

DISCIPLINE DECISION

REVIEWING PANEL: Greg Flude, Public Member
Chris Pinelli, Registrant Member
Paul Repar, 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 -)
1878244 ONTARIO LTD.)
o/a YORKDALE FINE CARS)
- and -)
REMAH SHAATH)
- and -)
EMAD HASSAN)
)

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: December 29, 2025

Findings: **1878244 Ontario Ltd. o/a Yorkdale Fine Cars (the “Dealer”) has breached the following:**

- Sections 6(1), 7(1), 9(1) and 9(3) of the Code of Ethics, O. Reg. 332/08

Remah Shaath (“Shaath”) has breached the following:

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

Emad Hassan (“Hassan”) has breached the following:

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

Order:

1. The Dealer shall pay a fine in the amount of **\$5,000** no later than ninety (90) calendar days from the date of the Discipline Tribunal’s Order.
2. Shaath shall successfully complete (with a passing grade of at least 80%) the MVDA Key Elements Course, no later than ninety (90) calendar days from the date of the Discipline Tribunal’s Order.
3. Hassan shall successfully complete (with a passing grade of at least 80%) the MVDA Key Elements Course, no later than ninety (90) calendar days from the date of the Discipline Tribunal’s Order.
4. 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 November 12, 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 and around January 2017.
2. Shaath was first registered as a salesperson in and around March 1992. At all material times, Shaath has been an officer and Person in Charge of the day-to-day activities of the Dealer.
3. Hassan was first registered as a salesperson in and around August 2018. At all material times, Hassan has been a General Manager of the Dealer.

Terms and Conditions

4. On or about April 17, 2024, the Registrar, the Dealer, and Shaath consented to an order (the “Consent Order”) of the Licence Appeal Tribunal based upon terms and conditions (the “T&Cs”). The Licence Appeal Tribunal formally issued the Consent Order on or about April 18, 2024.
5. Paragraph 6 of the T&Cs states the following:

“In carrying on business under the MVDA, the Registrants will not engage in any act or omission that, having regard to all of the circumstances and their obligations pursuant to the MCDA [*sic*] and regulations made thereto, would reasonably be regraded as disgraceful, dishonourable, unprofessional or unbecoming of a registrant.”

Dealer’s Non-Compliance

6. On or about July 12, 2024, a representative of the Registrar received a complaint from Counsel on behalf of a consumer (the “Consumer”), stating that the Consumer purchased a 2018 Ford F150 (VIN# *C05106) from Drivetime Fine Cars Inc. (“Drivetime Fine Cars”) and encountered numerous issues relating to the vehicle.
7. Drivetime Fine Cars was first registered as a motor vehicle dealer in and around December 2020. Its registration was suspended in and around November 2024 and terminated in and around February 2025.
8. On or about the same date, Counsel for the Consumer provided the Registrar’s representative with the retail bill of sale (the “RBOS”) for the purchase. The RBOS, however, revealed the Dealer as the seller of the vehicle, instead of Drivetime Fine Cars. The Dealer indicated that while Drivetime Fine Cars was the originating selling dealer that the Consumer dealt with, Drivetime Fine Cars introduced the Consumer to the Dealer in order for the Consumer to have access to the Dealer’s lending relationships. The vehicle was wholesaled by Drivetime Fine Cars to the Dealer in order to effect the transaction with the consumer and in order for the consumer to obtain an automotive loan. Hassan, acting on behalf of the Dealer and in his capacity as a salesperson and a Sales Manager of the Dealer, signed this RBOS.
9. Although purchased from Drivetime Fine Cars by way of a wholesale transaction, the 2018 Ford F150 was never registered under the Dealer’s name with the Ministry of Transportation, contrary to section 11(2) of the *Highway Traffic Act*. In addition, the Dealer failed to disclose on the RBOS that the vehicle had been classified as rebuilt, contrary to sections 40(2)(1) and 42(23) of O. Reg. 333/08. As such, the Dealer has contravened sections 7(1) and 9(1) and (3) of the Code of Ethics.
10. Between July 2024 and January 2025, a representative of the Registrar (the “Representative”) attempted to facilitate the resolution of the complaint between the Consumer and Drivetime Fine Cars.
11. As of around January 2025, the Representative was unable to negotiate a resolution with Drivetime Fine Cars due to its failure to respond.
12. On or about January 10, 2025, the Representative sent the Dealer (with attention to Shaath) a letter via email regarding the Consumer’s complaint and requested the Dealer to provide, within 5 business days, a written response explaining the Dealer’s position with respect to the complaint, a written statement explaining any offers the Dealer has made or is willing to make to resolve the complaint, and copies of various documents relating to the transaction. The letter also reminded the Dealer of its obligation to respond to the request for information and provide the requested documentation, pursuant to section 14 of the Act.

