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: Motor Works One Holdings Inc. o/a Barrhaven Chrysler Dodge Jeep Ram
510 Motor Works Pvt
Nepean, ON
K2R 0A5

AND TO: Shiv Kumar Dilawri

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 Motor Works One Holdings Inc. o/a Barrhaven Chrysler Dodge Jeep Ram and Shiv Kumar Dilawri 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. Motor Works One Holdings Inc. o/a Barrhaven Chrysler (the "Dealer") was first registered as a motor vehicle dealer in and around January 2017.

2. Shiv Kumar Dilawri ("Dilawri") was first registered as a salesperson in and around October 1982. At all material times, Dilawri has been an officer of the Dealer.

3. The Dealer is also a part of the S. Dilawri Automotive Group (the "Dilawri Auto Group"). At all material times, Dilawri has been the President of the Dilawri Auto Group.

Dealer's Non-Compliance

4. On or about March 13, 2025, the Registrar issued a "Section 14 Notice – Requirement to Take Further Educational Course(s)" (the "Notice") to the Dealer, with attention to Dilawri. The Notice required Dilawri to complete the Ontario Motor Vehicle Industry Council ("OMVIC") Advertising Webinar (the "Webinar" or the "Webinar Requirement") within 60 days of this Notice being issued (being May 12, 2025).

5. On or about April 14, 2025, a representative of the Registrar (the "Representative") sent an email to the Dealer and Dilawri, reminding them that the deadline for Dilawri to complete the Webinar was May 12, 2025.

6. On or about April 14, 2025, a staff member of the Dilawri Auto Group ("Staff Member A") emailed the Representative, stating that Dilawri was not involved in the day-to-day activities of the Dealer and requested that Dilawri be removed from the Notice.

7. On or about April 14, 2025, a staff member of the Dealer emailed another representative of the Registrar, indicating that the Dealer has resolved its compliance issues with its advertisement pricing and requesting that the Webinar Requirement be withdrawn. The Registrar's representative replied on or about the same date, stating that the Webinar must still be completed before the deadline.

8. On or about April 17, 2025, the Representative emailed Staff Member A, indicating that Dilawri was registered as the sole officer of the Dealer and that the Dealer had no appointed Person in Charge. The Representative indicated that the Dealer could appoint a Person in Charge and then request that this Person in Charge be responsible for completing the Webinar instead, subject to internal review and approval. The Representative informed Staff Member A that the Dealer could submit a "Business Change Notice – Individual" to appoint a Person in Charge.

9. On or about April 19, 2025, Staff Member A emailed the Representative, requesting an extension of the May 12, 2025 deadline in order to complete the Webinar.

10. The Representative, Staff Member A, and another staff member from the Dilawri Auto Group ("Staff Member B") conducted further email discussions between late April and early May 2025 regarding the requested extension, the Dealer's potential appointment of a new Person in Charge to complete the Webinar, and the exemption of Dilawri from the Webinar Requirement.

11. Dilawri failed to complete the Webinar by the initial deadline of May 12, 2025, as outlined in the initial Notice.

12. On or about May 16, 2025, the Representative informed Staff Members A and B that the Registrar has approved the request to reassign the requirement to complete the Webinar to the Dealer's new Person in Charge. The deadline for the new Person in Charge to

complete the Webinar would be extended to June 8, 2025 (the "Extended Deadline"). However, the Dealer would be required to submit a "Business Change Notice – Individual" to register the new Person in Charge.

13. The Representative, Staff Member A, Staff Member B, and another staff member of the Dilawri Auto Group ("Staff Member C") engaged in further correspondence in May 2025 regarding the requirement to submit the "Business Change Notice – Individual".

14. Dilawri did not complete the Webinar by the Extended Deadline, nor did the Dealer successfully appoint a new Person in Charge via the "Business Change Notice – Individual" form to complete the Webinar prior to the Extended Deadline.

15. On or about July 29, 2025, the Representative emailed Dilawri, the Dealer, Staff Member A, Staff Member B, and Staff Member C, granting a final deadline of August 5, 2025 (the "Final Deadline") to ensure the completion of the Webinar. The Representative indicated that the Dealer had yet to appoint a Person in Charge, and once again warned that failing to fulfill the Webinar Requirement may result in further administrative action.

16. On or about August 28, 2025, the Dealer began preparing a "Business Change Notice – Individual" online in order to designate a new Person in Charge. However, it remained as a draft and was not completed or formally submitted to OMVIC's Registration Department.

17. By failing to ensure that Dilawri completed the Webinar before the Extended Deadline or the Final Deadline, or alternatively by failing to successfully register a new Person in Charge and ensuring that this Person in Charge completed the Webinar before the Extended Deadline or the Final Deadline, the Dealer failed to fulfill the requirement outlined in the Notice. As such, the Dealer has contravened section 14(4)(3) of the Act, as well as sections 6(1) and 9(1) of the Code of Ethics.

Dilawri's Non-Compliance

18. By failing to complete the Webinar before the Extended Deadline or the Final Deadline, or alternatively to ensure that the Dealer successfully registered a new Person in Charge to complete the Webinar before the Extended Deadline or the Final Deadline, Dilawri personally failed to fulfill the requirements outlined in the Notice. As such, Dilawri has contravened section 14(4)(3) of the Act, as well as section 9(1) of the Code of Ethics.

19. In addition, by failing to ensure that the Dealer conducted its business in compliance with the Act, its regulations, and the Code of Ethics, Dilawri personally contravened sections 6(2) and 9(1) 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.

APPLICATION OF THE *STATUTORY POWERS PROCEDURE ACT*

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).

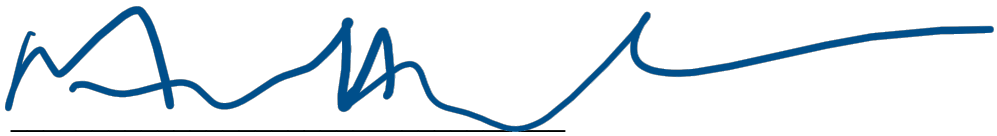
APPLICATION OF THE RULES OF PRACTICE OF THE DISCIPLINE TRIBUNAL

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 10th day of November, 2025



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