



DISCIPLINE DECISION

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 -

547121 ONTARIO LIMITED O/A MUSKOKA CHRYSLER SALES

-AND-

HEDLEY MILLER

-AND-

DOUGLAS WINNINGTON-INGRAM

Date of Decision: March 6, 2012

Findings: Breach of Sections 7 and 9 of the Code of Ethics

Order:

1. The Dealer agrees to pay a fine in the amount of \$3,000.00 within 90 days of the date of the Discipline Committee Order. The fine is payable to the Ontario Motor Vehicle Industry Council.
2. The dealer agrees to comply with the *Motor Vehicle Dealers Act, 2002* and Standards of Business Practice, as may be amended from time to time.

Written Reasons:

Reasons for Decision

Introduction

This matter proceeded on the basis of an Agreed Statement of Facts and Joint Submission on Penalty before a Panel of the Discipline Committee pursuant to Section 17 of the Motor Vehicle Dealers Act 2002.



The Agreed Statement of Facts read:

1. 547121 Ontario Limited o/a Muskoka Chrysler Sales (the "Dealer") was first registered as a motor vehicle dealer in or around April 1983.
2. Hedley Miller ("Miller") was first registered as motor vehicle salesperson in or around April 1983; and is an officer and director of the Dealer
3. Douglas Winnington-Ingram ("Winnington-Ingram") was first registered as motor vehicle salesperson in or around July 1987; and is an officer and director of the Dealer.
4. During an inspection on or about January 26, 2006, the Dealer was reminded by a representative of the Registrar of the obligation to ensure a vehicle's history is disclosed in writing on the Bill of Sale. At this time, the Dealer was also reminded of his obligation to ensure the previous history of the vehicle, specifically previous rental, by way of written disclosure on the Bill of Sale.
5. On or about January 17, 2011, the Dealer purchased a 2010 Chrysler PT Cruiser, VIN 3A4GY5F9XAT170830 declared as a "former daily rental". On or about April 16, 2011, the Dealer sold this vehicle without providing the purchaser with written disclosure on the Bill of Sale. The Dealer advised the purchaser verbally, prior to purchase.
6. On or about January 17, 2011, the Dealer purchased a 2010 Chrysler Sebring, VIN 1C3CC5FV0AN132219 declared as a "former daily rental". On or about June 20, 2011, the Dealer sold this vehicle without providing the purchaser with written disclosure on the Bill of Sale. The Dealer advised the purchaser verbally, prior to purchase.
7. This is contrary to sections 7 and 9 of the *Code of Ethics*.

Joint Submission on Penalty:

1. The dealer agrees to pay a fine in the amount of \$3,000.00 within 90 days of the date of the Discipline Committee Order. The fine is payable to the Ontario Motor Vehicle Industry Council.
2. The dealer, Miller and Winnington-Ingram agree to comply with the *Motor Vehicle Dealers Act, 2002* and Standards of Business Practice, as may be amended from time to time.

Decision of the Panel:

Having reviewed and considered the Agreed Statement of Facts, the Panel of the Discipline Committee hereby concludes that the Dealer, Miller and Winnington-Ingram breached subsections 7(1) and 9(1) of the OMVIC Code of Ethics, as set out in Ontario Regulation 332/08, made under the *Motor Vehicle Dealers Act, 2002*. The Panel of the Discipline Committee also agrees with the Parties' Joint Submission on Penalty and, accordingly, makes the following Order:

1. The dealer agrees to pay a fine in the amount of \$3,000.00 within 90 days of the date of the Discipline Committee Order. The fine is payable to the Ontario Motor Vehicle Industry



Council.

2. The Dealer, Miller and Winnington-Ingram agree to comply with the *Motor Vehicle Dealers Act, 2002* and Standards of Business Practice, as may be amended from time to time.

Ontario Motor Vehicle Industry Council
Discipline Committee

Paul Dray, Chair
Larry Pringle, Vice Chair
Tony Rizzuto, Vice Chair