13. The Representative did not receive a response as of January 22, 2025. On or about the same date, the Representative sent another letter via email to the Dealer (with attention to Shaath), repeating the request for information and reminding the Dealer that failure to do so may result in administrative action. The letter imposed a deadline of January 29, 2025.
14. On or about January 31, 2025, the Representative called the Dealer and spoke with the Dealer's reception. The Representative asked to speak with Shaath, but the call was instead transferred to Hassan. After the Representative advised Hassan about the complaint and the two letters requesting information, Hassan asked the Representative to send the letters to an alternative email address (the "Alternative Email Address"). Hassan stated that he had access to the Alternative Email Address and would try and assist on this matter.
15. On or about the same date, the Representative forwarded both letters to the Alternative Email Address provided by Hassan. The Representative asked Hassan to respond to the request by February 6, 2025.
16. A response was not received by the Representative by around February 6, 2025 as requested.
17. A response was sent to the Representative by Counsel for the Dealer on or about June 2, 2025.
18. The Dealer failed to provide the information and documents as requested by the Representative in a timely manner. As such, the Dealer has contravened section 14(3) of the Act, paragraph 6 of its T&Cs, as well as section 9(1) of the Code of Ethics.
19. The Dealer further failed to ensure its salespersons carried out their duties in compliance with the Code of Ethics and thereby violated s. 6(1) of the Code of Ethics.

Shaath's Non-Compliance

20. Shaath failed to respond to the requests for information as required by section 14(3) of the Act and therefore Shaath breached section 9(1) of the Code of Ethics. As the Person in Charge of the day-to-day activities of the Dealer, Shaath also 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) and 9(1) of the Code of Ethics.

Hassan's Non-Compliance

21. By acting as a salesperson and Sales Manager in the sale of the 2018 Ford F150, and by failing to ensure that the Dealer responded to the requests for information in a timely manner, Hassan 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) and 9(1) of the Code of Ethics.

Code of Ethics Violations

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

Accountability

s. 6(1) A registered motor vehicle dealer shall ensure that every registered salesperson that the dealer employs or retains to act as a salesperson carries out his duties in compliance with this Regulation.

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.

Professionalism

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.

23. As particularized above, the Dealer, Shaath, and Hassan 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.

24. As particularized above, Shaath and Hassan have 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:

- a. the Dealer has breached Sections 6(1), 7(1), 9(1) and 9(3) of the Code of Ethics;
- b. Remah Shaath has breached Sections 6(2) and 9(1) of the Code of Ethics; and
- c. Emad Hassan has breached Sections 6(2) and 9(1) of the Code of Ethics

The Reviewing Panel accepted the parties' proposed resolution for the reasons below.

Reasons for Decision

1. In reviewing the joint submission on penalty, the Reviewing Panel must determine if the proposed resolution is in the public interest or if it is so unhinged from the circumstances of the impugned behaviour that a reasonable person would believe that the justice system has broken down. In doing this analysis, the Reviewing Panel must bear in mind the aims of levying an administrative penalty: specific deterrence of the offender, general deterrence for the motor vehicle sales industry, and rehabilitation and remediation for the offenders. Dealing with the last of these first, there is an education requirement for the personal applicants that, it is hoped, will educate and encourage regulatory compliance in the future.
2. In considering the administrative penalty, the Reviewing Panel notes that there are two impugned transactions arising out of one sales transaction to a consumer, failure to disclose that the vehicle was a rebuild and failure to transfer the vehicle into the Dealer's name at MTO. Added to that is a failure to respond in a timely manner to OMVIC. While we note that the Respondents have apparently accepted responsibility for their actions by entering into an agreed statement of facts and joint submission on penalty, we are greatly troubled that this transaction follows hard on the heels of the settlement at the Licence Appeal Tribunal ("LAT") wherein the Dealer and Shaath avoided the potential revocation of their registrations by agreeing not to engage in conduct of this nature. Thus, while this is the parties' first appearance before the Discipline Tribunal, there has been much more serious disciplinary proceedings where OMVIC brought proceedings before the LAT to revoke the Dealer's registration.
3. Taking all of the factors into account and despite our reservations about the terms and conditions the Dealer and Shaath consented to dispose of the LAT proceeding, the Reviewing Panel finds that the proposed penalty of \$5,000, while on the low end of the range for such egregious behaviour, does not markedly conflict with other penalties imposed by the Discipline Tribunal in similar cases. We find that a penalty of \$5,000 is sufficient to signal to the industry that breaches of the regulations are serious offences and will draw significant sanctions.
4. The Reviewing Panel is satisfied that the agreed upon penalty satisfies the sentencing principles of specific and general deterrence, maintains public trust, meets the objectives of rehabilitation and remediation, and that the proposed penalty is in the public interest. The parties are thanked for working towards a resolution short of the need for a hearing.

Ontario Motor Vehicle Industry Council
Discipline Tribunal

Dated: December 29, 2025



Greg Flude, Public Member

On behalf of:
Chris Pinelli, Registrant Member
Paul Repar, Registrant Member