

DISCIPLINE DECISION

REVIEWING PANEL: Deb Mattina, Public Member
Paul Eros, Registrant Member
Anne French, 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 -)
STREETXTREME AUTOMOTIVE INC.)
O/A STREETXTREME AUTO GALLERY)
- and -)
PATRICK HOANG)

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: October 24, 2025

Findings: **Streetxtreme Automotive Inc. o/a Streetxtreme Auto Gallery (the “Dealer”) has breached the following:**

- Sections 7(1), 9(1) and 9(3) of the Code of Ethics, O. Reg. 332/08

Patrick Hoang (“Hoang”) has breached the following:

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

Order:

1. The Dealer shall pay a fine in the amount of **\$6,000**, to be paid as follows:
 - a. **\$2,000** is to be paid no later than sixty (60) calendar days from the date of the Discipline Tribunal's Order;
 - b. **\$2,000** is to be paid no later than one hundred and twenty (120) calendar days from the date of the Discipline Tribunal's Order; and
 - c. **\$2,000** is to be paid no later than one hundred and eighty (180) 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 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 August 5, 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The allegations contained in paragraphs 12-32 of the Notice of Referral to Discipline ("NORD") dated March 2, 2025 are withdrawn.

Background:

1. The Dealer was first registered as a motor vehicle dealer in and around December 2013.
2. Hoang was first registered as a motor vehicle salesperson in and around December 2013. At all material times, Hoang has been a General Manager, Officer, and the Person in Charge of the day-to-day activities of the Dealer.

Conditions of Registrations

3. On or about December 30, 2020, the Registrar issued a Notice of Proposal to Apply Conditions to Registrations (the "NOP") to the Dealer and Hoang. The NOP was not appealed. As such, on or about January 26, 2021, the Conditions to Registrations (the "COR") were applied to the registrations of the Dealer and Hoang.
4. The relevant paragraphs of the COR (which defines the "Registrant" as the Dealer) are as follows:
 10. The Registrant will ensure that all trades in motor vehicles are completed in accordance with section 30 of the MVDA and pursuant to sections 39, 40, 41, 42 and 43 of Ontario Regulation 333/08 and section 4 of Ontario Regulation 332/08, where applicable.

11. The Registrant agrees to disclose all material facts about the motor vehicles for purchase or lease to its customers, in writing, on the Bill of Sale. For greater certainty, a material fact is one that, if disclosed, could affect the decision of a reasonable person to purchase or lease the vehicle or affect the purchase price. The Registrant further agrees to research the history of all the motor vehicles under trade to ensure all material facts are disclosed to purchaser(s), and undertakes to exercise full due diligence and act in good faith in making a decision about whether or not a fact constitutes a material fact that ought to be disclosed. The Registrant will ensure compliance with the disclosure obligation notwithstanding whether or not the vehicle has been branded through MTO. In the case of damaged vehicles, the Registrant further agrees to disclose as much detail as possible regarding the nature and severity of the damage.

Dealer's Non-Compliance:

5. On or about December 5, 2024, a representative of the Registrar attended the Dealer's premises for a scheduled books and records inspection. During the inspection, it was found that the Dealer engaged in the trade of 2 motor vehicles that contravened the Act and/or its Regulations, as particularized below:

A. 2022 Lexus RX350

6. On or about October 9, 2024, the Dealer sold a 2022 Lexus RX350 (VIN# *309751) to a consumer. The Dealer failed to disclose on the retail bill of sale ("RBOS") that the vehicle had previously been used as a daily rental, contrary to sections 40(2)(1) and 42(7)(i) of O. Reg. 333/08 and paragraphs 10 and 11 of the COR.
7. As such, the Dealer has contravened sections 7(1) and 9(1) and (3) of the Code of Ethics.

B. 2009 Toyota Prius

8. On or about September 27, 2024, Hoang, on behalf of the Dealer, sold a 2009 Toyota Prius (VIN# *888865) to a consumer. The Dealer failed to disclose on the RBOS that the vehicle had previously been registered in New Jersey and Connecticut, contrary to sections 40(2)(1) and 42(22) of O. Reg. 333/08 and paragraphs 10 and 11 of the COR.
9. In addition, the Dealer failed to disclose an accident claim of \$4,044 on the RBOS, contrary to sections 40(2)(1) and 42(19) of O. Reg. 333/08 and paragraphs 10 and 11 of the COR.
10. Furthermore, the RBOS was not signed by the parties, contrary to section 40(9)(a) and (b) of O. Reg. 333/08 and paragraph 10 of the COR.
11. As such, the Dealer has contravened sections 7(1) and 9(1) and (3) of the Code of Ethics.

Hoang's Non-Compliance:

12. As a General Manager, Officer, and Person in Charge of the Dealer's day-to-day activities, Hoang was responsible for overseeing the Dealer's operations. Under Hoang's supervision, the Dealer did not fully conduct its business in compliance with the Act, its

regulations, the Code of Ethics, and the COR. As such, in his capacity as the individual responsible for the day-to-day activities of the Dealer at all material times, Hoang contravened sections 6(2) and 9(1) and (3) of the Code of Ethics.

