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 -	)
JIM KEAY FORD LINCOLN SALES LTD.	)
- and -	)
JASON KEAY	)

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:

Jim Keay Ford Lincoln Sales (the "Dealer") has breached the following:

- Sections 42(19) and 42(22) of O. Reg. 333/08; and
- Sections 7(1), 9(1) and 9(3) of the Code of Ethics, O. Reg. 332/08

Jason Keay has breached the following:

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

Order:

1. Jim Keay Ford Lincoln Sales (the "Dealer") shall pay a fine in the amount of **$4,000** no later than ninety (90) calendar days from the date of the Discipline Tribunal's Order.

2. Jason Keay shall review **OMVIC's Disclosure Compliance Webinar** 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 September 10, 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 November 1982. It is currently registered.

2. Jason Keay ("Keay") was first registered as a motor vehicle salesperson under the Act in and around April 1991. At all material times, Keay has been a Person in Charge of the day-to-day activities of the Dealer.

Direct correspondence with Dealer:

3. On or about March 22, 2023, the Registrar issued a formal warning letter to the Dealer reminding the Dealer to comply with their legal obligations, including to disclose all material facts regarding the vehicles that is sells to customers, pursuant to section 42(25) of O. Reg. 333/08 and the Code of Ethics.

Dealer's Non-Compliance:

4. During an inspection on or about March 4, 2026, a representative of the Registrar (the "Inspector") attended the premises of the Dealer for an inspection of its books and records. The following issues of non-compliance were discovered as part of the inspection, as particularized below.

5. Following the inspection and findings of non-compliance, the Dealer acknowledged the non-compliance issues and took steps toward achieving compliance through the implementation of corrective measures.

2022 Ford Explorer (VIN# ***04377)

6. On or before January 7, 2026, the Dealer sold a 2022 Ford Explorer (VIN# ***04377) to a consumer.

7. The Dealer failed to disclose on the bill of sale that the vehicle had been previously registered in New Brunswick.

8. This is contrary to section 42(22) of O. Reg. 333/08, as well as sections 7(1), 9(1) and 9(3) of the Code of Ethics.

9. The Dealer has since provided OMVIC with confirmation that the purchaser was aware of their vehicle history.

2022 Toyota Corolla (VIN# ***130946)

10. On or before February 17, 2026, the Dealer sold a 2022 Toyota Corolla (VIN# ***130946) to a consumer.

11. The Dealer failed to disclose the following on the bill of sale.

    a) A prior accident damage in 2022, with a repair estimate of $9,834.75.
    b) The vehicle had been previously registered in Quebec.

12. This is contrary to sections 42(19) and 42(22) of O. Reg. 333/08, as well as sections 7(1), 9(1) and 9(3) of the Code of Ethics.

13. The Dealer has since provided OMVIC with confirmation that the purchaser was aware of their vehicle history.

Keay's Non-Compliance

14. Keay 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) and 9(3) of the Code of Ethics.

Code of Ethics Violations

12. As particularized above, the Dealer has violated the following section of O. Reg. 333/08:

> *Additional information in contracts of sales and leases*
> s. 42(19) If the total costs of repairs to fix the damage caused to the motor vehicle by an incident exceed $3,000, a statement to that effect and if the registered motor vehicle dealer knew the total costs, a statement of the total costs.
>
> s. 42(22) If the motor vehicle previously received treatment in a jurisdiction other than Ontario that was equivalent to having had a permit issued under section 7 of the *Highway Traffic Act* or having been traded in Ontario, a statement to that effect and a statement of which jurisdictions, except if one or more permits have been issued for the vehicle under section 7 of that Act to cover at least the seven previous consecutive years.

13. As particularized above, the Dealer has violated the following section of the Code of

Ethics:

Compliance
s. 7(1) A registrant shall ensure that all documents used by the registrant in the course of a trade in a motor vehicle are current and comply with the law.

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.

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.

14. As particularized above, Keay has 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(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

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 42(19) and 42(22) of O. Reg. 333/08 and sections 7(1), 9(1) and 9(3) of the Code of Ethics, and that Jason Keay has breached sections 6(2) 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 in line with previous decisions of this Tribunal that had similar facts and that the penalty does not bring the administration of justice into disrepute. The Panel notes that the penalty meets with the goals of a penalty, namely specific and general

deterrence and we are confident that the penalty 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