

DISCIPLINE DECISION

REVIEWING PANEL: Aviva Harari, Public Member
Anne French, Registrant Member
Paul Repar, 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 -)
)
RIVERSIDE CHEVROLET BUICK GMC)
)
- and -)
)
EDWIN MACMILLAN)
)

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: April 29, 2026

Findings: **Riverside Chevrolet Buick GMC (the “Dealer”) has breached the following:**

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

Edwin MacMillan (“MacMillan”) has breached the following:

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

Order:

1. The Dealer shall pay a fine in the amount of **\$6,000** no later than ninety (90) calendar days from the date of the Discipline Tribunal’s Order.

2. MacMillan shall pay a fine in the amount of **\$1,000** no later than ninety (90) calendar days from the date of the Discipline Tribunal's Order
3. MacMillan shall shall successfully complete an OMVIC Advertising Compliance Webinar no later than ninety (90) calendar days from the date of the Discipline Tribunal's Order.
4. The Dealer shall shall offer to all current and future salespersons, employed by the Dealer, to fund their completion of the MVDA Key Elements 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 February 3, 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 Stephen Birnie and Christopher Latimer and contained in paragraphs 2, 3, 13, 14 of the Notice of Referral to Discipline ("NORD") dated November 11, 2024, are withdrawn.

Background:

1. The Dealer was originally registered as a motor vehicle dealer under the Act on or about April 26, 2013, and is currently registered.
2. MacMillan was first registered as a motor vehicle salesperson around October 19, 1983, and is currently registered. Macmillan serves as the Director General Manager and the Person-in-Charge of the Dealer. Throughout the relevant period, he actively participated in the Dealer's daily operations.

OMVIC Publications

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 pricing obligations. Educational materials continue to be available on OMVIC's website.

Direct Correspondence with Dealer

4. On or about May 9, 2022, the Registrar issued a warning letter to the Dealer, cautioning all staff at the dealership to comply with their advertising obligations pursuant to Section 36 of O. Reg. 333/08. The warning letter also addresses the Dealer's advertising non-compliance and reminds the Dealer that an advertised price must be inclusive of all fees.

Dealer's Non-Compliance: All-in Pricing Violations

5. On or about July 25, 2024, a representative of the Registrar (the "Inspector") attended the Dealer's premises to conduct an inspection of its books and records. Issues of non-compliance were discovered during the inspection and are particularized below.

2024 New Buick Encore GX- Stock 24-323 - VIN# **4129**

6. During the inspection, an advertisement for the above-noted vehicle was reviewed. On or before July 25, 2024, the Dealer had published an advertisement for a 2024 Buick Encore and indicated the vehicle's price as \$34,719, plus tax and licensing.
7. On or about June 10, 2024, the Dealer sold the vehicle to a consumer. The Bill of Sale indicates that it had been sold for \$35,530.50, which is 811.50 over the advertised price. The Bill of Sale outlines the following three charges totaling \$811.50, all of which were not included in the advertised price:
 - \$699 admin fee
 - \$100 fuel fee
 - \$12.50 OMVIC fee
8. The Dealer's advertised price for the vehicle was not all inclusive. Therefore, the Dealer failed to comply with section 36(7) of O. Reg. 333/08, as well as sections 4(2) and 9(3) of the Code of Ethics.

2022 Chevrolet Malibu - Stock 24-146A VIN# **0129**

9. During the inspection, an advertisement for the above-noted vehicle was reviewed. On or before July 25, 2024, the Dealer had published an advertisement for a 2022 Chevrolet Malibu and indicated the vehicle's price as \$26,995, plus tax and licensing.
10. On or about June 15, 2024, the Dealer sold the vehicle to a consumer. The Bill of the Sale indicates that it had been sold for \$27,506.50, which is \$511.50 over the advertised price. The Bill of Sale outlines the following additional costs that were not included in the advertised price and totaled \$511.50:
 - \$399 admin fee
 - \$100 fuel fee
 - \$12.50 OMVIC fee
11. The Dealer's advertised price for the vehicle was not all-inclusive. Therefore, the Dealer failed to comply with section 36(7) of Ontario Regulation 333/08, as well as sections 4(2) and 9(3) of the Code of Ethics.

Edwin MacMillan's Non-Compliance:

12. MacMillan 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

13. As particularized above, the Dealer has 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.

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.

14. As particularized above, MacMillan has violated the following sections 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 4(2) and 9(3) of the Code of Ethics and that MacMillan has breached section 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 considered the facts of this case, Agreed Statement of Fact and Submissions on Penalty as well as previous Discipline and Appeals Tribunal.

The Panel considers the aggravating factors in this matter, including the failure of the registrants to be compliant with their obligations despite OMVIC having sent out numerous communications regarding the All-In Pricing requirements.

The Panel accepts the mitigating factor that the Respondents have taken responsibility for their misconduct and are committed to ensuring future compliance with the MVDA and other regulations.

The Panel also finds that the proposed penalty is in line with past precedents and case law concerning similar breaches of the Code of Ethics.

The agreed up on penalty satisfies the sentencing principles of specific and general deterrence, maintains public trust, meets the objectives of rehabilitation and remedial action, and that the proposed penalty is in the public interest. The Panel therefore accepts the joint submission.

Dated: April 29, 2026

Ontario Motor Vehicle Industry Council
Discipline Tribunal

Aviva Harari

Aviva Harari, Public Member

On behalf of:
Anne French, Registrant Member
Paul Repar, Registrant Member