DISCIPLINE DECISION

REVIEWING PANEL: Sherry Darvish, Public Member
Nelson Caetano, Registrant Member
Paul Eros, 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 -	)
2547566 ONTARIO INC. o/a KITCHENER NISSAN	)
- and -	)
TINGXI YING	)
- and -	)
DANIEL ERNEST MACGREGOR WILTON	)

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: September 30, 2026

Findings: **2547566 Ontario Inc. o/a Kitchener Nissan (the "Dealer") has breached the following:**

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

Tingxi Ying has breached the following:

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

Daniel Ernest Macgregor Wilton has breached the following:

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

Order:

1. The Dealer shall pay a fine in the amount of **$3,500** no later than ninety (90) calendar days from the date of the Discipline Tribunal's Order.

2. Tingxi Ying ("Ying") shall successfully complete (with a passing grade of at least 80%) the MVDA Key Elements Course, no later than ninety (90) calendar days from the date of the Discipline Tribunal's Order.

3. Daniel Ernest Macgregor Wilton ("Wilton") shall successfully complete (with a passing grade of at least 80%) the MVDA Key Elements Course, no later than ninety (90) calendar days from the date of the Discipline Tribunal's Order.

4. The Dealer shall **offer** to all current and future salespersons, employed by the Dealer, to **fund** their completion of the Automotive Certification Course, no later than ninety (90) calendar days from the date of the Discipline Tribunal's Order.

Overview

This matter proceeded on the basis of an Agreed Statement of Facts, July 31, 2026, a jointly proposed disposition and a waiver of oral hearing, pursuant to Rule 1.07 of the Rules of Practice before the Discipline Tribunal and the Appeals Tribunal. The Agreed Statement of Facts states in relevant part as follows:

Withdrawals:

The allegations against Mark J Pilla contained in paragraphs 2 and 16 of the Notice of Referral to Discipline ("NORD") dated May 7, 2026 are withdrawn.

Background:

1. The Dealer was first registered as a motor vehicle dealer under the Act in and around December 16, 2016. It is currently registered.

2. Tingxi Ying ("Ying"), also known as "Ting", was first registered as a salesperson under the Act in and around August 2010. At all material times, Ying has been a General Manager responsible for the day-to-day activities of the Dealer.

3. Daniel Ernest Macgregor Wilton ("Wilton"), also known as "Dan" or "Danny", was first registered as a salesperson under the Act in and around June 2021. At all material times, Wilton has been a salesperson on behalf of the Dealer.

Educational Resources

4. 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 resources continue to be available on OMVIC's website.

Reminders to Comply

5. On or about April 1, 2022, a representative of the Registrar reminded the Dealer to comply with its all-in price advertising obligations pursuant to s. 36(7) of O. Reg. 333/08 and the Code of Ethics.

Dealer's Non-Compliance

6. On or before February 9, 2026, the Dealer published an advertisement for a 2025 Nissan Kicks, stock# NK5804 (VIN# *335261), with a sale price of $29,449 plus taxes and licensing.

7. On or about February 10, 2026, an OMVIC Representative made inquiries about the vehicle, while posing as a member of the public (this is also known as a mystery shop).

8. Wilton, acting on behalf of the Dealer, provided the OMVIC Representative with a worksheet for the vehicle's financing price. Wilton advised the OMVIC Representative that the vehicle's finance price and cash price were the same.

9. The worksheet showed the vehicle's MSRP price as $29,449, with a discount of $2,500, leading to a total of $26,949. However, the following additional charges were added to the price of the vehicle:
    a. Freight of $2,030
    b. Air tax and Eco fee of $100
    c. Additional Equipment fee of $820

10. Adding the above fees to the vehicle's price of $26,949 results in an "Adjusted Price" of $29,899, as indicated on the worksheet. The following additional charges were also added to the vehicle's "Adjusted Price":
    a. "Other" fee of $495
    b. "Other" fees of $1
    c. Tire recovery fee of $22.50
    d. OMVIC fee of $22

11. Adding the above fees to the "Adjusted Price" of $29,899 results in a total of $30,439.50. This corresponds to the vehicle's Sub Total price as indicated on the worksheet, minus License fees of $59 ($30,498.50 – $59 = $30,439.50).

12. The OMVIC Representative inquired about the Additional Equipment fee of $820. Wilton explained that it consisted of a Security Plus Package fee of $621 and a Wheel Locks fee of $199, which were also indicated on the worksheet.

13. Wilton advised the OMVIC Representative that the Additional Equipment fee of $820 was not optional, as the vehicle came with the "additional equipment" from Nissan. Wilton explained that the Security Plus Package was etching, in case the vehicle was ever stolen.

14. The total of $30,439.50 is $990.50 greater than the vehicle's advertised sale price of $29,449.

15. As such, the Dealer's advertised sale price for the 2025 Nissan Kicks was not all-inclusive. This is contrary to section 36(7) of O. Reg. 333/08, as well as sections 4(2), 6(1), and 9(3) of the Code of Ethics.

Ying's Non-Compliance

16. Ying, as the General Manager responsible for the day-to-day activities of the Dealer, 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 6(2), 9(1) and 9(3) of the Code of Ethics.

Wilton's Non-Compliance

17. In regard to the above-noted transaction of the 2025 Nissan Kicks, Wilton failed to represent the selling price of the vehicle and its additional fees in a legal manner and thereby violated sections 4(2) and 9(3) of the Code of Ethics. Wilton also 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 6(2), 9(1) and 9(3) of the Code of Ethics.

Code of Ethics Violations

18. 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.

19. As particularized above, the Dealer and Wilton have violated the following section 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.

20. As particularized above, the Dealer, Ying, and Wilton have violated the following section of the Code of Ethics:

> *Professionalism*

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.

21. As particularized above, Ying and Wilton have 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.

Professionalism
s. 9(1) 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

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:

a. the Dealer breached sections 4(2), 6(1) and 9(3) of the Code of Ethics;
b. that Tingxi Ying has breached sections 6(2), 9(1), and 9(3) of the Code of Ethics, and
c. that Daniel Ernest Macgregor Wilton has breached sections 4(2), 6(2), and 9(1) and (3) of the Code of Ethics.

The Reviewing Panel accepted the parties' proposed resolution for the reasons below.

Reasons for Decision

The Panel finds that the penalty does not bring the administration of justice into disrepute and that it meets with the general and specific goals of deterrence for a penalty. The Panel finds that the penalty is consistent with previous decisions of this Tribunal with similar facts and is satisfied that it will prevent future breaches of the Code of Ethics.

Ontario Motor Vehicle Industry Council
Discipline Tribunal

Dated September 30, 2026

S. Darvish
Sherry Darvish, Public Member

On behalf of:
Nelson Caetano, Registrant Member
Paul Eros, Registrant Member