



**Citation: Yousefzei v. Registrar, *Motor Vehicle Dealers Act, 2002*, 2025 ONLAT
17062 MVDA**

Licence Appeal Tribunal File Number: 17062 MVDA

An Appeal from a Notice of Proposal by the Registrar, *Motor Vehicle Dealers Act, 2002*,
S.O. c. 30, Sch. B. to refuse registration

Between:

Naeim Yousefzei

Appellant

and

Registrar, *Motor Vehicle Dealers Act, 2002*

Respondent

DECISION

VICE-CHAIR: Avril A. Farlam

APPEARANCES:

For the Appellant: Michael Burokas, Counsel

For the Respondent: Shivali Vig, Counsel

HEARD: July 22, 2025

OVERVIEW

- [1] Naeim Yousefzei (the “appellant” or “Registrant”) appealed from the Notice of Proposal to Refuse Registration dated April 24, 2025 (“NOP”) issued by the Registrar (“Registrar” or “respondent”) under the *Motor Vehicle Dealers Act, 2002*, (“Act”) to refuse the registration of the appellant as a motor vehicle salesperson under s. 6 (1)(a)(ii) the Act. The NOP is based on grounds which can be summarized as the appellant’s past conduct is inconsistent with the intention and objective of the Act and therefore warrants disentitlement to registration under the Act.
- [2] The appellant’s grounds of appeal are as set out in his Notice of Appeal dated April 29, 2025.

ISSUE

- [3] Whether the past conduct of the applicant, affords reasonable grounds for belief that the applicant will not carry on business in accordance with law and with integrity and honesty.

RESULT

- [4] I order the respondent to register the appellant as a motor vehicle salesperson subject to the terms and conditions set out below.

LAW

- [5] Section 6(1)(a)(ii) and (iii) of the Act provide that a person other than a corporation that meets the prescribed requirements is entitled to registration unless:
- (ii) the past conduct of the applicant, or of an interested person in respect of the applicant, affords reasonable grounds for belief that the applicant will not carry on business in accordance with law and with integrity and honesty, or
- (iii) the applicant makes a false statement in an application for registration.
- [6] Under s. 6(2), a registration is subject to such conditions as are consented to by the appellant, as are applied by the Registrar under s. 9, as are ordered by the Tribunal or as are prescribed.

- [7] Section 9(1)(a) provides that the Registrar must provide written notice if the Registrar refused under subsection 8(1) to grant a registration.
- [8] Section 9(2) provides that an applicant is entitled to a hearing by the Tribunal if the applicant requests a hearing within the legislated timeframe.
- [9] Under s. 9(5), the Tribunal shall hold the hearing and may direct the Registrar to carry out the proposal or substitute its opinion for that of the Registrar and may attach conditions to its order or to a registration.

ANALYSIS

- [10] I order the Registrar to register the appellant as a motor vehicle salesperson subject to the terms and conditions set out below (“terms and conditions”) for the following reasons.
- [11] The Registrar consents to the appellant’s registration being subject to the terms and conditions.
- [12] The appellant consents to his registration being subject to the terms and conditions.
- [13] The appellant attended the hearing, and testified under oath that he voluntarily signed an agreement with the Registrar on July 21, 2025 making his registration subject to the terms and conditions, and consenting to the Tribunal ordering the terms and conditions to form conditions of his registration.
- [14] The appellant also confirmed through his counsel that he waives the requirement for a full hearing in accordance with s. 4.1 of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S. 22 (“Statutory Powers Procedure Act”).
- [15] The terms and conditions agreement confirms that the appellant’s consent is made pursuant to s. 6(2) of the Act and in accordance with s. 4.1 of the SPPA.
- [16] I am satisfied, based on the evidence of the appellant and taking into account the submissions of counsel for each of the parties that the registration of the appellant under the Act is appropriate provided it is subject to the terms and conditions.
- [17] I am also satisfied, based on the submissions of counsel for each of the parties that the terms and conditions are appropriate in light of the appellant’s past conduct as alleged in the NOP.
- [18] For all of the above reasons, I make the following order:

