

CHANGES COMING TO DRIVE CLEAN That Most Members Will Like!

It's been more than three years since the Drive Clean program was changed to test a vehicle's On Board Diagnostic (OBD) system, rather than the actual emissions coming out of the tailpipe. Members have expressed frustration over of the need to test vehicles that will almost always pass.

In step with recommendations made by a wide range of sources, including the Auditor General, as far back as 2012, the UCDA has repeatedly asked the provincial government to make changes to the program or even to go as far as completely eliminating it. Well, it looks like these efforts may finally be paying off.

Dealers have had to test vehicles as young as one model year old, in order to sell and licence the vehicles for their customers. Obviously, these vehicles are almost certain to pass. Understandably, this has given the impression to many Members, and others, that the test has become little more than a money grab.

Members' frustration has only been magnified by vehicle "readiness" issues, which can prevent a vehicle from being tested. Readiness issues have caused a lot of anguish and countless hours of delay for Members trying to get vehicles ready for delivery (not to mention the many thousands of dollars that Members have had to spend on re-testing "not ready vehicles").

Well, the end of Member frustration over Drive Clean may be in sight!

Shortly after meeting with the Ministry of Environment and Climate Change in July, we learned that the Ministry is taking a first step toward that goal.

As part of a larger package of proposed changes to the Drive Clean program, the Ministry is proposing to eliminate the need for a Drive Clean test on the sale and licensing of all used light duty vehicles. The proposal would apply to both dealer and private sales and to the sale or lease of any vehicle, regardless of model year.

Call To Action

The Ministry has asked for public input on the proposal. The UCDA will be submitting comments in support of the proposal on behalf of our 4,900 Members.

However, in order to further increase the likelihood that the government will move forward with the proposal, the UCDA suggests that Members provide their own comments to the Ministry.

As this is currently just a proposal, open to public comment, we are asking Members to send your positive, supportive and professional input to the Ministry by October 8th and cite EBR Registration Number 012-7969.

Comments can be made, on-line, through this link (refer to Proposal Number 3): <http://tinyurl.com/jkqw3ta>

With enough support, we're hopeful this proposal will take effect next year.

A Hot Spring and Summer ...

For Curbsiders!

A couple of these recent convictions result from curbsiders we knew about or had referred to OMVIC, like Gerald Coombs and White Castle. The others simply show OMVIC has not taken a summer break when it comes to curbsider prosecutions:

In August

- 1799541 Ontario Inc. o/a Climate Works - Guilty Plea \$7,500, Richmond
- Nyamekye Maxwell Osei o/a Tonic Goods - Trial \$2,500, No Address Recorded
- Ahmad Sannan - Guilty Plea \$3,500, Windsor

In July

- Gordon Duplessis - Guilty Plea \$1,000, Chatham

In June

- Georges Choueiry o/a Ing Trading - Guilty Plea \$3,000, No Address Recorded

In May

- White Castle Landscaping Construction Design Inc. and Sayed Hussaini - Guilty Plea \$4,000 each (\$8,000 total), Richmond Hill

In April

- Darryl Hersics - Guilty Plea \$2,500, Grimsby
- Eco Auto Scrappers Inc. - Guilty Plea \$1,500, Ajax

UCDA Launches 2016 Fall Media Campaign

The UCDA Fall marketing campaign this year is focused on digital media with radio support. As on-line vehicle searching continues to be such a driving force, the UCDA is focusing on the benefits of doing business with Members, while at the same time linking consumers directly with Members' vehicle listings.

Each and every digital ad has a click-through to Carpages.ca

From mid-September to the end of November you will see both display ads and video pre-roll ads on many different websites in Ontario. An example of the coverage includes **YouTube**, **Google Display**, **ctvnews.ca**, **tsn.ca**, **theweathernetwork.com**, **thestar.com**, **ottawacitizen.com** and many, many more.

In addition, we have received great feedback on our radio campaign and again will be front and centre on traffic reports on **680 News** and other stations.

