

**Ministry of Government and
Consumer Services**

**Ministère des Services
gouvernementaux et des
Services aux consommateurs**



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March 23, 2022

Christopher Tyrell.
Clerk of the Committee – Standing Committee on Public Accounts
Legislative Assembly of Ontario
99 Wellesley Street West
Room 1405, Whitney Block
Toronto, ON M7A 1A2

Dear Mr. Tyrell:

We are pleased to respond to your March 3, 2022 letter confirming that the Standing Committee on Public Accounts will be reviewing the Value-for-Money Audit: Ontario Motor Vehicle Industry Council (OMVIC) from the 2021 Annual Report of the Office of the Auditor General of Ontario on December 1, 2021.

The ministry has developed an implementation plan for the Auditor General's recommendations directed at the ministry and submitted expected timelines for implementation to the Office of the Auditor General of Ontario, but the implementation process is in the beginning stages.

As requested, please find attached the completed Summary Status Table that outlines the progress to date for the Auditor General's recommendations that were directed to the ministry. A separate Summary Status Table will also be provided by OMVIC to reflect the recommendations that were directed to that organization.

To support the Committee's work, I will be attending along with:

- Michèle Sanborn, Assistant Deputy Minister, Policy, Planning, and Oversight Division
- Kelly Houston-Routley, Director, Consumer Policy and Liaison Branch
- Ana Tinta, Manager, DAA Policy and Oversight Unit

The Ministry of Government and Consumer Services will continue to work with OMVIC to address each of the recommendations identified by the Auditor General of Ontario.

Should you have any additional questions or require further information, please contact

Michèle Sanborn, Assistant Deputy Minister, Policy, Planning, and Oversight Division,
Ministry of Government and Consumer Services, at (416) 326-8881.

Sincerely,

A handwritten signature in black ink, appearing to read 'Renu Kulendran', written in a cursive style.

Renu Kulendran
Deputy Minister
Ministry of Government and Consumer Services

Cc: Taras Natyshak, MPP, Chair of the Committee
Bonnie Lysyk, Auditor General of Ontario
Michèle Sanborn, Assistant Deputy Minister, Policy, Planning, and Oversight
Division
Virginia West, President and Chair, OMVIC
John Carmichael, Chief Executive Officer and Registrar, OMVIC

Enclosure: Summary Status Table in Response to the Report of the Auditor General of
Ontario
(Value-for-Money Audit: Ontario Motor Vehicle Industry Council)

**Summary Status Table in Response to the
Report of the Auditor General of Ontario**
*Value-for-Money Audit: Ontario Motor Vehicle Industry Council
2021 Annual Report of the Auditor General of Ontario
Ministry of Government and Consumer Services*

Auditor's Recommendation	Completed undertaking	Outstanding undertaking (including timeline)
	General note in respect of all recommendations: The ministry received the Auditor General's report and its recommendations in December 2021. The ministry has developed an implementation plan for the recommendations directed at the ministry and submitted expected timelines for implementation to the Office of the Auditor General of Ontario, but the implementation process is in the beginning stages.	

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Auditor's Recommendation	Completed undertaking	Outstanding undertaking (including timeline)
3 To enforce consumer protection in the motor vehicle industry, and to ensure that motor vehicle dealers and salespersons are up to date on changes to the Motor Vehicle Dealers Act, 2002, we recommend that the Ministry of Government and Consumer Services introduce mandatory continuing education requirements for motor vehicle dealers and salespersons.	Implementing this recommendation would require developing a proposal for the government's consideration that would involve consultations with the public and motor vehicle sector to assess impacts, costs and timing. The ministry has submitted expected timelines for implementation to the Office of the Auditor General of Ontario (see right column).	The ministry has indicated to the Auditor General that it will develop a proposal for the government's consideration in 2023. To do so, the ministry will undertake research, consultation with OMVIC, the sector, and the public. In addition, alignment with other action items that require developing legislative or regulatory proposals for the government's consideration is required. The scheduled election in June 2022 impacts the timing for developing a legislative or regulatory proposal for the government's consideration.

