

**DISCIPLINE COMMITTEE OF THE  
ONTARIO COLLEGE OF TRADES**

BETWEEN:

**ONTARIO COLLEGE OF TRADES**

-and-

**HUSEYIN MIKYAS**

**NOTICE OF HEARING**

**THE COMPLAINTS COMMITTEE OF THE ONTARIO COLLEGE OF TRADES**, pursuant to section 44, subsection (5) of the *Ontario College of Trades and Apprenticeship Act, 2009* (the “Act”), S.O. 2009, chapter 22, has directed that the matter hereinafter described regarding the conduct or actions of Huseyin Mikyas (Membership No. 13332805), a member of the College, be referred to the Discipline Committee of the Ontario College of Trades. The Discipline Committee, pursuant to section 46, subsection (1) of the *Act*, shall hear and determine matters referred to it by the Complaints Committee under section 44 of the *Act*.

**IT IS ALLEGED** that Huseyin Mikyas has engaged in professional misconduct as defined in subsection 46(2) of the *Act* and/or Ontario Regulation 97/13 made under the *Act* in that he:

- a) failed to take reasonable steps to safeguard the life, health or property of a person who may be affected by the work of any person for whom he is responsible, when he knew or ought to have known that there was a risk to life, health or property (Ontario Regulation 97/13, subsection 1(1));
- b) failed to act to correct or report a situation that he knew or ought to have known may endanger the safety or welfare of the public (Ontario Regulation 97/13, subsection 1(2));

- c) signed or issued, in the member's capacity as a member of the College, a document that the member knew or ought to have known contained a false, improper or misleading statement (Ontario Regulation 97/13, subsection 1(8));
- d) was found guilty of contravening a law that is relevant to his suitability to hold a certificate of qualification (Ontario Regulation 97/13, subsection 1(9));
- e) failed to maintain the standards of a trade (Ontario Regulation 97/13, subsection 1(10));  
and
- f) acted or failed to act, in respect to the practice of a trade, in a manner that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonourable or unprofessional (Ontario Regulation 97/13, subsection 1(11)).

**PARTICULARS OF THE ALLEGATIONS ARE AS FOLLOWS:**

1. Huseyin Mikyas, Membership No. 13332805 (the "Member"), is a member of the Ontario College of Trades (the "College").
2. At all material times, the Member held a certificate of qualification in the trade of Auto Body and Collision Damage Repairer (310B), Journey person class, and carried on business as Mikyas Auto Body located at 30 Freshway Drive, Unit 2, Concord, ON, L4K 1S4.
3. At all material times, Mikyas Auto Body operated as an authorized motor vehicle inspection station by the Ontario Ministry of Transportation ("MTO") where the Member had authority to issue Structural Inspection Certificates for vehicles pursuant to the *Highway Traffic Act*, RSO 1990, ch. 8 (the "HTA") and its Regulations.
4. On or about May 10, 2014, a 2013 Mercedes-Benz bearing VIN [NUMBER] (the "Vehicle") was involved in a collision.
5. On or about May 14, 2014, State Farm Insurance Company assessed the net total loss of the Vehicle from the collision to be \$35,412.25 and declared it a total loss.

6. Between May 14, 2014 and September 29, 2014, the Vehicle was purchased by Signature Motor Car Inc. at an automobile auction and under its ownership the Vehicle was extensively repaired by an unknown party.
7. On or about September 17, 2015, the Member issued a Structural Inspection Certificate #11011281 (the "SIC") for the Vehicle attesting to the condition of the Vehicle as meeting the prescribed standards.
8. On or about September 18, 2015, the SIC was presented at and was relied on by a Service Ontario licensing office to rebrand the vehicle from "salvage" status to "rebuilt" status.
9. In October of 2015, Signature Motor Car Inc. sold the Vehicle to a customer for \$35,000.00.
10. On or about January 10, 2016, the Vehicle was involved in a low speed accident causing damage to the front-end of the Vehicle.
11. On or about January 14, 2016, the Vehicle's damage from the low speed accident was assessed by the manager of Kennedy MB Autobody who discovered pre-existing damage unrelated to the recent (January 10, 2016) accident. The manager formed the opinion that the Vehicle should be declared a total loss due to the state of the pre-existing damage.
12. On or about February 4, 2016, Intact Insurance Company contacted the MTO advising that the Vehicle was dangerous and unsafe in light of the pre-existing damage identified by Kennedy MB Autobody.
13. Between February 5, 2016 and March 4, 2016, the Vehicle underwent a detailed inspection by the MTO. The inspection resulted in a conclusion that the Vehicle did not meet the minimum standards under the HTA and linked the Vehicle's deficiencies to the poor quality of repair from the earlier collision in May of 2014. The MTO inspector formed the opinion that the SIC should not have been issued for the Vehicle back in September of 2015.
14. As part of the detailed inspection in February and March 2016, the MTO inspector also concluded that a Rebuilt Audit Form that the Member submitted to the MTO on or about September 23,

2015 falsely reported several structural elements of the Vehicle as undamaged and/or repaired.

15. On or about March 14, 2016, the Member was charged by MTO pursuant to section 99(2) of the HTA for making a false statement on the SIC in relation to the Vehicle on September 17, 2015.

