

**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: 2547566 Ontario Inc. o/a Kitchener Nissan  
1450 Victoria St N  
Kitchener, ON  
N2B 3E2

AND TO: Mark J Pilla

AND TO: Daniel Ernest Macgregor Wilton

**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 2547566 Ontario Inc. o/a Kitchener Nissan, Mark J Pilla, and Daniel Ernest Macgregor Wilton 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. 2547566 Ontario Inc. o/a Kitchener Nissan (the “Dealer”) was first registered as a motor vehicle dealer under the Act in and around December 16, 2016. It is currently registered.
2. Mark J Pilla (“Pilla”) was first registered as a salesperson under the Act in and around March 2006. At all material times, Pilla has been a General Manager and Person in Charge of the day-to-day activities of the Dealer.
3. Daniel Ernest Macgregor Wilton (“Wilton”), also known as “Dan” or “Danny”, was first registered as a salesperson under the Act in and around June 2021. At all material times, Wilton has been a salesperson on behalf of the Dealer.

## Educational Resources

4. 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. The dates of said publications are attached hereto as Schedule “A”. Educational resources continue to be available on OMVIC’s website.

## Reminders to Comply

5. On or about April 1, 2022, a representative of the Registrar reminded the Dealer to comply with its all-in price advertising obligations pursuant to s. 36(7) of O. Reg. 333/08 and the Code of Ethics.

## Dealer’s Non-Compliance

6. On or before February 9, 2026, the Dealer published an advertisement for a 2025 Nissan Kicks, stock# NK5804 (VIN# \*335261), with a sale price of \$29,449 plus taxes and licensing.
7. On or about February 10, 2026, an OMVIC Representative made inquiries about the vehicle, while posing as a member of the public (this is also known as a mystery shop).
8. Wilton, acting on behalf of the Dealer, provided the OMVIC Representative with a worksheet for the vehicle’s financing price. Wilson advised the OMVIC Representative that the vehicle’s finance price and cash price were the same.
9. The worksheet showed the vehicle’s MSRP price as \$29,449, with a discount of \$2,500, leading to a total of \$26,949. However, the following additional charges were added to the price of the vehicle:
  - a. Freight of \$2,030
  - b. Air tax and Eco fee of \$100
  - c. Additional Equipment fee of \$820
10. Adding the above fees to the vehicle’s price of \$26,949 results in an “Adjusted Price” of \$29,899, as indicated on the worksheet. The following additional charges were also added to the vehicle’s “Adjusted Price”:
  - a. “Other” fee of \$495
  - b. “Other” fees of \$1

- c. Tire recovery fee of \$22.50
  - d. OMVIC fee of \$22
11. Adding the above fees to the “Adjusted Price” of \$29,899 results in a total of \$30,439.50. This corresponds to the vehicle’s Sub Total price as indicated on the worksheet, minus License fees of \$59 (\$30,498.50 – \$59 = \$30,439.50).
  12. The OMVIC Representative inquired about the Additional Equipment fee of \$820. Wilton explained that it consisted of a Security Plus Package fee of \$621 and a Wheel Locks fee of \$199, which were also indicated on the worksheet.
  13. Wilton advised the OMVIC Representative that the Additional Equipment fee of \$820 was not optional, as the vehicle came with the “additional equipment” from Nissan. Wilton explained that the Security Plus Package was etching, in case the vehicle was ever stolen.
  14. The total of \$30,439.50 is \$990.50 greater than the vehicle’s advertised sale price of \$29,449.
  15. As such, the Dealer’s advertised sale price for the 2025 Nissan Kicks 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(3) of the Code of Ethics.

#### **Pilla’s Non-Compliance**

16. Pilla, as the 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), 9(1) and 9(3) of the Code of Ethics.

#### **Wilton’s Non-Compliance**

17. In regard to the above-noted transaction of the 2025 Nissan Kicks, Wilton failed to represent the selling price of the vehicle and its additional fees in a legal manner and thereby violated sections 4(2) and 9(3) of the Code of Ethics. Wilton also 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), 9(1) 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](mailto: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 7<sup>th</sup> day of May, 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: <a href="#">Webinars   OMVIC</a>		
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				