

MINIMUM WAGE RISING TO \$15

As many members have likely heard, Premier Kathleen Wynne recently announced a goal of a \$15 an hour minimum wage by 2019.

If implemented, the minimum wage will go up by 32% in three stages over the next 18 months.

The minimum hourly rate currently sits at \$11.40 per hour. This rises to \$11.60 on October 1st, then to \$14.00 on January 1st, 2018 and to \$15.00 on January 1st, 2019.

Whether you pay staff, salespeople etc. on salary or straight commission, Ontario law requires that all employees be paid a minimum wage for hours worked.

Minimum wage is the lowest wage rate an employer can legally pay an employee. Most employees, including employees paid entirely or partially on commission, are entitled to be paid minimum wage, whether they are full-time, part-time or casual employees.

For those employing students this summer, the minimum wage that applies to students under the age of 18 who work 28 hours a week or less when school is in session, or work during a school break or summer holidays, is \$10.70 per hour. This is set to rise to \$10.90 on October 1, 2017.

The government also plans to increase employee paid vacation entitlement to a minimum 3 weeks vacation after 5 years of employment with the same employer.

Employees will be entitled to be paid public holiday pay at a rate based on their average regular daily earnings, making the calculation of holiday pay simpler.

Personal Emergency Leave (PEL), which currently applies only in workplaces with over 50 employees, will be extended to all workplaces. All employees will be entitled to ten PEL days per year, including two paid PEL days. Doctors notes will not be required.

A new provision will allow employees to take up to 104 weeks of unpaid leave if an employee's child dies or goes missing in a crime related disappearance.

Unpaid family medical leave will increase from 8 weeks in a 26 week period to 27 weeks in a 52 week period.

Temporary or part-time employees must be paid the same wage for the same work, subject to exceptions for seniority, merit and quantity or quality of production.

Each of these provisions is scheduled to take effect on January 1, 2018.

For more information, the government's full announcement can be found at:

<https://news.ontario.ca/mol/en/2017/05/proposed-changes-to-ontarios-employment-and-labour-laws.html>

CASL Private Actions Delayed Indefinitely

In the April issue of Front Line, we wrote about a looming deadline relating to CASL (the Canadian Anti-Spam Law), that will turn three years old on July 1st.

The deadline was just weeks away and would have given a new "private right of action" to anyone who felt they had been the victim of anti-spam activity. This would have meant that civil lawsuits or class actions could have been brought by individuals or groups against senders of "spam", and their officers and directors, alleging breaches of certain provisions of CASL. While extreme, penalties as high as \$1 million per day might have been possible.

However, after aggressive lobbying by various business and charity groups, the federal government has suspended, indefinitely, implementation of this new private right of action under CASL.

For now, only government regulators can take action against a company for violating CASL's consent requirements. But July 1st still has one important looming deadline: expiry of the 3-year transitional provisions for implied consents from the pre-CASL era.

No dealer wants to be accused of sending "spam", so it is prudent to periodically review your practices and compliance. For more information, you can find a dealer-focused Preparedness Guide at: http://www.ucda.org/dealerinfo/pdf_files/antispampreparednessguide.pdf

The CRTC, which is responsible for enforcing CASL, also has a useful website with more information at <http://www.crtc.gc.ca/eng/casl-lcap.htm>

Curbsider Andre Campbell Goes To Jail ... Again

As previously reported in Front Line, Andre N. Campbell had a fairly smooth ride with OMVIC up until 2006. Twice convicted, he managed to have a total of 13 counts pled out to 4 counts and was ordered to pay only \$900 in total fines.

Fines he never paid.

But then he reappeared on OMVIC's radar screen in 2006 and the jig was up! As a result of those charges he was ultimately sentenced to 32 days in jail.

However hard it might be to believe, the conduct did not stop and OMVIC caught him selling 5 more vehicles from 2012-2014 ... all rebuilt write-offs about which the buyers were not told the whole story.

In 2013 Campbell was sentenced to 32 days in jail for the sale of 16 vehicles, many with undisclosed accident repairs including one to a driving school instructor who told Campbell the vehicle was to be used by his students.

In early February he was handed another jail sentence ... this time for 50 days!

In a letter submitted to the court Campbell acknowledged his actions were "stubborn" and "immature." However, in handing down his sentence Justice of the Peace Anthony Amenta found Campbell displayed a disregard for the law and showed little remorse for his repeated offences.

"This sentence should send a message to curbsiders," stated OMVIC's Director of Investigations, Tom Girling. "It demonstrates the seriousness of this offence and makes it clear that both the courts and OMVIC recognize the dangers these illegal vehicle sellers pose to Ontario consumers."

Breaking Curber News

1. On May 17th, OMVIC secured \$40,000 in fines against Ahmad Moussa (of Gloucester) and \$30,000 in curbsiding fines against his company 7062648 Canada Incorporated operating, without a dealer licence, as Quality Ottawa Motors.