16. On or about September 14, 2016, the Member was convicted of nine counts under HTA Regulation 601 for failing to submit documents to the Director of Vehicle Inspection Standards following the issuance of structural inspection certificates for various vehicles.

**A PANEL OF THE DISCIPLINE COMMITTEE WILL HOLD A HEARING** pursuant to sections 46 and 48 of the *Act* for the purpose of deciding whether the Member has engaged in professional misconduct. A copy of the *Rules of Procedure of the Discipline Committee & Fitness to Practise Committee* is enclosed.

**AN APPEARANCE WILL TAKE PLACE BEFORE THE PANEL** by teleconference on **THURSDAY, FEBRUARY 23, 2017 at 1:00 p.m. (Eastern)** to set a date for the hearing of this matter on its merits (the "Hearing"). The teleconference call-in details will be provided to all parties at least two (2) weeks prior to the teleconference. The Hearing, once scheduled, will be held at Victory Verbatim, 222 Bay Street, Suite 900, Toronto, Ontario or such other venue as the College may advise, on a date to be determined after consultation between College Counsel and the Member or his legal counsel/representative, and fixed by the Hearings Coordinator.

**THE MEMBER IS ENTITLED AND ENCOURAGED TO PARTICIPATE IN THE ABOVE-NOTED APPEARANCE BY TELECONFERENCE AND AT THE HEARING, AND IS ENTITLED TO BE REPRESENTED BY LEGAL COUNSEL OR A REPRESENTATIVE THROUGHOUT THIS PROCEEDING.**

The Member or his legal counsel/representative may contact College Counsel to discuss the scheduling of the Hearing or a pre-hearing conference to determine whether a date for the Hearing can be agreed upon. College Counsel's contact information is provided below.

**IF A DATE FOR THE HEARING IS NOT AGREED UPON AND THE MEMBER DOES NOT ATTEND THE APPEARANCE BY TELECONFERENCE ON THURSDAY, FEBRUARY 23, 2017 at 1:00 p.m. (Eastern) TO SET A DATE FOR THE HEARING, THEN THE PANEL MAY PROCEED IN HIS ABSENCE TO SET A DATE FOR THE HEARING. NOTICE OF THE HEARING DATE WILL BE PROVIDED TO THE MEMBER IN WRITING AT HIS LAST KNOWN ADDRESS AS SHOWN IN THE RECORDS OF THE COLLEGE.**

**IF THE MEMBER DOES NOT ATTEND THE HEARING ON THE DATE SCHEDULED, THE PANEL MAY PROCEED IN HIS ABSENCE AND HE WILL NOT BE ENTITLED TO ANY FURTHER NOTICE OF THE PROCEEDING.**

**IF THE PANEL FINDS THE MEMBER GUILTY OF PROFESSIONAL MISCONDUCT,** the panel shall make one or more of the following orders, pursuant to subsection 46(4) of the Act:

1. Directing the Registrar to revoke the Member's certificate of qualification or statement of membership.
2. Directing the Registrar to suspend the Member's certificate of qualification or statement of membership for a specified period, not exceeding 24 months.
3. Directing the Registrar to impose specified terms, conditions or limitations on the Member's certificate of qualification or statement of membership.
4. Directing that the Registrar not carry out a direction made under paragraph 1, 2 or 3 for a specified period and not carry out the direction at all if specified terms are met within that period.

**IN ADDITION, IF THE PANEL FINDS THE MEMBER GUILTY OF PROFESSIONAL MISCONDUCT,** the panel may make an order doing one or more of the following, pursuant to subsection 46(5) of the Act:

1. Requiring that the Member be reprimanded, admonished or counselled by the panel or its delegate and, if considered warranted, directing that the fact of the reprimand, admonishment or counselling be recorded on the register for a specified or unlimited period.
2. Imposing a fine in an amount that the panel considers appropriate, to a maximum of \$2,000, to be paid by the Member to the Minister of Finance for payment into the Consolidated Revenue Fund.
3. Directing that the finding and the order of the panel be published, in detail or in summary, with or without the name of the Member, in the official publication of the College and in any other manner or medium that the panel considers appropriate in the particular case.

4. Fixing costs to be paid by the Member.

A member whose conduct has been directed or referred to a proceeding before the Discipline Committee or panels thereof may examine before the hearing any written or documentary evidence that will be produced or any report, the contents of which will be given as evidence at the hearing. The College must provide the member with complete disclosure at least fifteen (15) days before the hearing on the merits of all evidence in the College's possession or control relevant to the allegations that is not privileged. To obtain disclosure in this matter, the Member or his legal counsel/representative should contact John J.S. Park, College Counsel in this matter, using the contact information noted below.

**Date:** January 17, 2017

"David Tsubouchi"

David Tsubouchi  
Registrar & Chief Executive Officer  
Ontario College of Trades  
655 Bay Street, Suite 600  
Toronto, ON M5G 2K4

**To:** Huseyin Mikyas  
[ADDRESS]  
[ADDRESS]

**From:** John J.S. Park, College Counsel  
655 Bay Street, Suite 600  
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647-847-3120  
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