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: 2551890 Ontario Inc. o/a Uptown Kia of Cornwall
2655 Brookdale Avenue
Cornwall, ON
K6J 5X9

AND TO: Stephen C. Eastman

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 2551890 Ontario Inc. o/a Uptown Kia of Cornwall and Stephen C. Eastman 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. 2551890 Ontario Inc. o/a Uptown Kia of Cornwall (the "Dealer") was first registered as a motor vehicle dealer under the Act in and around February 2017. It is currently registered.

2. Stephen C. Eastman ("Eastman") was first registered as a salesperson under the Act in and around December 1986. At all material times, Eastman has been a General Manager, Director, and Person in Charge of the day-to-day activities of the Dealer.

Educational Resources

3. 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 and their disclosure obligations. The dates of said publications are respectfully attached hereto as Schedule "A" and Schedule "B". Educational resources continue to be available on OMVIC's website.

Reminders to Comply

4. During an inspection on or about April 25, 2017, a representative of the Registrar reminded the Dealer and Eastman to comply with their all-in price advertising obligations, and to disclose, in writing on a bill of sale, prior out-of-province registration, pursuant to sections 36(7) and 42(22) of O. Reg. 333/08 and the Code of Ethics.

5. On or about March 3, 2023, a representative of the Registrar sent an email to the Dealer and Eastman, reminding the Dealer and Eastman to comply with their all-in price advertising obligations pursuant to section 36(7) of O. Reg. 333/08 and the Code of Ethics.

6. During an inspection on or about October 8, 2024, a representative of the Registrar reminded the Dealer and Eastman to comply with their all-in price advertising obligations and disclosure obligations on bills of sale, pursuant to sections 36(7) and 42 of O. Reg. 333/08 and the Code of Ethics.

Dealer's Non-Compliance

7. On or about August 5, 2026, a representative of the Registrar attended the Dealer's premises for a scheduled books and records inspection. During the inspection, it was found that the Dealer engaged in the trade of 6 motor vehicles that contravened the Act and/or its Regulations, as particularized below:

A. 2026 Kia Sportage

8. On or before May 1, 2026, the Dealer published an advertisement for a 2026 Kia Sportage, stock# K4181 (VIN# *382642), with a sale price of $50,540 plus taxes and licensing.

9. On or about May 2, 2026, a salesperson, on behalf of the Dealer, sold the vehicle to a consumer.

10. The "total vehicle price" indicated on the retail bill of sale ("RBOS") was $48,095, but the consumer was also charged the following mandatory fees:

a. Lock Nuts fee of $118
b. Admin fee of $599
c. Air Tax of $100
d. Freight of $2,150
e. OMVIC fee of $22
f. Tire recycling fee of $30

11. Adding these mandatory fees to the “total vehicle price” of $48,095 leads to a total of $51,114, which was $574 greater than the advertised price of $50,540.

12. As such, the Dealer’s advertised price 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(1) and (3) of the Code of Ethics.

B. 2026 Kia Carnival

13. On or before May 1, 2026, the Dealer published an advertisement for a 2026 Kia Carnival, stock# K4197 (VIN# *170770), with a sale price of $60,940 plus taxes and licensing.

14. On or about May 27, 2026, a salesperson, on behalf of the Dealer, sold the vehicle to a consumer.

15. The “total vehicle price” indicated on the RBOS was $58,645, but the consumer was also charged the following mandatory fees:
a. Lock Nuts fee of $118
b. Admin fee of $699
c. Air Tax of $100
d. Freight of $2,150
e. OMVIC fee of $22
f. Tire Recycling fee of $30

16. Adding these mandatory fees to the “total vehicle price” of $58,645 leads to a total of $61,764, which was $824 greater than the advertised price of $60,940.

17. As such, the Dealer’s advertised price 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(1) and (3) of the Code of Ethics.

C. 2026 Kia K4, stock# K4204

18. On or before May 1, 2026, the Dealer published an advertisement for a 2026 Kia K4, stock# K4204 (VIN# *330867), with a sale price of $26,590 plus taxes and licensing.

19. On or about May 22, 2026, a salesperson, on behalf of the Dealer, sold the vehicle to a consumer.

20. The “total vehicle price” indicated on the RBOS was $24,545, but the consumer was also charged the following mandatory fees:
a. Lock Nuts fee of $118
b. Admin fee of $699
c. Air Tax of $100

d. Freight of $1,900
e. Tire Recycling fee of $30

21. Adding these mandatory fees to the “total vehicle price” of $24,545 leads to a total of $27,392, which was $802 greater than the advertised price of $26,590.

22. As such, the Dealer’s advertised price 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(1) and (3) of the Code of Ethics.

