

CALLING ALL MEMBERS ...

For years, you've told us you needed an alternative to list your vehicles for sale on-line. You told us you needed an option where you're not competing with curbsider listings side-by-side with your vehicles. You told us you want your vehicles to be the top priority, without distracting ads from manufacturers on your vehicle's page.

Announcing A Website Where Your Cars Take Centre Stage!

ontariocars.ca

The goal of ontariocars.ca is to help members sell more cars. Powered by the UCDA, and exclusively for UCDA members, ontariocars.ca is the only site where UCDA members' inventory is the **top** priority.

Ontariocars.ca is up and running and needs your vehicles to be successful.

The more members that list their vehicles on the site, the more consumers will visit and the more leads you'll get. As a bonus for signing up now, members can list as many vehicles as they want, absolutely FREE, through to the end of February, 2018. After that, prices will be more than competitive with other sites.

We encourage members to take advantage of this offer, and reap the benefits from all the features ontariocars.ca has to offer:

- 1. Syndication:** Ontariocars.ca offers syndication with other listing sites, as well as integration with DMS systems. To list on the site, you won't need to change a thing. Just contact your primary provider, and authorize them to syndicate to ontariocars.ca.
- 2. Marketing & Advertising:** UCDA has retained professional digital marketers, with vast experience in the vehicle listing market, to bring consumers

to your cars like never before. Our well-funded digital media campaign, to be launched in the New Year, will ensure that your cars are featured and rank highly on Google, Facebook and Instagram. Consumers will be targeted based on the inventory they've already viewed, as well as proximity advertising.

- 3. Website SEO:** The website is optimized to compete with the big players for top of the page positioning in search results.
- 4. Mobile Technology:** using the ontariocars.ca app, available on Apple and Android systems, you can easily scan the VIN, snap a few pictures, and your inventory is loaded in an instant.
- 5. No Clutter, Just Cars:** When a customer views your vehicle, there are no distractions ... no manufacturers' ads, no ads for unrelated products ... just ads for your cars because ontariocars.ca is your site!

Click [HERE](#) to set up your **FREE** account.

Once registered, you'll receive a confirmation email and syndicated vehicles will be on the site as soon as possible. Or, use the app to load your vehicles immediately.

Call the UCDA for more information at 416-231-2600 or 1-800-268-2598.

We've Got You Covered ... Plate Cover-Up Update

In the October 2016 issue of Front Line we wrote about a surprising development involving tickets being issued for licence plate covers by some police officers.

To recap, this is what the Ontario *Highway Traffic Act* has to say regarding licence plates:

<https://www.ontario.ca/laws/statute/90h08#BK34>

13 (2) Number plate to be kept clean - Every number plate shall be kept free from dirt and obstruction and shall be affixed so that the entire number plate, including the numbers, is plainly visible at all times ...

We wrote the Ministry of Transportation and the Ontario Association of Chiefs of Police to make the case that using a plate cover (advertising a dealership or some other cause or event) that might cover part or all of the words "Yours to Discover" on the bottom of the Ontario white plate, should not lead to charges and fines.

Our point was, this section was not intended to lead to charges when no enforcement goal is served beyond collecting a fine. If the police can read the number and the validation sticker clearly, law and order is preserved.

It seems an Ontario Justice of the Peace agrees with us!

At a provincial offences trial in Guelph, where a driver had been charged for using a plate cover that blocked the words "Yours to Discover", Justice of the Peace J. Ziegler threw out the charge and had this to say in his reasons:

In arriving at my decision based on this evidence which I accept, I conclude that the intent of the section was to prevent numbers and validation stickers from being obstructed.

I note other subparagraphs in the section address things like preventing obstruction for photo radar, red light camera enforcement and identification for toll roads, none of which are inhibited or obstructed by the plates in question.

I concluded that the plate covers in this case do not interfere with the intent of the statute, and I find in addition that there is no cited authority to support that there is any enforcement of this section based on its literal reading.