DISCIPLINE ... Now It's Personal

In a recent OMVIC Discipline Decision, the Panel showed a willingness to levy fines on individuals, and not just against the dealership itself.

In an agreed statement of facts that led to a settlement without a full Tribunal Hearing, OMVIC and the accused ... the dealership and two individuals ... agreed that the used car manager had sent emails to staff encouraging them to mislead consumers about vehicle availability and pricing.

A number of vehicles were advertised as available, but had actually been sold long ago.

For this offence, the dealership and general manager were each ordered to pay \$2,000. In addition to the corporate fine, the used car manager was ordered to personally pay \$6,000.

Both the general manager and the used car manager also had to take the OMVIC certification course.

Failing to follow the rules can hurt more than just the dealership ... it can impact your wallet too!

<https://www.omvic.on.ca/portal/DealersSalespersons/EnforcementCompliance/DisciplineProcess/DisciplineDecisions/2016.aspx>.

Out-of-Province Buyers & Registration

As a busy Summer buying season draws to a close, thousands of vehicles were sold by Members to our neighbours from other parts of Canada. Many out-of-province residents bought vehicles while in Ontario on holiday and drove them back to their home Province or Territory.

Several years ago, Members expressed concerns about doing this type of deal and letting the buyer drive back home with the vehicle still registered in the Member's name.

A solution was seemingly worked out with Service Ontario and had been in place ever since.

As long as the out-of-province buyer went to the Service Ontario licence office with his or her original driver's licence and passport or birth certificate, an Ontario RIN could be created. This would allow a registration permit for the vehicle to be issued in the buyer's name (transferred out of the Member's name).

A Special Permit (like the old Trip Permit) would go in the windshield, the buyer would arrange for insurance for the vehicle and off they'd drive.

Everyone was happy ... until the Ministry of Transportation (MTO) decided this would no longer be allowed. We learned about this in the Spring and have been trying since then to get MTO to change its position, but this has not happened.

What this means for Members is that the registration permit needs to be signed off and given to the out-of-province buyer, letting them drive home with a vehicle still in the Member's name. Members can ask the licence office to put the vehicle into a "Sold" status on the Ministry's registry system, but the vehicle will still be registered in the Member's name.

Our Concerns

- If an accident occurs, frivolous lawsuits could be brought against Members for no reason other than the vehicle was registered in the Member's name (even if it was in a "Sold" status).
- Once a vehicle leaves the Member's possession, still in their name, the Member loses control and has no way to ensure it is ever registered to the buyer, in their home province or anywhere else. This could lead to various kinds of mischief including:
 - curbsiding
 - tax evasion
 - insurance fraud
 - theft

We continue to wait for an answer from MTO, but feel the time has come to share this with Members who might be surprised to find they either have to accept the risk of leaving a vehicle in their name on an out-of-province sale, or not make the sale at all.

New Safety Inspection Rules

In case you haven't heard, the new Safety Standards Inspection regulation took effect on July 1st.

If you are a Motor Vehicle Inspection Station (MVIS), you need to complete a Passenger/Light Duty Vehicle Inspection Form each time you certify a vehicle. If you're not, the MVIS shop you use to do your safeties needs to complete this Form each time they perform a safety inspection. All MVIS stations also need to have a Tint Meter.

If you need them, the UCDA has them for you. Contact Margi at the UCDA for more information and to order. m.muru@ucda.org or 1-800-268-2598.

Compliance Quiz

Here's this month's compliance quiz. The answers are on page 4. Good Luck!

1. A motor vehicle dealer that has a lawful right to repossesses a vehicle for non-payment must first call the police to inform them of the dealer's intention to repossess the vehicle.

True False

2. A motor vehicle dealer that has a lawful right to repossesses a vehicle must use the services of a properly registered Ontario Bailiff.

