

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 -

ARAK AUTO INC.

- and -

DIVAN ANTRANIK

AGREED STATEMENT OF FACTS AND PENALTY

Arak Auto Inc. and Divan Antranik have breached the following:
Section 9 of the Code of Ethics, Regulation 332/08

SUMMARY OF AGREEMENT

The parties to this proceeding agree that:

Arak Auto Inc. (the "Dealer") was registered as a motor vehicle dealer in or around October 2011. Divan Antranik ("Antranik") was first registered as a motor vehicle salesperson in or around October 2011. At all material times, Antranik was the officer of the Dealer. On or about August 11, 2011, the Dealer successfully completed the DMVIC certification course.

On or about October 19, 2011, Antranik executed terms and conditions of registration on behalf of the Dealer. These include but are not limited to the following:

As per condition 6, the Dealer agreed to comply with Ontario Regulation 332/08 under the Motor Vehicle Dealers Act, and Code of Ethics

As per condition 19, the Dealer agreed to operate exclusively from the location approved by the Registrar. The Dealer further agreed to apply for the Registrar's approval by way of prior written notice of any change in location.

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Registrant's Initials

- c. As per condition 20, the registrant agreed not to invite the public to deal at a place other than its approved location.
 - d. As per condition 21, the Dealer agreed to ensure that all advertisements placed by or on behalf of the Dealer will identify the registered name and address of the location approved by the Dealer.
3. The Dealer's registered location is 6295 Mississauga road, Mississauga, Ontario.

Dealer history

4. As a result of a Discipline Order issued to the Dealer and Antranik March 4, 2015, Antranik was ordered to take the OMVIC certification course, which was successfully completed December 3, 2015.

Direct correspondence with the Dealer

5. On or about November 11, 2011, a representative of the Registrar conducted an inspection of the Dealer. During the inspection, the Dealer was reminded of its obligation to ensure to trade exclusively from its registered location.
6. On or about May 15, 2013, a representative of the Registrar conducted an inspection of the Dealer. During the inspection, the above mentioned representative was advised by Antranik, that his family own and operate a repair facility at a location other than its registered location. At this time, the Dealer was reminded of its obligation to ensure to trade exclusively from its registered location.

Dealer non-compliance

7. On or before January 21, 2016, an advertisement for a vehicle was published by or on behalf of the Dealer. Said advertisement failed to identify the Dealer's registered address. On or about January 28, 2016, a representative of the Registrar emailed the dealer while posing as a member of the public, enquiring about the above mentioned vehicle. The representative asked the dealer where it would be possible to view and test drive the vehicle. The Dealer responded in an email dated January 28, 2016, inviting the representative to its repair facility and not its registered location. This is contrary sub-section 28 of Regulation 333/08, as well as section 9 of the Code of Ethics.

8. In order to comply with the following section of the *Motor Vehicle Dealers Act, 2002*:

Section 9 - Offences

9. (1) Except for advertising, a registered motor vehicle dealer other than a motor vehicle dealer registered only as a broker shall not trade except from a place authorized by the dealer's registration.

9. (2) Any dealer that Anrak Auto Inc. and Antranik have breached the following sections of the *Motor Vehicle Dealers Act, 2002* and Regulation 332/08:

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Registrant's Initials

9. 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.

JOINT SUBMISSION ON PENALTY:

1. The Dealer agrees to pay a fine in the amount of \$1,250 within 90 days of the date of the Discipline Committee Order.
2. The Dealer is ordered to offer all current and future sales staff the opportunity to complete the course. Current sales staff will be offered the course within 90 days of the date of the Discipline Committee Order. Future sales staff will be offered the course within 90 of being retained in this capacity. The Dealer will pay 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 1st, 2009, or who are otherwise required to do so pursuant to the Act.
3. The Dealer agrees to comply with the *Motor Vehicle Dealers Act, 2002* and Standards of Business Practice as may be amended from time to time.

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 Mississauga, THIS 14th DAY OF 5/15, 2016

Name of Registrant
Title/Company

Name of Representative of the dealership

D.A

Registrant's Initials


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 Mississauga THIS Thurs DAY OF 5/5 2016


Mary Jane Souijn
Registrar Motor Vehicle Dealers Act, 2002

Pursuant to Rule 107, I accept this Agreed Statement of Facts and Penalty from the Parties identified above: DB, Gith PB, Janna PB

DATED AT Mississauga THIS Thurs DAY OF 5/5 2016


Paul Burgess
Chair Discipline Committee of the
Ontario Motor Vehicle Industry Council

DA
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