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10 To provide consumer protection, and strengthen the Ontario Motor Vehicle Industry Council's (OMVIC's) effectiveness in both mediating and resolving disputes between consumers and motor vehicle dealers, we recommend that OMVIC: - record in its systems its assessment of whether a motor vehicle dealer has breached one or more provisions of the Motor Vehicle Dealers Act, 2002 or Consumer Protection Act, 2002 for each complaint it reviews; and - work with the Ministry of Government and Consumer Services to reassess the current limitations of the Motor Vehicle Dealers Act, 2002 that prevent OMVIC from compelling motor vehicle dealers to provide restitution to consumers when they have breached the law.	Implementing this recommendation would require developing a proposal for the government's consideration which would involve consultations with the public and motor vehicle sector to assess impacts, costs, and timing. The ministry has submitted expected timelines for implementation to the Office of the Auditor General of Ontario (see right column).	The ministry has indicated to the Auditor General that it will develop a proposal for the government's consideration in 2023. To do so, the ministry will undertake research, consultation with OMVIC, the sector, and the public. In addition, alignment with other action items that require developing legislative or regulatory proposals for the government's consideration is required. The scheduled election in June 2022 impacts the timing for developing a legislative or regulatory proposal for the government's consideration.

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13 To protect consumers who purchase a motor vehicle from a registered motor vehicle dealer that does not meet all its obligations under the Motor Vehicle Dealers Act, 2002 or relevant sections of the Consumer Protection Act, 2002, we recommend that the Ontario Motor Vehicle Industry Council (OMVIC) work with the Compensation Fund's Board of Trustees to: • review consumer complaints that were not eligible for a claim against the Compensation Fund to develop additional eligibility criteria; and • propose to the Ministry of Government and Consumer Services to include in the Motor Vehicle Dealers Act, 2002 additional criteria for eligibility for compensation, and to also allow the Compensation Fund's Board of Trustees to use their discretion to compensate consumers for claims involving the violation of the acts that do not	Implementing this recommendation would require developing a proposal for the government's consideration, which would involve consultations with the public and the motor vehicle sector to assess impacts, costs and timing. The ministry has submitted expected timelines for implementation to the Office of the Auditor General of Ontario (see right column).	The ministry has indicated to the Auditor General that it will develop a proposal for the government's consideration in 2023. To do so, the ministry will undertake research, consultation with OMVIC, the sector, and the public. In addition, alignment with other action items that require developing legislative or regulatory proposals for the government's consideration is required. The scheduled election in June 2022 impacts the timing for developing a legislative or regulatory proposal for the government's consideration.

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2021 Annual Report of the Auditor General of Ontario
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	fit into a specific eligibility criterion.		

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Auditor's Recommendation	Completed undertaking	Outstanding undertaking (including timeline)
14 To protect consumers who purchase a motor vehicle from an illegal motor vehicle dealer, we recommend that the Ontario Motor Vehicle Industry Council (OMVIC) work with the Compensation Fund's Board of Trustees and the Ministry of Government and Consumer Services to allow these consumers to make a claim to the Compensation Fund where OMVIC's own investigation confirms that consumers were intentionally misled by an illegal motor vehicle dealer.	Implementing this recommendation would require developing a proposal for the government's consideration which would involve consultations with the public and motor vehicle sector to assess impacts, costs and timing. The ministry has submitted expected timelines for implementation to the Office of the Auditor General of Ontario (see right column).	The ministry has indicated to the Auditor General that it will develop a proposal for the government's consideration in 2023. To do so, the ministry will undertake research, consultation with OMVIC, the sector, and the public. In addition, alignment with other action items that require developing legislative or regulatory proposals for the government's consideration is required. The scheduled election in June 2022 impacts the timing for developing a legislative or regulatory proposal for the government's consideration.