ORDER

- [19] I order the respondent to register the appellant as a motor vehicle salesperson subject to the following conditions:
- A. The Registrant will comply with all requirements of the *Motor Vehicle Dealers Act, 2002*, S.O. c. 30, Sch. B. (the “Act”) and Ontario Regulation 333/08, the Code of Ethics in Ontario Regulation 332/08, the Ontario Motor Vehicle Industry Council (“OMVIC”) Standards of Business Practice, 2010, and OMVIC Guidelines, as may be amended from time to time. The Registrant further agrees to read all correspondence and bulletins from OMVIC as released.
 - B. The Registrant will ensure that his registration will not be used to trade in motor vehicles where the Registrant knows, or ought to know, that trading motor vehicles will facilitate an illegal or unethical practice.
 - C. The Registrant shall not apply to be a director, officer, person-in-charge or dealer for a period of four (4) years from the date of this Consent Order.
 - D. The Registrant shall not be the final signatory on any sales or lease contracts on behalf of a dealer for four (4) years from the date of this Consent Order.
 - E. The Registrant shall not falsify, assist in falsifying or induce or counsel another person to falsify or assist in falsifying any information or document relating to a trade in motor vehicles, in accordance with section 26 of the Act.
 - F. The Registrant shall not furnish, assist in furnishing or induce or counsel another person to furnish or assist in furnishing any false or deceptive information or documents relating to a trade in a motor vehicle, in accordance with section 27 of the Act.
 - G. The Registrant will provide the Registrar with full and complete disclosure in all future correspondence and on all future applications, regardless of whether or not disclosure has been made previously to the Registrar.
 - H. The Registrant will provide the Registrar with full and complete disclosure in all future correspondence and on all future applications, regardless of whether disclosure has been made previously to the Registrar.
 - I. The Registrant will provide the Registrar and the sponsoring dealer with notice in writing, within five (5) days of being charged with an offence under any law, within or outside of Canada. The Registrant will provide the Registrar

- with a copy of the notification acknowledged by the signature of the sponsoring dealer.
- J. The Registrant confirms that the particulars and circumstances of the findings of guilt, convictions and pending charges are substantially as disclosed to the Registrar.
 - K. The Registrant shall provide a "Police Information Check" or a report from Backcheck.com upon renewal of his registration. The Police Information Check results must include any available outstanding entries (pending charges) as well as any absolute/conditional discharges, judicial orders or stayed charges.
 - L. The Registrant shall provide the Registrar with notice in writing, within five (5) days of any substantive changes to any information provided in obtaining registration, pursuant to section 31 of Ontario Regulation 333/08.
 - M. The Registrant agrees to immediately enroll in the OMVIC's MVDA Key Elements Course ("Course") and to be responsible for all fees in relation to enrolment. The Registrant further agrees to pass the Course (80% passing grade) within 60 days of the date of this Consent Order. The Registrant agrees to notify the Registrar of the completion of this condition within 10 days of receiving the exam results.
 - N. The Registrant will ensure that any and all sponsoring dealers, presently or in the future, are informed of the terms and conditions contained in this Consent Order.
 - O. These Terms and Conditions shall take effect from the date of this Consent Order by the Registrant. After a period of two years, the Registrant may request for the removal or amendment to the Terms and Conditions. The Registrar retains the discretion to determine whether the Registrant's request shall be accepted or declined. Should the Registrar decline the request, the conditions shall continue in accordance with the timelines stipulated herein.
 - P. The Registrant undertakes not to be involved in any capacity, either directly or indirectly, in any transaction involving a motor vehicle trade to or from a family member, intimate partner or friend.
 - Q. The Registrant acknowledges that the Registrar is relying on the accuracy and completeness of all documents, statements or information provided by the Registrant.
 - R. The Registrant acknowledges that the Registrar may take further administrative action, including a Proposal to Refuse to Renew, Suspend or

Revoke Registration, arising from any matters that have occurred or may occur related to honesty and integrity, financial responsibility or compliance with these terms and conditions.

- S. Independent legal advice has been obtained or the Registrant has had the opportunity to obtain independent legal advice with respect to consenting to the Terms and Conditions contained in this document.

Released: August 22, 2025

LICENCE APPEAL TRIBUNAL



Avril A. Farlam
Vice-Chair