D. 2026 Kia K4, stock# K4203

23. On or before May 1, 2026, the Dealer published an advertisement for a 2026 Kia K4, stock# K4203 (VIN# *330785), with a sale price of $29,390 plus taxes and licensing.

24. On or about May 6, 2026, a salesperson, on behalf of the Dealer, sold the vehicle to a consumer.

25. The “total vehicle price” indicated on the RBOS was $27,345, but the consumer was also charged the following mandatory fees:
    a. Lock Nuts fee of $118
    b. Admin fee of $699
    c. Air Tax of $100
    d. Freight of $1,900
    e. OMVIC fee of $22
    f. Tire Recycling fee of $30

26. Adding these mandatory fees to the “total vehicle price” of $27,345 leads to a total of $30,214, which was $824 greater than the advertised price of $29,390.

27. As such, the Dealer’s advertised price 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(1) and (3) of the Code of Ethics.

E. 2026 Kia K4, stock# K4201

28. On or before May 1, 2026, the Dealer published an advertisement for a 2026 Kia K4, stock# K4201 (VIN# *329758), with a sale price of $26,590 plus taxes and licensing.

29. On or about June 6, 2026, a salesperson, on behalf of the Dealer, sold the vehicle to a consumer.

30. The “total vehicle price” indicated on the RBOS was $24,545, but the consumer was also charged the following mandatory fees:
    a. Lock Nuts fee of $118
    b. Admin fee of $699
    c. Air Tax of $100
    d. Freight of $1,900
    e. Tire Recycling fee of $30

31. Adding these mandatory fees to the "total vehicle price" of $24,545 leads to a total of $27,392, which was $802 greater than the advertised price of $26,590.

32. As such, the Dealer's advertised price 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(1) and (3) of the Code of Ethics.

F. 2022 Kia Rio

33. On or before May 1, 2026, the Dealer published an advertisement for a 2022 Kia Rio, stock# K4086A (VIN# 470303), with a sale price of $16,995 plus taxes and licensing.

34. On or about May 23, 2026, a salesperson, on behalf of the Dealer, sold the vehicle to a consumer at a "total vehicle price" of $18,995 plus taxes and licensing. This is $2,000 greater than the advertised price of $16,995.

35. As such, the Dealer's advertised price 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(1) and (3) of the Code of Ethics.

36. In addition, the Dealer failed to disclose on the RBOS that the vehicle had previously been registered in Quebec, contrary to sections 40(2)(1) and 42(22) of O. Reg. 333/08. As such, the Dealer has contravened sections 7(1) and 9(1) and (3) of the Code of Ethics.

Eastman's Non-Compliance

37. As a General Manager, Director, and Person in Charge of the day-to-day activities of the Dealer, Eastman 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(1) and (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 25th day of October, 2026

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

SCHEDULE A:

ALL-IN PRICING PUBLICATIONS

	Dealer Standard		Dealer Bulletins/ News		Webinar		Guidelines
1	Winter 2008	1	January 2010	1	November 2014	1	September 22, 2022
2	Spring 2010	2	April 2010	2	April 2015	2	November 3, 2023
3	Spring 2011	3	February 2012	3	April 2017		December 18, 2023
4	Winter 2013	4	August 2012	4	August 2017		
5	Spring 2013	5	April 2014	5	April 2023		
6	Summer 2013	6	June 2014	6	July 2023		
7	Winter 2014	7	April 2015	7	Ongoing: Webinars | OMVIC		
8	Spring 2014	8	August 2015				
9	2014 Issue #3	9	August 2016				
10	2015 Issue #2	10	April 2017				
11	2015 Issue #3	11	July 2017				
12	2015 Issue #4	12	August 2017				
13	2016 Issue #1	13	October 2017				
14	2016 Issue #2	14	November 2017				
15	2016 Issue #3	15	August 2018				
16	2016 Issue #4	16	March 2019				
17	2017 Issue #2	17	September 2019				
18	2017 Issue #3	18	October 2019				
19	2018 Issue #2	19	July 2020				
20	2019 Issue #2	20	September 2020				
21	2020 Issue #1	21	October 2020				
22	2020 Issue #3	22	January 2021				
23	2020 Issue #4	23	March 2022				
24	2021 Issue #3	24	August 2022				
25	2021 Issue #4	25	September 2022				
26	2022 Issue #1	26	December 2022				
27	2022 Issue #2	27	January 2023				
28	2022 Issue #3	28	February 2023				
29	2022 Issue #4	29	March 2023				
30	2023 Issue #1	30	April 2023				
31	2023 Issue #2	31	September 2023				
32	2024 Issue #2	32	January 2024				
		33	June 2024				

		34	December 2025				
		35	January 2026				