

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: 2314779 Ontario Inc. o/a Arta Auto Sales
1475 Albion Road
Toronto, ON M9V 1B1

AND TO: Daneshvar Samya

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 2314779 Ontario Inc. o/a Arta Auto Sales and Daneshvar Samya 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. 2314779 Ontario Inc. o/a Arta Auto Sales ("Dealer") was first registered as a motor vehicle dealer under the Act on or about April 2012.
2. Daneshvar Samya ("Samya") was first registered as a motor vehicle salesperson under the Act on or about October 2005. At all material times to this matter, Samya has been the designated Person in Charge of the day-to-day activities of the Dealer.

Reminders to Comply

3. On or about September 2, 2020, the Registrar issued a formal warning letter to the Dealer and Samya. The letter reminded them of their obligation to ensure that all vehicles are thoroughly inspected and road-tested by a qualified mechanic prior to resale. The Registrar also directed the Dealer to maintain a written record of the results of each inspection and road test, signed by the mechanic.

Dealer's Non-Compliance

4. On or about December 8, 2025, Consumer A purchased a 2014 Chevrolet Silverado (VIN ***472989) from the Dealer. Consumer A paid \$10,000 in cash for the vehicle. At the time of purchase, no written contract or receipt were provided to Consumer A.
5. The trade in the vehicle occurred at 11 Wilby Crescent in Toronto, a location outside of the Dealer's registered premises at 1475 Albion Road. Consumer A was instructed to drive the vehicle home using dealer plates and to continue using those dealer plates until the Dealer mailed new plates. On or about December 12, 2025, Consumer A received the vehicle plates by mail.
6. On or about December 8, 2025, immediately upon taking possession of the vehicle and driving it home, Consumer A observed several issues with the vehicle, including an exhaust smell in the cabin and a significant vibration from the front wheels.
7. On or about January 11, 2026, Consumer A experienced further mechanical issues, including problems with the braking system.
8. As a result of these ongoing issues, Consumer A arranged for the vehicle to be inspected by the Ministry of Transportation ("MTO").
9. On or about March 10, 2026, following its inspection, the MTO issued a Commercial Vehicle Inspection Report concluding that the vehicle was "unfit." As a result, the plates were removed and the vehicle's registration status was changed to "unfit."
10. By selling the vehicle to Consumer A from a location other than its registered premises, the Dealer contravened section 28(4) of Ontario Regulation 333/08. In doing so, Dealer violated sec. 9(1) and 9(3) of O. Reg. 332/08.
11. By failing to provide a written contract, the Dealer failed to comply with s. 7(1) and 9(1) of O. Reg 332/08.
12. By selling a vehicle that was later determined to be "unfit", the Dealer failed to ensure that the vehicle was reasonably fit for its intended purpose, contrary to the implied conditions under s. 15 (1) of the *Sale of Goods Act*. In doing so, the Dealer violated sec. 9(1), 9(2), 9(3) and 9(4) of O. Reg 332/08.

Samya's Non-Compliance

13. Samya, 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) and 9(3) of the Code of Ethics.

The Registrant(s) may provide a written response to the particulars set out above to OMVIC within 15 days 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 7th day of July, 2026.



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