

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 -

1042735 ONTARIO INC. O/A MAZDA OF BRAMPTON

- and -

STEVEN ALIZADEH AND GLEN ALIZADEH

AGREED STATEMENT OF FACTS AND PENALTY

1042735 Ontario Inc. o/a Mazda of Brampton and Steven Alizadeh and Glen Alizadeh have breached the following:

Section 4 of the Code of Ethics, Regulation 332/08

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

SUMMARY OF AGREEMENT

The parties to this proceeding agree that:

1. 1042735 Ontario Inc. o/a Mazda of Brampton the ("Dealer") was first registered as a motor vehicle dealer on or about September 27, 1993. Steven Alizadeh ("S. Alizadeh") was first registered as a motor vehicle salesperson on or about October 7, 2005. Glen Alizadeh ("G. Alizadeh") was first registered as a motor vehicle salesperson on or about December 23, 1985. At all material times, S. Alizadeh and G. Alizadeh were officers and directors of the Dealer.
2. On or about June 20, 2014, representatives of the Registrar conducted an educational presentation concerning advertising regulations, at the Dealer's premises. The Dealer was again reminded of the requirement to ensure advertised vehicle prices include all additional fees.

Handwritten initials: M. Ut.

3. In the winter of 2008, OMVIC issued a Dealer Standard publication which highlighted some of the upcoming changes that would take place when the *Motor Vehicle Dealers Act, 2002* (the "Act") came into effect, including the requirement for dealers to advertise an all-inclusive vehicle price.
4. Once the Act came into effect, the following Dealer Standard publications further reminded dealers of various advertising obligations including ensuring advertised vehicle prices include all additional fees as well as ensuring to disclose former daily rental vehicles in advertisements:
 - a. Winter 2008
 - b. Summer 2008
 - c. Spring 2010
 - d. Summer 2010
 - e. Spring 2011
 - f. Summer 2012
 - g. Winter 2013
 - h. Spring 2013
 - i. Fall 2013
 - j. Winter 2014
5. Furthermore, OMVIC issued the following bulletins which also reminded dealers of the requirement to advertise an all-inclusive price as well as ensuring to disclose former daily rental vehicles:
 - a. January 2010 (2 separate publications)
 - b. March 2010
 - c. April 2010 (2 separate publications)
 - d. December 2010
 - e. February 2012
 - f. August 2012
 - g. September 2012 (2 separate publications)
 - h. April 2013
 - i. June 2014

All Inclusive Price Advertising:

6. On or before June 27, 2014, an advertisement was placed by or on behalf of the Dealer for a 2013 Mazda 3 GX stock # CPO-ZP3701 (VIN JM1BL1UF3D1771041) with an advertised selling price of \$15,795. On or about June 27, 2014, representatives of the Registrar attended the Dealer while posing as members of the public a worksheet was drawn up which indicated the selling price of the vehicle plus HST, for a total amount of \$17,170. In addition a mandatory \$395 anti-theft fee and a mandatory \$5.00 OMVIC fee were added. As such the advertised vehicle selling price was not all-inclusive. This is contrary to sub section 36(7) of Regulation 333/08, as well as sections 4 and 9 of the Code of Ethics.



Registrant's Initials

Daily Rental Disclosure:

7. On or before June 27, 2014, an advertisement was placed by or on behalf of the Dealer for a 2013 Mazda 3 GX, stock # CPO-ZP3701 (VIN JM1BL1UF3D1771041) without disclosing its former daily rental use in the advertisement.

By failing to comply with the following sections of the *Motor Vehicle Dealers Act, 2002*:

Regulation 333/08:

36 (7) If an advertisement indicates the price of a motor vehicle, the price shall be set out in a clear, comprehensible and prominent manner and shall be set out as total of,

- (a) the amount that a buyer would be required to pay for the vehicle; and
- (b) subject to subsections (9) and (10), all other charges related to the trade in the vehicle, including, if any, charges for freight, charges for inspection before delivery of the vehicle, fees, levies and taxes. O. Reg. 333/08, s. 36 (7).

Regulation 333/08:

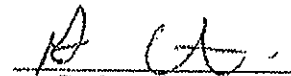
36 (5) If any of the following is true of a motor vehicle, an advertisement that attempts to induce a trade in the specific vehicle shall indicate, in a clear, comprehensible and prominent manner, that the vehicle was previously,

- (a) leased on a daily basis, unless the vehicle was subsequently owned by a person who was not a registered motor vehicle dealer;
- (b) used as a police cruiser or used to provide emergency services; or
- (c) used as a taxi or limousine. O. Reg. 333/08, s.36 (5).

It is thereby agreed that the Dealer has breached the following sections of the Code of Ethics, as set out in Regulation 332/08:

4. A registrant shall be clear and truthful in describing the features, benefits and prices connected with the motor vehicles in which the registrant trades and in explaining the products, services, programs and prices connected with those vehicles.

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.



Registrant's Initials

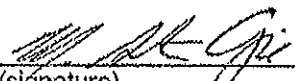
JOINT SUBMISSION ON PENALTY:

1. The Dealer agrees to pay a fine in the amount of \$3,000 within 90 days of the date of the Discipline Committee Order.
2. The Dealer agrees 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 acceptance of this offer. 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 are otherwise required to do pursuant to the Act.
3. The Dealer and Steven Alizadeh and Glen Alizadeh agree 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.

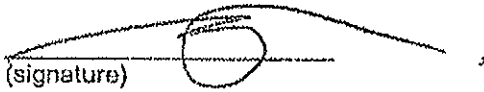
DATED AT Brampton THIS 20th DAY OF April, 2015

(please print)
Steven Alizadeh


(signature)

(please print)
Glen Alizadeh


Registrant's Initials

(signature) 

DATED AT Brampton THIS 20th DAY OF April, 2015

(please print)

Glen Alieadeh, President
(please print)


I have the authority to bind the corporation:
1042735 Ontario Inc. o/a Mazda of Brampton

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 Paris THIS 26th DAY OF April, 2015



Registrant's Initials



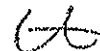
Mary Jane South,
Registrar (Motor Vehicle Dealers Act, 2002)

Pursuant to Rule 1.07, I accept this Agreed Statement of Facts and Penalty from the Parties identified above:

DATED AT London THIS 27 DAY OF April, 2015



Catherine Poutney
Chair, Discipline Committee of the
Ontario Motor Vehicle Industry Council



Registrant's Initials