

Licence  
Appeal  
Tribunal

Tribunal  
d'appel en  
matière de permis



DATE: 2012-04-27  
FILE: 6378/MVDA  
CASE NAME: 6378 v. Registrar, *Motor Vehicle Dealers Act, 2002*

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An Appeal from a Notice of Proposal by the Registrar, *Motor Vehicle Dealers Act, 2002*,  
S.O. 2002, c. 30, Sch. B - to Revoke Registrations

Central International Trading Company Inc. o/a Luay Auto Trading  
and Luay Sabeeh and Abdul Hilwu

Applicants

-and-

Registrar, *Motor Vehicle Dealers Act, 2002*

Respondent

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**INTERIM ORDER**

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**ADJUDICATOR:** Douglas R. Wallace, Vice-Chair

**APPEARANCES:**

**For the Applicants,**  
Central International  
Trading Company Inc.  
o/a Luay Auto Trading  
and Luay Sabeeh: Roberto Ghignone, Counsel

**For the Applicant:** Abdul Hilwu, self-represented

**For the Respondent:** Angela La Viola, Counsel

Heard in Ottawa: April 10 and 11, 2012

## REASONS FOR DECISION AND INTERIM ORDER

This is a hearing before the Licence Appeal Tribunal (the "Tribunal") arising out of a Notice of Proposal issued by the Registrar, *Motor Vehicle Dealers Act, 2002* (the "Registrar" and the "Act" respectively). The Notice of Proposal dated November 23, 2010, proposed to revoke the registration of the corporate Applicant Central International Trading Company Inc. o/a Luay Auto Trading as a dealer and the registration of the Applicants Luay Sabeeh and Abdul Hilwu as salespersons under the Act.

At the opening of the hearing, Counsel for the Applicant Central International Trading Company Inc. o/a Luay Auto Trading and the Applicant, Luay Sabeeh, moved for an adjournment on the grounds that Counsel for these Applicants had not had sufficient time to review the evidence with his clients.

Counsel indicated that he was retained on March 27, 2012 and advised the Tribunal on March 30, 2012 that he would require an adjournment to allow proper preparation. When Counsel for the Registrar could not be contacted in time to make a joint submission to the Tribunal by telephone conference prior to the commencement of the hearing, Counsel made his motion at the opening of the hearing on April 10, 2012. The Applicant, Abdul Hilwu, supported the motion while Counsel for the Registrar opposed it.

The following facts emerged from the parties' submissions. The Notice of Appeal was filed on December 8, 2010. After several adjournments, a pre-hearing was concluded on July 20, 2011, at which time a hearing date of January 17 to 20, 2012 was set. On January 13, 2012, the hearing date was adjourned at the Registrar's request to April 10, 2012, peremptory to all parties. The short notice of the present application for adjournment was due to the Applicants' original counsel withdrawing from the case at the last minute, due to a conflict of interest.

The Applicants' present Counsel received the Registrar's productions consisting of four Books of Documents from his clients on March 28, 2012, and had not yet had an opportunity to review these documents with his clients. Counsel for the Registrar indicated that she was present with six witnesses and was prepared to proceed. She also indicated a number of conditions which she would request be imposed if an adjournment were to be granted. Counsel for all parties advised that the next date both would be available with their witnesses would be July 5, 6, 11 and 12, 2012.

The Tribunal considered the circumstances giving rise to the motion for adjournment, the prejudice that would be caused to the public by a lengthy further delay in the hearing and the prejudice that would be caused to the Applicants by proceeding without fully instructed Counsel and ruled that a half day's adjournment would afford sufficient time for Counsel to prepare prior to the calling of the Registrar's first witness. The hearing was, accordingly, adjourned to the next morning at 9:30 a.m.

On April 11, 2012, the Tribunal learned that Mohammed-Sarmad AbdulWahid, indicated on the record as the Applicant Abdul Hilwu's representative, was a qualified interpreter but was not qualified either as a paralegal or lawyer to represent Mr. Abdul Hilwu. It also learned that this Applicant had not received any of the Registrar's disclosure, either because it was forwarded to his former counsel prior to that counsel's withdrawal from the file, or because it had not yet been delivered to him by courier service.

In light of this additional information, the Tribunal ruled that it would not proceed until Mr. Abdul Hilwu had had an opportunity to retain a properly qualified paralegal or lawyer to represent him should he wish legal representation and an opportunity to review all of the disclosure from the Registrar.

The Tribunal accordingly orders as follows:

1. This hearing is adjourned peremptory to all parties to **Thursday, July 5, 2012**, at **9:30 a.m.**, and to continue thereafter as necessary on July 6, 11 and 12, 2012, at Gillespie Reporting Services, 130 Slater Street, Suite 200, Ottawa, Ontario.
2. The Applicant, Abdul Hilwu, shall maintain a residence at 1485 Caldwell Avenue, Suite 710, Ottawa, Ontario, K1Z 8M1, until at least April 30, 2012, and notify the Tribunal in writing of any change in address between the date of this Order and July 5, 2012. He shall also notify the Tribunal promptly of the name and address of any legal representative retained to represent him at the hearing.
3. The Applicants, Central International Trading Company Inc. o/a Luay Auto Trading and Luay Sabeeh, and the Registrar shall send, by courier, a copy of all documents they intend to rely on at the hearing of this matter, to the Applicant, Abdu Hilwu, at the above-noted address by April 30, 2012, and file proof of delivery with the Tribunal.
4. If the Applicant, Abdul Hilwu, wishes to be represented at the continuance of this hearing, he shall retain a licensed paralegal or lawyer within 30 days from the date of this Order and provide his representative with a copy of this Order. The role of Mohammed-Sarmad AbdulWahid at the continuance of this hearing shall be confined to that of an interpreter.
5. The Applicants, Central International Trading Company Inc. o/a Luay Auto Trading and Luay Sabeeh have agreed to, and will comply with, the following conditions:
  - a) Luay Auto Trading and Luay Sabeeh will provide the Registrar with any and all completed deal files between April 11, 2012 and July 5, 2012, said files to include copies of all bills of sales for all vehicles purchased and sold, all payment records, repair and reconditioning records and any commission records.

- b) There will be no advertising online, by radio or in print.
- c) Luay Auto Trading will erect a permanent and affixed sign visible to the public.
- d) Luay Auto Trading will provide the Register with free access to bank records and provide accurate and up to date contact numbers.

LICENCE APPEAL TRIBUNAL



Douglas R. Wallace, Vice-Chair.

RELEASED: April 27, 2012