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

Compliance

s. 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.

14. As particularized above, the Dealer and Hoang, as the Person in Charge of the day-to-day activities of the Dealer at all material times, have violated the following section of the Code of Ethics:

Professionalism

s. 9(1) In carrying on business, a registrant shall not engage in any act or omission that, having regard to all of the circumstances, would reasonably be regarded as disgraceful, dishonourable, unprofessional or unbecoming of a registrant.

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.

15. As particularized above, Hoang, as the Person in Charge of the day-to-day activities of the Dealer at all material times, has 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

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: (1) the Dealer has breached Sections 7(1), 9(1) and 9(3) of the Code of Ethics, O. Reg. 332/08; and (2) Hoang has breached Sections 6(2), 9(1) and 9(3) 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 Panel noted during their review of the material provided in the submissions that there were two prior Discipline Orders issued to this Dealer.

The Discipline Tribunal, (formerly the Discipline Committee) has previously issued an order against the Dealer alone on or about July 17, 2021, as well as an order against both the Dealer and Hoang on or about November 1, 2022. The Parties jointly submitted that the Agreed Statement of Facts and Joint Submission on Penalty do not factor into these two prior orders, as they involve contraventions that are different from, and unrelated to, those in the present case at hand.

OMVIC submitted that the proposed penalty and fine amount of \$6,000 for the Dealer, plus course requirements for remedial effect, would be in the public interest. OMVIC further submitted that the proposed penalty takes into account the specific circumstances of the case and is in line with comparable jurisprudence, including as set out in the following decisions of this Discipline Tribunal (or Discipline Committee as it was formerly known): *Registrar, Motor Vehicle Dealers Act, 2002 v. Amber Motors Inc. et al.* (2023), *OMVIC v. Maanis Paramount Auto Sales Ltd. et al.* (2024), and *OMVIC v. LC Autos Canada Limited et al.* (2024).

The Panel is satisfied that these previous decisions from the Discipline Tribunal lend support for a fine of \$6,000 for the Dealer in this case.

The present case at hand involves two transactions. Both transactions involve non-disclosure of material facts (prior use as a daily rental, prior out of province registration, and an accident claim exceeding \$3,000). One of those two transactions also involves the Dealer's failure to have all parties sign the retail bill of sale. The transactions were also a breach of the Dealer's Condition of Registration.

The Panel noted that this is the third time in less than 5 years that this Respondent has faced disciplinary actions for their conduct. Each of the prior matters have concluded by way of Agreed Statement of Facts, and Joint Submission on Penalty resulting in an order. While the Panel acknowledges that the issues in the three matters are not the same, the Panel members expressed concern over the frequency of breaches of the Code of Ethics. In noting that the Respondent was ordered to pay \$2,500 and \$3,000 in monetary penalties in the previous two matters, the Panel did not observe the desired effect on behavioural change.

While the proposed penalty at \$6,000 is double that of the November 1, 2022 order, the Panel was left contemplating whether this amount would encourage compliance.

The Panel looked for guidance in the submitted case law. Specifically, the Panel considered and applied the test set out in the Supreme Court's ruling in *Anthony-Cook*¹, which outlines the "public interest" test for rejecting a joint submission. The Parties submitted that the Reviewing Panel ought not to reject this settlement as it does not "bring the administration of justice into disrepute" nor is it "so unhinged from the circumstances of the offence and the offender."² They

¹ *R. v. Anthony-Cook*, 2016 SCC 43

² OMVIC's Rule 1.07 Submissions, page 5

further submitted that a settlement should only be rejected in the clearest of cases and which meets the very stringent test as set out by the courts.³

The Parties also submitted that this Discipline Tribunal is bound by the precedents in the Supreme Court's ruling in *Anthony-Cook* as well as *Bradley*⁴, which applies *Anthony-Cook* in the disciplinary context.

OMVIC submitted that the registrants have taken responsibility for their misconduct, admitted to violating the Code of Ethics, and indicated they will take care to avoid future non-compliance. OMVIC further submits that "through diligent efforts on the part of all parties, this settlement has saved the time and expense of proceeding to a contested hearing."⁵ The Panel acknowledges that parties are encouraged to reach a settlement and support the Discipline Tribunal's objectives of proceeding in a fair, timely and efficient manner, pursuant to Rule 1.02 of the Discipline Tribunal Rules of Practice

After considering all the facts, prior decisions of this Tribunal and case law, the Panel concluded that while they had significant concerns about whether another negotiated penalty would have the desired effect on behavioural change, the Panel acknowledges that their concerns do not reach that very high threshold set out in *Anthony-Cook*. As such, the Panel accepts the Joint Submission on Penalty as set out in this order.

Ontario Motor Vehicle Industry Council
Discipline Tribunal



Deb Mattina, Public Member

On behalf of:

Paul Eros, Registrant Member
Anne French, Registrant Member

Dated: October 24, 2025

³ Ibid.

⁴ *Bradley v. Ontario College of Teachers*, 2021 ONSC 2303

⁵ OMVIC's Rule 1.07 Submissions, page 6