True False

3. As defined in the *Motor Vehicle Dealers Act*, a motor vehicle does not include which of the following?

- (a) car
- (b) truck
- (c) snowmobile
- (d) motorcycle

4. On an inspection, an OMVIC inspector may have access to which of the following dealer property?

- (a) motor vehicles
- (b) financial records
- (c) motor vehicle parts
- (d) sales documents and records
- (e) all of the above

5. Dealers have 30 days to notify OMVIC after moving to a new address.

True False

Childhood Cancer Awareness

September is Childhood Cancer Awareness Month. In recognition of this, the UCDA has made a timely donation to Childcan. Childcan is a small, grassroots charity operating in London and the surrounding area.

Childcan provides responsive and compassionate support services to families facing the journey through childhood cancer – from diagnosis, through treatment, to recovery or bereavement.

The UCDA and its members support the fight against childhood cancer and the search for a cure.

No Dealer is Too Small!

Many Members are familiar with Trillium Financial Services Brokers (FSB) – one of our long-time partner service providers of consumer vehicle financing. Over 17,000 customers have used Trillium FSB to obtain loan, lease or financing of a vehicle or other type of equipment. Orit Koren, President of Trillium FSB, has been working closely with the UCDA since 2000.

Trillium FSB works with 15 different lenders and serves primarily small to medium sized dealerships across Ontario. Trillium FSB's strong and long-standing relationships with these lenders allows it to provide competitive financing and leasing solutions to fit most clients and vehicles ... which helps Members sell more cars!

Trillium FSB can help provide access to bank financing for customers at any credit level and can help self-employed customers, new immigrants and others with no credit history get behind the wheel of their own vehicle.

A great advantage for UCDA Members is the fact that Trillium FSB has no minimum requirement on the number of sales a dealer does per month. "No dealer is too small", Orit says. She understands the obstacles independent dealers face, including those who are just starting out and may only be doing one or two deals a month.

Trillium FSB also offers a referral fee to Members to help increase overall profits.

For more information, call Orit Koren at Trillium FSB at 905-761-1096, ext. 225, toll free 1-866-305-6267 or e-mail Orit at orit@tfsb.com.

Quiz Answers

1. The answer is "False". Dealers are under no obligation to notify police prior to seizing a vehicle for default in payment on a loan, lease or repairs.

After taking possession of the vehicle and ensuring that it is safely stored, it is a good idea to contact police to let them know, in case the vehicle is reported stolen.

2. The answer is "False". Dealers are not required to use a bailiff to repossess or seize a vehicle. Bailiffs take on responsibility for ensuring that the seizure of a vehicle is done properly, but dealers have the right to seize vehicles themselves or go along with a hired tow truck.

The dealer or an employee of the dealer must accompany anyone seizing a vehicle that is not a registered bailiff.

3. The answer is "c". Snowmobiles are not considered to be motor vehicles in the MVDA and the sale of snowmobiles is therefore not governed by OMVIC.

4. The answer is "e". OMVIC inspectors are entitled to access everything listed in the question that is relevant to their duties under the MVDA.

5. The answer is "False". Dealers are required to notify OMVIC within 5 days of moving their registered premises to another location.

Upcoming Certification Course Classes

Here's a list of scheduled **MVDA certification classes** through to the end of the year.

Tuesday, October 4th	Tuesday, November 8th
Thursday, October 6th	Wednesday, November 23rd
... Ottawa – Hilton Garden Inn	
Wednesday, October 12th	Friday, November 25th
Tuesday, October 18th	Monday, December 12th
Friday, October 21st	Thursday, December 15th
Thursday, November 3rd	

Classes are taught by the UCDA's Dave Aelick and held at Wye Management's training facility, 55 Winges Road, Unit 1, in Woodbridge unless otherwise noted.

Wye Management – Basic Sales Techniques Class

Three Wye Management Basic Sales Training courses have been scheduled as well.

Students taking the in-class Certification course receive a discounted rate for the sales training course. These courses are also offered at Wye Management's training facility.

Monday, October 3rd

Friday, November 4th

Wednesday, December 14th

Contact Sachin at s.choudhary@ucda.org, to register or call toll free 1-800-268-2598.