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15 So that prospective motor vehicle buyers are aware of the Ontario Motor Vehicle Industry Council's (OMVIC's) role and the services it provides to protect consumers, we recommend that OMVIC work with the Ministry of Government and Consumer Services to: • develop an information package for vehicle purchasers that outlines OMVIC's role and consumer protections available to them which can be distributed to motor vehicle dealers; • require motor vehicle dealers to provide vehicle purchasers with the information package at the time of purchasing a vehicle; and • develop, implement and monitor the success of a marketing plan to increase consumer awareness about consumer protection rights in place under the Motor Vehicle Dealers Act, 2002 and the Consumer	Implementing this recommendation would require developing a proposal for the government's consideration which would involve consultations with the public and motor vehicle sector to assess impacts, costs and timing. The ministry has submitted expected timelines for implementation to the Office of the Auditor General of Ontario (see right column).	The ministry has indicated to the Auditor General that it will develop a proposal for the government's consideration in 2023. To do so, the ministry will undertake research, consultation with OMVIC, the sector, and the public. In addition, alignment with other action items that require developing legislative or regulatory proposals for the government's consideration is required. The scheduled election in June 2022 impacts the timing for developing a legislative or regulatory proposal for the government's consideration.

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Protection Act, 2002, as well as OMVIC's role and its services available to the public.		

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16 So that consumers in Ontario have a reasonable amount of time to reflect on their vehicle purchase or lease, and be able to cancel their vehicle transaction agreement without penalty, we recommend that the Ministry of Government and Consumer Services make regulatory changes to put in place a cooling-off period for all vehicle transactions in Ontario, citing best-practice consumer protections in place in other Canadian provinces.	Implementing this recommendation would require developing a proposal for the government's consideration which would involve consultations with the public and motor vehicle sector to assess impacts, costs and timing. The ministry has submitted expected timelines for implementation to the Office of the Auditor General of Ontario (see right column).	The ministry has indicated to the Auditor General that it will develop a proposal for the government's consideration in 2023. To do so, the ministry will undertake research, consultation with OMVIC, the sector, and the public. In addition, alignment with other action items that require developing legislative or regulatory proposals for the government's consideration is required. The scheduled election in June 2022 impacts the timing for developing a legislative or regulatory proposal for the government's consideration.

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17 So that consumers potentially receive a more competitive interest rate based on their credit score, we recommend that the Ontario Motor Vehicle Industry Council (OMVIC): - take steps to increase public and consumer awareness regarding dealer responsibilities and consumer risks with regard to interest rates; - include a step in its compliance inspections to verify whether motor vehicle dealers are disclosing to the consumer all the financing offers received; and - propose regulatory changes to the Ministry of Government and Consumer Services that would require motor vehicle dealers to disclose to consumers all the financing options the dealer has received in response to the consumer's credit application.	Implementing this recommendation would require developing a proposal for the government's consideration which would involve consultations with the public and motor vehicle sector to assess impacts, costs and timing. The ministry has submitted expected timelines for implementation to the Office of the Auditor General of Ontario (see right column).	The ministry has indicated to the Auditor General that it will develop a proposal for the government's consideration in 2023. To do so, the ministry will undertake research, consultation with OMVIC, the sector, and the public. In addition, alignment with other action items that require developing legislative or regulatory proposals for the government's consideration is required. The scheduled election in June 2022 impacts the timing for developing a legislative or regulatory proposal for the government's consideration.

