VIA COURIER

IN THE MATTER OF the Motor Vehicle Dealers Act, 2002, S.O. 2002, Chapter 30, Schedule B and Regulations, as amended

- and -

IN THE MATTER OF the registration of HAYDAR ALHAKIM o/a HNH AUTO SALES

TO: Haydar Alhakim
o/a HNH Auto Sales
3500-2 Bloor Street East
Toronto, ON M4W 1A8

NOTICE OF PROPOSAL TO REVOKE REGISTRATION

Take notice that pursuant to Section 9 of the *Motor Vehicle Dealers Act, 2002* (the "Act") the Registrar is proposing to revoke the registration of Haydar Alhakim o/a HNH Auto Sales as a motor vehicle dealer under the Act.

REASONS

The intention and objective of the Act is to protect the public interest. In doing so, the Act prohibits the making of false statements in an application for registration or renewal and requires that Registrants be financially responsible in the conduct of business and that they carry on business in accordance with the law and with integrity and honesty.

The past conduct of Haydar Alhakim is inconsistent with the intention and objective of the Act and therefore warrants the disentitlement of Haydar Alhakim o/a HNH Auto Sales to registration under the Act.

PARTICULARS

The reasons for this proposal are:

BACKGROUND

1. Haydar Alhakim o/a HNH Auto Sales ("HNH Auto Sales") was first registered as a motor vehicle dealer under the Act on or around July 23, 2021.

2. HNH Auto Sales is a sole proprietorship owned and operated by Haydar Alhakim ("Alhakim").

3. At all material times, HNH Auto Sales has been registered in the wholesaler class of motor vehicle dealers.

4. On or about July 23, 2021, Alhakim signed terms and conditions of registration on behalf of HNH Auto Sales (the "Terms and Conditions").

5. Paragraph 8 of the Terms and Conditions prohibits HNH Auto Sales from trading in motor vehicles other than with registered dealers and wholesale auctions.

CURRENT NON-COMPLIANCE

6. In or around September 2022, Consumer A verbally agreed to sell a 2018 Honda CRV, VIN: ***128651, to HNH Auto Sales for $27,000 USD.

7. As part of the verbal agreement, Alhakim provided Consumer A with an initial deposit of $8,000 USD.

8. In addition to the $8,000 USD, Alhakim provided an approximately $20,000 USD cheque to Consumer A. The cheque could not be deposited by Consumer A due to insufficient funds in HNH Auto Sales' account.

9. By engaging in trade with Consumer A as a wholesaler, HNH Auto Sales contravened s.21 of Ontario Regulation 333/08 and breached paragraph 8 of the Terms and Conditions.

10. On or about September 8, 2022, Alhakim transferred the 2018 Honda CRV into the ownership of HNH Auto Sales using a Wholesale Bill of Sale dated August 30, 2022 (the "WBOS") and an Application for Vehicle Transfer ("AVT") dated September 8, 2022.

11. Consumer A never viewed or signed the WBOS or AVT. Consumer A's signatures were falsified. As a result, HNH Auto Sales contravened s.26 and s.27 of the Act.

12. In or around September 2022, HNH Auto Sales sold the 2018 Honda CRV to Chatham Kent Collision for $28,815.

13. Despite reselling the vehicle for $28,815. Alhakim failed to reimburse Consumer A.

14. On or about February 16, 2024, Alhakim gave Consumer A a $5,000 cheque. At this time, he told Consumer A the remaining balance of $19,250 would be paid in two instalments. The first $10,000 would come in two weeks and the other $9,250 would be paid in an additional two weeks.

15. On or about March 9, 2024, Alhakim told Consumer A he needed more time to repay the remaining $19,250.

16. To this date, Consumer A has not received the remaining $19,250.

GROUNDS FOR REVOCATION

17. Alhakim's past conduct disentitles HNH Auto Sales to registration pursuant to section 6(1)(d)(iii) of the Act.

RIGHT TO A HEARING

Section 9(2) of the Act provides that an Applicant/Registrant is entitled to a hearing by the Licence Appeal Tribunal in respect of this proposal, if **WITHIN 15 DAYS** after service of this proposal, the Applicant/Registrant mails or delivers a written request for a hearing, to the following parties:

Licence Appeal Tribunal
Tribunals Ontario
General Services
15 Grosvenor Street, Ground Floor
Toronto, ON M7A 2G6
Email: LATRegistrar@ontario.ca

Ontario Motor Vehicle Industry Council (OMVIC)
Registrar, *Motor Vehicle Dealers Act, 2002*
65 Overlea Blvd., Suite 300
Toronto, ON M4H 1P1

- AND TO -

Email: Legal_Dept@omvic.on.ca

Note that Section 9(4) of the Act provides that where the Applicant/Registrant does not require a hearing by the Tribunal in accordance with subsection 9(2), the Registrar may carry out the proposal to refuse/revoke/suspend the registration, without further notice to you.

Section 9(5) of the Act provides that where an Applicant/Registrant requires a hearing, the Tribunal shall schedule a hearing. At that time, the Tribunal may order the Registrar to carry out, or refrain from carrying out this proposal, or may order that the Registrar take such action as the Tribunal considers appropriate, in accordance with the Act and the regulations.

Section 9 (5) of the Act provides that the Tribunal may attach such terms and conditions to its Order or to the registration, as it considers proper to give effect to the purposes of the Act.

APPLICATION OF THE *STATUTORY POWERS PROCEDURE ACT*

The *Statutory Powers Procedure Act*, R.S.O. 1990, Chapter S.22, as amended, applies to the hearing to be held by this Tribunal. A party to a proceeding may be represented by counsel or an agent.

The Registrar states that the good character, propriety of conduct or competence of the Applicant/Registrant shall be an issue in any hearing before the Tribunal and the Registrar has, therefore, furnished herein reasonable information of allegations with respect thereto.

APPLICATION OF THE COMMON RULES OF PRACTICE AND PROCEDURE FOR THE LICENCE APPEAL TRIBUNAL, ANIMAL CARE REVIEW BOARD, and FIRE SAFETY COMMISSION

This is to serve as notice that the Registrar shall make application for its costs pursuant to Rule 19 of the Common Rules of Practice.

FURTHER PARTICULARS/SUPPLEMENTAL NOTICE

The Registrar may provide further and other particulars in respect of any other matters herein or in respect to any other matter including further grounds for refusal/revocation/suspension of registration.

DATED at Toronto, this 1st day of April 2025.

Maureen Harquail
Registrar
Motor Vehicle Dealers Act, 2002