You can read JP Ziegler's written decision here:

<https://tinyurl.com/y9bbt8u5>

Environment Ministry Opens A Window At VW Canada

Volkswagen Canada's problems continue as international fallout from the diesel emissions scandal plays out. From bad press, to class action lawsuits, VW is confronted with regulatory action in the form of a recent raid at VW's Canadian headquarters in Ajax.

Enforcement Officers from the Ministry of the Environment (MOE) and computer experts descended upon VW Canada in September with a search warrant in hand to continue building a case against VW for offences under the *Environmental Protection Act (EPA)*.

Dealers are reminded that this is the same ministry that brought us Drive Clean. While that program has largely been phased out as it affects dealers, the EPA certainly has not.

The EPA ensures, among other things, that vehicles offered for sale, or operating on the road, are burning clean ... that all pollution control systems are present and functioning as the manufacturer intended.

It is illegal to even offer a vehicle for sale if pollution control equipment originally installed by the manufacturer is not present and functioning in the vehicle.

MOE Officers can and do inspect dealer vehicles from time to time to ensure that these measures are followed. Consumers who buy vehicles with this equipment missing or not functioning will have legal rights against dealers who sell these vehicles.

Regulators and the courts will enforce these laws. Make sure the vehicles, on your lot and offered for sale, run clean as the manufacturer intended.

Curber News

A company called Top Hand Inc. of North York pleaded guilty to OMVIC curbsiding charges for a fine of \$15,000 on August 23, 2017.

Yun Zheng aka "Winnie" also chose the plea option as did Yang Zheng aka "Ryan", both of Thornhill, and on August 23, 2017 each was handed a \$15,000 fine.

Total: \$45,000 in curbsiding fines in just one day!

Stay tuned because there are many more charges against several more individuals and companies all over the Province still before the courts.

OMVIC is keeping curbsiders on their toes.

Warranty Companies Recognized as Insured by UCDA

AMT Warranty Corp. of Canada, ULC	1-888-668-4360
Canada General Warranty Inc.	1-866-320-8975
Coast To Coast Dealer Services	1-800-387-0119
Cornerstone United Warranty (XtraRide and AutoXtra)	1-800-774-9992
Coverage One Warranty	1-866-988-1642
First Canadian Protection	1-800-381-2580
Global Warranty	1-800-265-1519
INDS Canada Warranty	1-800-995-0290
Lubrico Warranty	1-800-668-3331
NationWide Auto Warranty	1-888-674-8549
Peoples Choice Warranty	1-888-284-2356
Specialty Administrative Services, LLC	1-888-668-4360
Sym-Tech i-Select Coverage	1-800-363-5796

CAMVAP Participation

The Canadian Motor Vehicle Arbitration Plan ("CAMVAP") is available to consumers who are unhappy with defects in their car or how their factory warranty is being applied.

Qualified consumers can engage their vehicle's manufacturer in binding arbitration through CAMVAP. CAMVAP has the power to order the manufacturer, among other things, to buy-back the car or fix it.

Dealers are required, on the sale of any vehicle, to identify if the maker of the car participates in CAMVAP ... not all do.

Here are the ones who do	
All FCA Canada (Fiat / Chrysler) Brands	Mercedes-Benz
All Ford Brands	Nissan / Infiniti
All GM Brands	Porsche
Honda / Acura	Subaru
Hyundai / Genesis	Toyota / Lexus
Jaguar / Land Rover	Volkswagen / Audi
KIA	Volvo
Mazda	
Leaving the ones who don't	
BMW	Mitsubishi
Exotics (Ferrari, Lamborghini, Maserati, Bentley, etc.)	

