

DISCIPLINE DECISION

REVIEWING PANEL: Greg Flude, Public Member
Paul Eros, Registrant
Anne French, Registrant

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 -)
PAYCAN MOTORS LTD.)
- and -)
ZIAULLAH MOSLEHI)
)

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: August 12, 2025

Findings: **Paycan Motors Ltd (“the Dealer”) has breached the following:**

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

Ziaullah Moslehi (“Moslehi”) has breached the following:

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

Order:

1. Paycan Motors Ltd shall pay a fine in the amount of **\$2,500** no later than ninety (90) calendar days from the date of the Discipline Tribunal's Order.
2. Moslehi shall successfully complete the MVDA Key Elements Course no later than ninety (90) calendar days from the date of the Discipline Tribunal's Order.
3. The Dealer shall offer to all current and future salespersons, employed by the Dealer, to fund their completion of the MVDA Key Elements 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 July 17, 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:

Background:

1. The Dealer was first registered as a motor vehicle dealer in or around March 1994.
2. Moslehi was first registered as a salesperson in or around August 1989. At all relevant times, Moslehi was registered as a salesperson with the Dealer and was the Person in Charge of the day-to-day activities of the Dealer to ensure compliance with the Act and Regulations thereunder

Dealer's Non-Compliance

3. On or about June 14, 2024, a consumer purchased a 2013 Dodge Dart (VIN ***347558), from the Dealer.
4. On or about June 27, 2027, the consumer contacted OMVIC with concerns about the vehicles condition. The consumer complained that the vehicle's fender was not repaired as required on the bill of sale, that vehicle components were being held together with zip ties in an unsafe manner, and that the vehicle had a turbo issue.
5. On or about November 11, 2024, a representative of the Registrar requested that the Dealer provide documents pertaining to the consumer's complaint, including:
 - a) Retail bill of sale;
 - b) Wholesale bill of sale with disclosure; and
 - c) Any and all repair and reconditioning records.
6. On November 15, 2024, the Dealer replied to the representative and provided both the bill of sale and the wholesale bill of sale. The Dealer also stated that the vehicle fender had been repaired around July 2024. However, no documentation was provided to support this claim.

7. On or about November 18, 2024, the representative contacted the Dealer by phone to discuss the complaint and requested a repair record for the fender. The Dealer stated that they did not have an invoice for the repair.
8. On November 18, 2024, the representative followed up via email, acknowledging the absence of the fender repair record and requesting any available repair and reconditioning records for the 2013 Dodge be provided. No documentation was received in response.
9. The Dealer failed to maintain a copy/copies of the repair and reconditioning records as well as invoices for any repairs to the vehicle, contrary to s. 52(1) and (2)(d) of O. Reg. 333/08. As such, the Dealer has contravened sections 7(1) and 9(1) and (3) of the Code of Ethics.

Moslehi's Non-Compliance

10. Moslehi failed to ensure that the Dealer conducted its business in compliance with the Act, its Regulations, and the Code of Ethics and thus personally contravened sections 6(2), 9(1) and 9(3) of the Code of Ethics.
11. As particularized above, the Dealer has violated the following section of the Code of Ethics:

Compliance

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.

12. As particularized above, the Dealer and Moslehi have violated the following section of the Code of Ethics:

Professionalism

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.

(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.

13. As particularized above, Moslehi have violated the following section of the Code of Ethics:

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.

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) Moslehi 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 Reviewing Panel has considered the proposed resolution. It finds that the penalty achieves the goals of adequate punishment for the offence, specific deterrence of the Dealer and Moslehi against future breaches of the code of ethics, and general deterrence for the industry showing that such breaches are considered serious and will be treated accordingly. In this particular matter, the parties agreed to the resolution. The Reviewing Panel finds that the resolution is within the range of penalties for similar acts in other matters before this Tribunal and is not contrary to the public interest.

Ontario Motor Vehicle Industry Council
Discipline Tribunal

Dated: August 12, 2025



Greg Flude, Public Member
On behalf of:

Paul Eros, Registrant Member
Anne French, Registrant Member