

DISCIPLINE DECISION

REVIEWING PANEL: Greg Flude, Public Member
Mike Ball, Registrant Member
Joe Malfara, 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 -)
2403274 ONTARIO INC.)
o/a TORONTO BEST AUTO)
- and -)
OZGUR POLAT)
)

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: **2403274 Ontario Inc. o/a Toronto Best Auto (“the Dealer”) has breached the following:**

- Sections 4(2), 6(1) and 9(3) of the Code of Ethics, O. Reg. 332/08

Ozgur Polat (“Polat”) has breached the following:

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

Order:

1. The Dealer shall pay a fine in the amount of **\$3,000** no later than ninety (90) calendar days from the date of the Discipline Tribunal's Order.
2. Polat shall successfully complete OMVIC's 'Advertising Compliance' Webinar 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, the opportunity to complete OMVIC's 'Advertising Compliance' Webinar no later than ninety (90) calendar days from the date of the Discipline Tribunal's Order.

Overview

This matter proceeded before the Discipline Tribunal and the Appeals Tribunal on the basis of an Agreed Statement of Facts, dated November 11, 2025, a jointly proposed disposition and a waiver of oral hearing, pursuant to Rule 1.07 of the Rules of Practice. The Agreed Statement of Facts states in relevant part as follows:

Background

1. The Dealer was first registered as a motor vehicle dealer under the Act in or around July 2018.
2. Polat was first registered as a salesperson under the Act in and around July 2018. At all material times, Polat has been a registered salesperson, General Manager, sole Director, and designated Person in Charge of the day-to-day activities of the Dealer.

OMVIC Publications

3. Since the Act was proclaimed in 2010, OMVIC has issued various educational materials, including publications, webinars and guidelines, reminding registrants of their all-in price advertising obligations. Educational materials continue to be available on OMVIC's website.

Reminder to Comply

4. On or about May 5, 2023, the Registrar issued a formal caution letter to the Dealer and Polat, as a reminder to comply with their all-in price advertising obligations pursuant to s. 36(7) of O. Reg. 333/08 and the Code of Ethics.

Dealer's Non-Compliance

5. On or before March 21, 2025, the Dealer published an advertisement for a 2019 Toyota Corolla (VIN: *134039) with an advertised price of \$20,999 plus taxes and licensing.
6. The vehicle was advertised as 'unfit' and as such, a purchaser could incur additional costs to obtain safety certification and ensure the vehicle is road worthy. The

advertisement included the appropriate details, stating “This vehicle is not drivable, not certified. Certification is available for \$699.”

7. On or about March 21, 2025, a representative of OMVIC (the “Representative”) attended the Dealer’s premises to make inquiries about the vehicle, while posing as a member of the public (also known as a ‘mystery shop’).
8. The Representative met with Polat to discuss pricing. Polat advised that the 2019 Toyota Corolla could be purchased for \$20,999 and the certification fee of \$699 was optional, if paying by cash. However, if the purchase were to be financed, an additional finance fee of \$899 plus the certification fee of \$699, were mandatory.
9. Polat, on behalf of the Dealer, provided the Representative with a handwritten note which indicated the following additional mandatory fees (if not paying by cash):
 - a. \$899 financing fee
 - b. \$699 safety fee
10. These additional fees amount to a total of \$1,598, above the advertised price for the vehicle.
11. The Dealer’s advertised price of \$20,999 failed to indicate in a clear manner that this was only the ‘cash price’ for the vehicle. The Dealer failed to indicate in a clear manner that an additional fee of \$899 applied to financing deals. The Dealer failed to ensure that the \$699 certification fee was indeed optional, regardless if the vehicle was financed.
12. As a result, the Dealer’s advertised vehicle price was not all-inclusive and the mandatory additional fees were not advertised in a clear, truthful, and/or legal manner. The Dealer thereby breached section 36(7) of O. Reg. 333/08, as well as sections 4(2), 6(1) and 9(3) of the Code of Ethics.

Polat’s Non-Compliance

13. In regard to the vehicle transaction as described above, Polat engaged in the trade of a vehicle in a manner that is contrary to sections 4(2) and 9(3) of the Code of Ethics. As the Person in Charge, Polat 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 4(2), 6(2) and 9(3) of the Code of Ethics.

Code of Ethics Violations

14. 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 or her duties in compliance with this Regulation.

15. As particularized above, the Dealer and Polat have violated the following sections of the Code of Ethics:

Disclosure and marketing

s. 4(2) A registrant shall ensure that all representations, including advertising, made by or on behalf of the registrant in connection with trading in motor vehicles, are legal, decent, ethical and truthful.

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.

16. As particularized above, Polat 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 the Dealer has violated sections 4(2), 6(1) and 9(3) of the Code of Ethics and Polat has violated sections 6(2) and 9(3) 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.¹ 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 Dealer 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 is one instance of breach of the all-in advertising regulations. An aggravating factor is that the Dealer had previously been issued a formal caution. In mitigation, we note that the Applicants have accepted responsibility for their actions as evidenced by entering into an agreed statement of facts and joint submission on penalty. This is also the first appearance before the Discipline Tribunal.

¹ *R. v. Anthony Cook* (2016) SCC 43, *Timothy Edward Bradley v. Ontario College of Teachers*, 2021 ONSC 2303

3. Taking all of the factors into account, the Reviewing Panel finds that the proposed penalty of \$3,000 does not conflict with other penalties imposed by the Discipline Tribunal in similar cases. We were referred to several cases involving multiple incidents of non-disclosure in one transaction: We were referred to several cases involving a single breach of the all-in pricing regulations: *Sturgeon Falls Chrysler Dodge Jeep Ram Inc. et al.* (2025) (total penalty \$4,250), *Olympic Motors (On) II Corporation o/a Auto Value Hyundai et al* (penalty of \$2,800), and *2198757 Ontario Limited o/a Autobase et al* (penalty of \$2,500). We find that a penalty of \$3,000 is in line with these decisions, the issuance of an earlier warning letter elevates the behaviour to a higher range than those cases involving a single incidence of breach of the all-in advertising regulations. The penalty is sufficient to signal to the industry that breaches of the regulations all-in pricing 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:
Mike Ball, Registrant Member
Joe Malfara, Registrant Member