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Auditor's Recommendation	Completed undertaking	Outstanding undertaking (including timeline)
20 So that the Ontario Motor Vehicle Industry Council (OMVIC) can contribute directly to the Compensation Fund (Fund) to cover future consumer claims, if needed, we recommend that OMVIC, in co-ordination with the Compensation Fund's Board of Trustees: - work with the Ministry of Government and Consumer Services to propose an update to the government on regulations under the Motor Vehicle Dealers Act, 2002 that would permit OMVIC to transfer funding from its general surplus to the Fund; and - establish a policy to periodically review the continuing financial sufficiency of the Fund.	Implementing this recommendation would require: - Developing a proposal for the government's consideration which would involve consultations with the public and motor vehicle sector to assess impacts, costs and timing. - Working with OMVIC to update the administrative agreement between the Minister and OMVIC. The ministry has submitted expected timelines for implementation to the Office of the Auditor General of Ontario (see right column).	The ministry will need to assess the feasibility of an option allowing OMVIC to transfer surplus funds to the Motor Vehicle Dealers Compensation Fund. The assessment will include compliance with the funding principles applicable to OMVIC and the Compensation Fund. The ministry has indicated to the Auditor General that it will develop a proposal for the government's consideration in 2023. To do so, the ministry will undertake research, consultation with OMVIC, the sector, and the public. In addition, alignment with other action items that require developing legislative or regulatory proposals for the government's consideration is required. The scheduled election in June 2022 impacts the timing for developing a legislative or regulatory proposal for the government's consideration. The ministry will also work with OMVIC to update the administrative agreement between the Minister and OMVIC. Through the agreement, the ministry would establish a future requirement for OMVIC to implement a policy to conduct actuarial studies at regular time intervals, and to share the results with the ministry. The ministry will begin negotiations with OMVIC on an updated administrative agreement in 2022 with the signing of the agreement expected in 2023.

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21 To confirm that motor vehicle dealers remit complete fees for each motor vehicle transaction to the Ontario Motor Vehicle Industry Council (OMVIC), and that OMVIC collects those complete fees, we recommend that OMVIC: • work with the Ministry of Government and Consumer Services to put in place an information-sharing agreement with the Ministry of Transportation (MTO) to obtain motor vehicle registration records; • use the data obtained from MTO to verify the accuracy of vehicle transactions reported by individual motor vehicle dealers; • include a step in its motor vehicle dealer inspection process to compare the number of vehicle transactions self-reported by a dealer to the dealer's financial records; and • take steps to collect unpaid fees from motor vehicle dealers found to have	The ministry has submitted expected timelines for implementation to the Office of the Auditor General of Ontario. The ministry indicated to the Auditor General that it would facilitate a dialogue on a potential information-sharing agreement between MTO and OMVIC in 2022. The ministry met with OMVIC and MTO in February 2022 to facilitate an initial discussion regarding a potential information sharing agreement between OMVIC and MTO.	The ministry will monitor the status of OMVIC and MTO's discussions on a quarterly basis.

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	underreported vehicle transactions.		

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22 To identify and reduce the risk of money laundering activity through motor vehicle dealers, we recommend that the Ontario Motor Vehicle Industry Council and the Ministry of Government and Consumer Services work with their counterparts in the federal government to introduce a requirement for motor vehicle dealers to report cash transactions over a certain threshold to the Financial Transactions and Reports Analysis Centre of Canada.	The ministry has submitted expected timelines for implementation to the Office of the Auditor General of Ontario (see right column). In February 2022, the ministry had an initial discussion with staff at the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC) regarding the recommendation.	The ministry has indicated to the Auditor General that it will engage with the federal government on the possibility of the federal government requiring registered motor vehicle dealers to report cash transactions over \$10,000 to the Financial Transactions and Reports Analysis Centre of Canada in 2022. In April 2022, during the next scheduled quarterly liaison meeting, the ministry will provide OMVIC with a summary of its discussion and discuss next steps.

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24 So that the Ontario Motor Vehicle Industry Council's (OMVIC's) Board of Directors effectively executes its responsibilities to oversee motor vehicle dealers and protect consumers by bringing new perspectives to OMVIC, we recommend that OMVIC's Board of Directors, work with the Ministry of Government and Consumer Services to: • establish fixed term limits for its Board members that are in line with best practices of existing authorities and other organizations similar to OMVIC; • reassess the proportion of industry representatives on OMVIC's Board and compare it to the proportions in other delegated authorities; and • revise selection criteria for Board members to highlight qualifications that best serve consumer interests.	The ministry has submitted expected timelines for implementation to the Office of the Auditor General of Ontario (see right column).	The ministry has indicated to the Auditor General that it will review the proposals it receives from OMVIC for changes to its by-laws and develop options as necessary to address the recommendation. OMVIC has indicated to the Auditor General that it will provide the ministry its proposals in 2022. It is expected that OMVIC will present proposed by-law changes at its 2023 Annual General meeting for approval by its members.

