SENT VIA E-MAIL

DISCIPLINE TRIBUNAL OF THE ONTARIO MOTOR VEHICLE INDUSTRY COUNCIL

IN THE MATTER BEFORE THE DISCIPLINE TRIBUNAL HELD PURSUANT TO THE *MOTOR VEHICLE DEALERS ACT, 2002*, S.O. 2002, c.30, Sch. B

TO: Automoon Inc.
2445 St. Clair Avenue West
Toronto, Ontario, M6N 1K9

AND TO: Daryoush Moaf

NOTICE OF REFERRAL TO DISCIPLINE TRIBUNAL

Take notice that pursuant to section 14(4) 4 of the *Motor Vehicle Dealers Act, 2002*, (the "Act"), the Registrar has referred the complaint(s) against Automoon Inc. and Daryoush Moaf to the Discipline Tribunal for alleged violations under the Code of Ethics, as set out in Ontario Regulation 332/08.

REASONS

Section 17 of the Act establishes a Discipline Tribunal and empowers the Discipline Tribunal to hear and determine issues concerning alleged breaches of the Code of Ethics. The Code of Ethics applies to all Registrants registered under the Act. Any Registrants that disregard or violate the Code of Ethics are subject to having their conduct reviewed by the Discipline Tribunal. The Code of Ethics requires that all Registrants conduct business with Integrity, Accountability, Compliance, Respect and Professionalism as well as ensuring that requirements are met when it comes to Disclosure and Marketing and the Disclosure of Information in Sale and Lease Contracts.

PARTICULARS

The reasons for this Notice are:

Background

1. Automoon Inc. ("the Dealer") was first registered as a motor vehicle dealer on or about February 2021 and is currently registered.

2. Daryoush Moaf ("Moaf") was first registered as a salesperson on or about August 2015 and is currently registered. At all material times, Moaf has been the General Manager and Person in Charge of the day-to-day activities of the Dealer.

Dealer's Non-Compliance

3. During an inspection on May 14, 2026 and May 25, 2026, a representative of the Registrar ("the Inspector"), attended the premises of the Dealer for an inspection of its books and record. The following issues of non-compliance were discovered as part of the inspection, as particularized below:

Failure to Remit Warranties

4. The Dealer facilitated the sale of extended warranty products from a third-party warranty provider.

5. The Dealer failed to remit the proceeds of the sale for the warranties on at least four (4) instances, within thirty (30) days of the sale.

6. As a result, the Dealer contravened section 47(7)(c) of the O. Reg. 333/08, as well as sections 3(1), 9(1), and 9(3) of the Code of Ethics.

Failure to Discharge Liens

7. Between May 2025 and March 2026, the Dealer conducted several trades, wherein it failed to ensure the liens registered by its creditors were discharged for the following vehicles before being sold:

    i. 2016 Land Rover Discovery Sport (VIN *0396);
    ii. 2018 Mercedes-Benz GLE (VIN *2768); and
    iii. 2016 Audi A3 (VIN *2525).

8. By failing to ensure the above noted motor vehicles were sold free of encumbrances, the Dealer contravened section 13 of the Sales of Goods Act, and thereby breached its obligations under section 3(1), 9(1), and 9(5)(c) of the Code of Ethics.

9. In addition, in May 2025 the Dealer conducted the trade of a 2017 Jaguar F-Pace (VIN *8075), wherein it failed to immediately discharge the lien. The Dealer thereby contravened section 3(1), 9(1), and 9(5)(c) of the Code of Ethics.

Failure to Remit HST

10. The dealer failed to remit the HST on time over four (4) remittance periods between January 1, 2025 to March 31, 2025.

11. The Dealer thereby contravened section 3(1) of the Code of Ethics.

Failure to Transfer Vehicle Ownership within the Required Time

12. Between February 2026 and March 2026, the Dealer purchased the following two (2) vehicles, which were not registered in the Dealer's name within six (6) days of purchase:

    i. 2015 Audi Q5 – VIN# *1826; and
    ii. 2018 Mercedes-Benz E400 – VIN# *8750.

13. By failing to transfer the ownership of vehicle purchases within the required time, the Dealer contravened section 11(2) of the Highway Traffic Act, and thereby breached sections 7(1), 9(1), and 9(3) of the Code of Ethics.

Moaf's Non-Compliance

14. Moaf, as a 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.

The Registrant(s) may provide a written response to the particulars set out above to OMVIC <u>within 15 days</u> of service of this Notice to: legal_dept@omvic.on.ca

If the Discipline Tribunal makes a determination that a registrant has failed to comply with the Code of Ethics, it may order one or more of the following:

- A fine up to $25,000 per party;
- Require the registrant to take further educational courses;
- If the registrant is a motor vehicle dealer, require the dealer to arrange and fund educational courses for salespersons employed by the dealer;
- Award costs.

This Notice of Referral to Discipline ("NORD") and decisions of the Discipline Tribunal may be published. Hearings before the Discipline Tribunal may be recorded and are open to the public.

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

The good character, propriety of conduct or competence of the Registrant(s) shall be an issue in any hearing before the Discipline Tribunal and reasonable information of allegations with respect thereto has been furnished.

The Rules of Practice of the Discipline Tribunal will apply and are available on OMVIC's website. A Notice of Hearing and disclosure will be provided in accordance with the Rules of Practice of the Discipline Tribunal.

Take note that as per the Rules of Practice, failure to attend a hearing before the Discipline Tribunal may result in a decision being determined *ex parte* (in your absence).

APPLICATION OF THE RULES OF PRACTICE OF THE DISCIPLINE TRIBUNAL

This is to serve notice that OMVIC may make application for its costs, pursuant to Rule 13 of the 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 particulars of violations of the Code of Ethics.

DATED at Toronto, this 28th day of October, 2026

Maureen Harquail, KC, MPA, ICD.D.
Registrar, *Motor Vehicle Dealers Act, 2002*