Both the individual and the company pleaded guilty to the charges resulting in total fines of \$70,000!

2. In related news, a curbsider that we first reported to OMVIC in 2012 called John Myette of Pefferlaw, ON, who was convicted and fined \$12,000 in 2014, was again reported by us in 2015. OMVIC has just secured another conviction for \$10,000 plus one year court ordered probation on February 27, 2017.

Dealer Plates

On the whole, 2017 has been a good year for dealer plate enforcement by police forces around the Province, based on the low number of complaints we have been receiving. That is not to say that we do not still see problems from time to time, so a handy reminder might be in order.

Personal Use

Personal use of dealer-owned "passenger-class" vehicles with dealer plates is absolutely legal but not on "commercial vehicles" (i.e. pickup trucks, cargo vans, ambulances, etc.) where the cargo area is separate from the passenger compartment.

Dealer Plates may also be used on dealer-owned vehicles for purposes related to the sale of the vehicle and this includes commercial vehicles.

Documents Needed!

Dealer plate use is not restricted to the owner of the dealership. It may be used by anyone who has the permission of the dealership. This includes staff and potential buyers driving the vehicle for testing purposes.

Three documents must be with the vehicle whenever a dealer plate is used ... not just when used for private purposes:

1. a true copy (meaning a clear copy of the front and back) of the permit for the dealer plate
2. the Insurance certificate (pink slip)
3. a true copy of the vehicle permit.*

* If the vehicle has recently been purchased, a copy of the Bill of Sale may or may not be accepted by the police, if the permit is not available.

Please call the UCDA if you would like a wallet card you can show the police if you are stopped and asked about your use of the Dealer Plate.

As always, if you are charged in circumstances you do not believe to be fair or accurate, contact our legal department. We have helpful documents you can show the crown prosecutor or the judge.

Doing Repairs? ... Get A Signature!

There's been a lot written and discussed about how important proper paperwork is when buying and selling vehicles. Members are very familiar with the documentation requirements of the *Motor Vehicle Dealers Act*.

Unfortunately, the importance of proper documentation, when repairing vehicles for customers, hasn't received nearly as much attention. But it's equally important ... if you want to get paid!

The *Consumer Protection Act* requires repairers to offer consumers a written estimate of the cost of repairs, before starting the work. Consumers are not required to pay any repair costs greater than 10% over the estimate. As an alternative, consumers can authorize repairs up to an agreed maximum that they are willing to pay. To charge more, the consumer must authorize the extra cost in writing.

Consumers can't be forced to pay for any repair that they have not authorized.

It's best to get this authorization in writing, but if that's not possible, the repairer must note in writing the name of the person authorizing the repairs and the date and time the authorization is given. If the authorization is taken over the phone, the person's phone number must also be noted.

Repair Liens

Signatures are also important when it comes to repair liens.

When a repairer releases a vehicle without being paid in full, the repairer may register a repair lien against the vehicle. However, the lien is only enforceable if the customer has signed an acknowledgment of the debt.

So, even if authorization to do the work was taken verbally, the vehicle should not be released unless the customer has signed a work order or invoice showing the amount owed.

Without signed documentation, the repairer has no right to seize the vehicle. The lien could be challenged in court by the customer, other lien holders or a bankruptcy trustee.

After signing an estimate, if the customer refuses to sign the work order and refuses to pay the bill, repairers can refuse to release the vehicle until acceptable arrangements are made.

Certification Course Classes

Upcoming OMVIC Automotive Certification classes.

Tuesday, June 20th	London, ON Best Western Plus Lamplighter Inn
Tuesday, June 27th	
Tuesday, July 11th	
Thursday, July 13th	Ottawa, ON – Hilton Garden Inn
Wednesday, July 19th	
Thursday, July 27th	
Thursday, August 10th	
Wednesday, August 16th	
Monday, August 21st	Sudbury, ON – venue T.B.A.
Monday, August 28th	

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

Wye Management – Basic Sales Techniques Class

Four Wye Management Basic Sales Training courses have been scheduled. 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.

Friday, July 7th
Tuesday, August 1st
Friday, September 8th
Monday, October 2nd

Contact Sachin at s.choudhary@ucda.org, for more information or to register.

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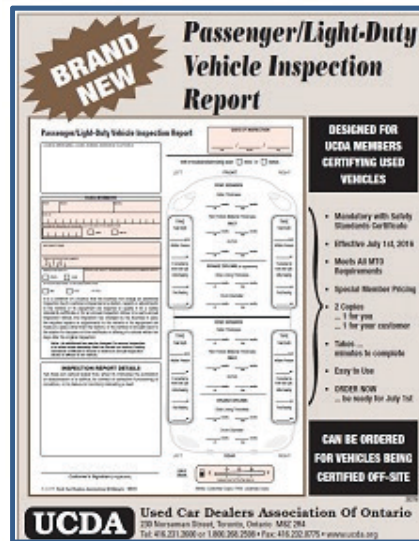
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