

## DISCIPLINE DECISION

REVIEWING PANEL: Sherry Darvish, Public Member  
Joe Malfara, Registrant Member  
Chris Pinelli, 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 :

<b>ONTARIO MOTOR VEHICLE INDUSTRY COUNCIL</b>	)
	)
- and -	)
	)
<b>ZAG (WHITVILLE) SALES LIMITED O/A STOUFVILLE HYUNDAI</b>	)
	)
- and -	)
	)
<b>PHILIP ADAM CRESDEE</b>	)
	)
- and -	)
	)
<b>DIANA JI-WON ZARE</b>	)
	)

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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:** May 27, 2026

**Findings:** **ZAG (Whitville) Sales Limited o/a Stouffville Hyundai (the “Dealer”) has breached the following:**

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

**Philip Adam Cresdee has breached the following:**

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

**Philip Adam Cresdee has breached the following:**

- Section 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. Philip Adam Cresdee ("Cresdee") 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. Diana Ji-Won Zare ("Zare") 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, dated May 11, 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:

**Background:**

1. The Dealer was first registered as a motor vehicle dealer under the Act in and around July 2010. It is currently registered.
2. Philip Adam Cresdee ("Cresdee") was first registered as a salesperson under the Act in and around September 2018. At all material times, Cresdee has been a Sales Manager and Person in Charge of the day-to-day activities of the Dealer.
3. Diana Ji-Won Zare ("Zare") was first registered as a salesperson under the Act in and around August 1992. At all material times, Zare 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. During an inspection on or about August 6, 2020, 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.
6. The Registrar issued a formal warning letter to the Dealer on or about November 17, 2025, reminding 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:**

7. On or before January 29, 2026, the Dealer published an advertisement for a 2023 Hyundai Venue, stock# P1460 (VIN# \*247275), with a finance price of \$20,586 (\$21,788, plus \$699 and \$599, minus \$2,500).
8. On or about January 29, 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).
9. Zare, acting on behalf of the Dealer, provided the OMVIC Representative with a handwritten quote for the vehicle's finance price.
10. The handwritten quote for the vehicle's finance price showed a selling price of \$19,488. However, the following additional charges were also added to the selling price of the vehicle:
  - a. Admin fee of \$599
  - b. Etching fee of \$699
  - c. Carfax fee of \$39.95
  - d. OMVIC fee of \$22
11. Adding the above fees to the vehicle's selling price of \$19,488 results in a sum of \$20,847.95 (finance price). Zare wrote a sum of \$20,848 on the quote. This sum is \$262 greater than the advertised finance price of \$20,586.
12. As such, the Dealer's advertised finance price for the 2023 Hyundai Venue 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.
13. The Dealer indicated that it had been aware of discrepancies appearing between the pricing on its internal system and its website pricing, and that it had taken measures with its website provider in order to try to address these issues. The Dealer also indicated that since it received the Notice of Referral to Discipline dated April 21, 2026, it had instructed its salespeople to refer only to the Dealer's website pricing.

### **Cresdee's Non-Compliance:**

14. Cresdee, as the Person in Charge, 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.

### **Zare's Non-Compliance:**

15. In regard to the above-noted transaction of the 2023 Hyundai Venue, Zare failed to represent the finance 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. Zare 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**

16. 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.

17. As particularized above, the Dealer and Zare 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.

18. As particularized above, the Dealer, Cresdee, and Zare 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.

19. As particularized above, Cresdee and Zare 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: the Dealer breached sections 4(2), 6(1) and 9(3) of the Code of Ethics, that Cresdee has breached sections 6(2) and 9(1) of the Code of Ethics, and that Zare has breached sections 4(2), 6(2), 9(1) and 9(3) of the Code of Ethics.

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

**Reasons for Decision**

The Panel is satisfied that the penalty is consistent with previous decision of this Tribunal that involved similar breaches of the Code of Ethics. In accepting the proposed penalty, the Panel notes that this was the dealer's first appearance before the Discipline Tribunal and it involved one incident. The Panel is satisfied that the proposed penalty does not bring the administration of justice into disrepute and that it meets the objectives of a penalty.

Ontario Motor Vehicle Industry Council  
Discipline Tribunal

Dated: May 27, 2026

*S. Darvish*

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Sherry Darvish, Public Member

On behalf of:  
Joe Malfara, Registrant Member  
Chris Pinelli, Registrant Member