

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: JIM KEAY FORD LINCOLN SALES LTD.
1438 Youville Drive
Ottawa, ON
K1C 2X8

AND TO: JASON KEAY

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 JIM KEAY FORD LINCOLN SALES LTD. and JASON KEAY 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. Jim Keay Ford Lincoln Sales Ltd. (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.

Educational Resources

3. Since the Act was proclaimed in 2010, OMVIC has issued various educational materials, including publications, webinars and guidelines, reminding dealers of their obligations to disclose all material facts about the vehicles they sell. The dates of said publications are attached hereto as Schedule “A”. Educational materials continue to be available on OMVIC’s website.

Reminders to Comply

4. 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

5. 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.

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.

2022 Toyota Corolla (VIN# ***130946)

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

10. 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.
11. 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

Keay's Non-Compliance

12. 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.

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 26th day of May, 2026



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