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26 So that the Compensation Fund's Board of Trustees can exercise its independent authority to manage and administer the Compensation Fund, we recommend that the Ministry of Government and Consumer Services: • amend the regulation to disallow the Ontario Motor Vehicle Industry Council (OMVIC) Board from appointing its own Board Members onto the Compensation Fund Board of Trustees; and • clarify the roles and responsibilities of the Compensation Fund's Board of Trustees in the administrative agreement with OMVIC to reflect its independent authority with respect to the Compensation Fund.	Implementing this recommendation would require: • Developing a proposal for the government's consideration. • Working with OMVIC to update the administrative agreement between the Minister and OMVIC and examining how the Board of Trustees' role could be clarified within the administrative agreement. The ministry has submitted expected timelines for implementation to the Office of the Auditor General of Ontario (see right column).	The ministry has indicated to the Auditor General that it will develop a proposal for the government's consideration in 2023. Alignment with other action items that require developing legislative or regulatory proposals for the government's consideration is required. The scheduled election in June 2022 impacts the timing for developing a legislative or regulatory proposal for the government's consideration. The ministry has indicated to the Auditor General that it will begin negotiations with OMVIC on an updated administrative agreement in 2022 with the signing of the agreement expected in 2023.

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28 So that the Ministry of Government and Consumer Services (Ministry) fulfills its responsibility to effectively oversee that the Ontario Motor Vehicle Industry Council (OMVIC) meets its mandate and operates in compliance with applicable requirements, we recommend that the Ministry: • require that OMVIC periodically report to the Ministry on its progress in using the additional revenues it is collecting to meet the objectives of its 2015 business case; • set a reasonable deadline for OMVIC to comply with its administrative agreement with the Ministry to operate on a cost-recovery basis; and • monitor and take corrective action to ensure that OMVIC complies.	Implementing this recommendation would require working with OMVIC to update the administrative agreement and examining incorporating into the administrative agreement a report back on fee changes made by OMVIC. The ministry has submitted expected timelines for implementation to the Office of the Auditor General of Ontario (see right column).	The ministry has indicated to the Auditor General that it will begin negotiations with OMVIC on an updated administrative agreement in 2022 with the signing of the agreement expected in 2023. The ministry will monitor OMVIC's adherence following the signing of an updated administrative agreement.

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29 So that serious concerns raised about the Ontario Motor Vehicle Industry Council (OMVIC) are appropriately addressed, we recommend that the Ministry of Government and Consumer Services (Ministry) establish a protocol to exercise its authority under the administrative agreement between the Ministry and OMVIC to conduct a review when serious complaints arise.	Implementing this recommendation would require working with OMVIC to update the administrative agreement. The ministry has submitted expected timelines for implementation to the Office of the Auditor General of Ontario (see right column).	The ministry has indicated to the Auditor General that it will examine how a protocol to exercise its authority to conduct a review when serious complaints arise can be incorporated within the administrative agreement. The ministry has indicated to the Auditor General that it will begin negotiations with OMVIC on an updated administrative agreement in 2022 with the signing of the agreement expected in 2023.

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30 So that the Ministry of Government and Consumer Services (Ministry) can effectively monitor and address the Ontario Motor Vehicle Industry Council's (OMVIC's) performance in protecting consumers and regulating motor vehicle dealers, we recommend that the Ministry revise the performance indicators it uses to monitor OMVIC's performance to include indicators that more closely monitor OMVIC's operations, including in the areas of inspection, registration, consumer complaint handling, the Compensation Fund, and educating and informing consumers about their rights and protections in purchasing a car.	Implementing this recommendation would require working with OMVIC to revise the indicators the ministry uses to monitor OMVIC's performance. The ministry has submitted expected timelines for implementation to the Office of the Auditor General of Ontario (see right column).	The ministry has indicated to the Auditor General that in 2022, the ministry will work with OMVIC on developing performance measures that address the recommendation. It is expected that reporting on the revised performance measures will begin in 2023.