Compliance Quiz

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

- We know that an "interested person" is identified in the MVDA as someone who lends money to a dealership, but there are other categories as well, these include:
 - a person who gives legal or accounting advice
 - a person who has direct or indirect control
 - a person who has been working for over two years at the dealership
 - a person who has signing authority
 - a person who is related to the owner by blood

- A General Dealer can store books and records at their house?
True **False**

- From time to time a consumer will complain that a dealer told them an administration fee was required to be charged by the UCDA or OMVIC. This is clearly untrue, but is it illegal?
Yes **No**

- A dealer has to declare on a bill of sale if a vehicle's ABS system is not working?
True **False**

- Which of the following is exempt from the MVDA and allowed to sell cars without a dealer registration?
 - barbers
 - employees of the school board
 - executors in the course of administering a will
 - insurance agents
 - farmers

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Flood Damaged Vehicles

Members have heard a lot about flood damaged vehicles entering Canada from storm-ravaged parts of Texas and Florida.

Ontario too has seen localized floods in the Windsor and Ottawa areas that have damaged vehicles. MTO recently sent out the following letter to Motor Vehicle Inspection Stations to alert them about possible flood-damaged vehicles being brought for safety inspections and what to look for. It contains some good advice for dealers, too.

Recent flooding in the US and Ontario may result in more flood-damaged vehicles being offered for sale.

Please be on the lookout for vehicles that show signs of flood damage when you are conducting Safety Standards Certificate (SSC) inspections.

A vehicle with flood damage may have:

- Water damage, including discoloured upholstery, carpet that fits poorly, musty odours, and/or rust, mould, mildew, water, sand, silt or mud in the vehicle
- Interior screws that are discoloured or rusty
- Stains, discolouration or rust behind the vehicle trim
- Malfunctions in the vehicle's electrical systems, including airbag sensors, lights including, headlights, windshield wipers, signals, cigarette lighter, radio, horn, heater, and air conditioner, and
- Ripples on the body that may indicate bodywork has been done
- Water damage may occur in the following areas:
 - Under the carpets
 - Behind the dashboard
 - In the trunk
 - In the spare tire compartment
 - In the glove, fuse and electrical boxes
 - In storage areas, and beneath the seats and dashboard, and
 - In the engine compartment and in the vents.

A vehicle damaged by a flood is unsafe. In Ontario, flood-damaged vehicles are branded as "irreparable" and cannot be registered for driving.

If you suspect a vehicle shows signs of flood damage, please advise the vehicle owner and suggest that they take the vehicle to Structural Inspection Station for further inspection.

We appreciate your help keeping Ontario's roads safe.

Thank you,
Sean Doussept
Manager
Carrier Sanctions and Investigation Office

Quiz Answers

1. **b.** A person is considered to be an interested person in a dealership if, in the opinion of the registrar, the person has or may have a beneficial interest in the business or the person exercises or may exercise control either directly or indirectly over the business.
2. **False.** A registered motor vehicle dealer may store records at any place, other than a dwelling, chosen by the dealer and approved by the registrar.
3. **Yes.** It is a violation of OMVIC's and the UCDA's Code of Ethics to indicate that any payment, commission or other remuneration in connection with a purchase, sale or lease of a vehicle is fixed or approved by OMVIC a government authority or any motor vehicle board or association (like the UCDA).
4. **True** It must be disclosed to a purchaser when a vehicle's anti-lock braking system is not operational.
5. **c.** An executor or estate trustee who trades in a motor vehicle in the course of performing the person's duties or a person who arranges for and conducts an auction to make such a trade on behalf of an executor or estate trustee, is exempt from the MVDA.

CORRECTION:

Several members contacted us about a poorly-worded question and answer in our October quiz.

Question 3 asked whether it was True or False that dealers must declare water damage if a vehicle has been immersed to a depth of the bottom of the steering wheel.

The answer we were looking for was "False", as the threshold for making disclosure is the interior floor boards, not the steering wheel. The question was meant to emphasize that the threshold for disclosure is the floorboards, but the wording of the question and answer made it appear that disclosure would NOT be required if the water reached higher than that, which would, of course, be absurd!

To clarify, disclosure is required for any immersion in a liquid **at or above the interior floorboard level.**

Sorry for the confusion and thanks to our careful readers for pointing this out.