

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 -

MARCEL MOTORS LTD o/a EASTSIDE BETTER USED CARS

- and -

VIRENDER CHOPRA

- and -

NITIN CHOPRA

AGREED STATEMENT OF FACTS AND PENALTY

Marcel Motors Ltd o/a Eastside Better Used Cars, and Virender Chopra, and Nitin Chopra have breached the following:

Section 9 of the Code of Ethics, Regulation 332/08:

SUMMARY OF AGREEMENT

The parties to this proceeding agree that:

1. Marcel Motors Ltd o/a Eastside Better Used Cars (the "Dealer") was first registered as a motor vehicle dealer in or around April 1989. Virender Chopra ("Virender") was first registered as a motor vehicle salesperson in or around April 1989. Nitin Chopra ("Nitin") was first registered as a motor vehicle salesperson in or around June 1999. At all material times, Nitin and Virender were officers and directors of the Dealer.

Trading In motor vehicles with unregistered dealers ("curbsiders"):

2. In the Spring of 2012 OMVIC issued a Dealer Standard publication which reminded dealers that supplying curbsiders with motor vehicles was contrary to the Act.
3. The following Dealer Standard publications further reminded dealers of their obligations to ensure they are not supplying vehicles to curbsiders:
 - a. Fall 2012
 - b. Fall 2013
4. In addition to this, in August 2012 OMVIC issued a bulletin which further reminded dealers of their obligations to ensure they are not supplying vehicles to curbsiders.
5. By letter dated September 6, 2013, a representative of the Registrar reminded Virender, on behalf of the Dealer of the Dealer's obligation to ensure it is not trading in motor vehicles with curbsiders.
6. Between on or about May 1, 2014, and on or about September 23, 2014, the Dealer purchased 25 vehicles from a single curbsider. The Dealer knew or ought to have known the aforementioned curbsider was not registered as a motor vehicle dealer under the Act. As such, the Dealer has contravened section 9.14 of the Standards of Business Practice, as well as section 9 of the Code of Ethics.

By failing to comply with the following sections of the Standards of Business Practice:

9.14 Registrants do not knowingly do business with curbsiders.

It is thereby agreed that the Dealer, Virender, and Nitin have breached the following section of the Code of Ethics, as set out in Regulation 332/08:

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 \$8,500, within 90 days of the date of the Discipline Committee Order.
2. Virender agrees to successfully complete the OMVIC certification course (the "course") within 120 days of the date of the Discipline Committee Order.
3. Nitin agrees to successfully complete the course within 90 days of the date of the Discipline Committee Order.
4. The Dealer agrees to offer all 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 days of being retained in this capacity by the Dealer. 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 or who otherwise required to do so pursuant to the Act.

- 5. The Dealer agrees to comply with the Act 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 OTTAWA THIS 5 DAY OF AUGUST, 2015

VIRENDER CHOPRA

(please print)
Virender Chopra

Virender Chopra
(signature)

DATED AT OTTAWA THIS 5 DAY OF AUGUST, 2015

Nitin Chopra

(please print)
Nitin Chopra

Nitin Chopra
(signature)

DATED AT Ottawa THIS 5 DAY OF August, 2015

Virender Chopra
(please print)

Virender Chopra
(signature)

I have the authority to bind the corporation
Marcel Motors Ltd o/a Eastside Better Used Cars

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 5th DAY OF October, 2015

Mary Jane South

Mary Jane South
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 London THIS 6 DAY OF Oct, 2015

Catherina Poulney

Catherina Poulney
Chair, Discipline Committee of the
Ontario Motor Vehicle Industry Council