o/a Windsor Honda (the "Dealer") was first registered as a motor vehicle dealer in or around January 1986.
2. Kenneth Eansor ("Eansor") was first registered as a motor vehicle salesperson in or around March 1984. Since in or around October 2014, Eansor was an officer, as well as the person in charge of the day-to-day activities, of the Dealer.
3. Eansor successfully completed the Automotive Certification course (the "Course") on or about October 23, 2014. Included in the Course syllabus are dealers' advertising obligations, including but not limited to, all-in advertised vehicle pricing ("all-in pricing").

***OMVIC registrant education re: all-in pricing***

4. Since the Act was proclaimed, OMVIC has issued various publications and webinars reminding dealers of the all-in pricing requirements. The dates of said publications are

  
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attached hereto as Schedule A. All these publications continue to be available on OMVIC's website.

***Previous correspondence with the Dealer***

5. During an inspection on or about November 7, 2011, a representative of the Registrar reminded the Dealer of the all-in pricing requirements.

**Dealer's Contravention of the Code of Ethics**

6. On or about October 21, 2021, OMVIC representatives made inquiries about a 2018 Chevrolet Camaro (Stock #TR0134A), while posing as members of the public. This vehicle was advertised with a selling price of \$33,333 exclusive of tax and licensing fees.
7. A representative of Dealer advised the OMVIC investigators that the above referenced advertised vehicle price was not inclusive of the following additional fees:
  - a. \$499 PCP fee
  - b. \$10 OMVIC fee
8. When the OMVIC investigators inquired about the "\$499 PCP fee", the Dealer representative advised it was an "administration fee" and included "four oil changes and tire and rim warranty". The additional fees were not presented as optional at this time.
9. As such, the advertised price was not all-inclusive. This was contrary to section 36(7) of Ontario Regulation 333/08, as well as sections 4 and 9 of the Code of Ethics.

**Eansor's Contraventions of the Code of Ethics**

10. Eansor failed to ensure that the Dealer conducted its business in compliance with the Act and Code of Ethics and thus personally contravened sections 6 and 9 of the Code of Ethics.

It is thereby agreed that the Dealer has contravened the following section of the Code of Ethics, as set out in Regulation 332/08.

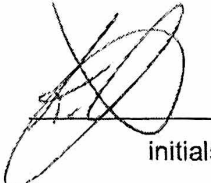
*Disclosure and marketing*

*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.*

*Professionalism*

It is thereby agreed that the Dealer has contravened the following section of the Code of Ethics, as set out in Regulation 332/08.

*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.*

  
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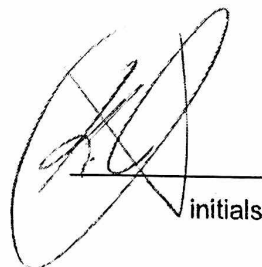
It is thereby agreed that Eansor has contravened the following section of the Code of Ethics, as set out in Regulation 332/08;

*Accountability:*

*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.*

**JOINT SUBMISSION ON PENALTY:**

1. The Dealer agrees to pay a fine in the amount of \$3,000 no later than **September 30, 2022.**
2. Eansor agrees to successfully complete the MVDA KEY Elements course no later than **September 30, 2022.**
3. The Dealer agrees to offer all current and future sales staff the opportunity to complete the Automotive certification course (the "Course"). Current sales staff will be offered the Course no later than **September 30, 2022.** Future sales staff will be offered the course within 90 days of being retained in this capacity. The Dealer will incur all costs associated with this. It is understood between the parties this clause does not apply to sales staff who have completed the course after January 1, 2009, or who are otherwise required to do so pursuant to the Act.
4. The Dealer agrees to ensure all sales staff employed by the Dealer have reviewed the August 2017 OMVIC advertising webinar. The Dealer will provide OMVIC with written confirmation from said staff that this has occurred, no later than **July 31, 2022.**
5. The Dealer and Eansor agree to comply with the Act and Standards of Business Practice, as may be amended from time to time.



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By signature below, I acknowledge that I have read and understand the penalty outlined herein and agree to the said terms and/or conditions and that I exercised my right to be represented by Counsel or agent in this matter. I understand, acknowledge and consent to waive the requirement for a hearing and to request an Order from the Chair of the Discipline Committee that includes this Agreed Statement of Facts and Penalty as a final settlement of this matter.

DATED AT Windsor THIS 29th DAY OF June, 2022.

KEN EANSOR

(please print)

[Handwritten Signature]

(signature)

I have the authority to bind the corporation:  
147766 Canada Ltd o/a Windsor Honda

By signature below, I acknowledge that I have read and understand the penalty outlined herein and agree to the said terms and/or conditions and that I exercised my right to be represented by Counsel or agent in this matter. I understand, acknowledge and consent to waive the requirement for a hearing and to request an Order from the Chair of the Discipline Committee that includes this Agreed Statement of Facts and Penalty as a final settlement of this matter.

DATED AT WINDSOR THIS 29th DAY OF June, 2022.

[Handwritten Signature]

Kenneth Eansor (signature)

[Handwritten Initials]  
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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 18<sup>th</sup> DAY OF July, 2022.



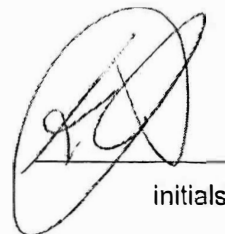
John Carmichael  
Registrar, Motor Vehicle Dealers Act, 2002

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

DATED AT Ancaster THIS 23 DAY OF August, 2022.



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



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