

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

BETWEEN:

**ONTARIO COLLEGE OF TRADES**

-and-

**WALID OSMAN**

**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 Walid Osman (Membership No. 13843925), 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 Walid Osman 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 a member or any person for whom the member is responsible, when the member knew or ought to have known that there was a risk to life, health or property, which is defined as professional misconduct under Ontario Regulation 97/13, subsection 1(1);
- b) failed to act to correct or report a situation that the member knew or ought to have known may endanger the safety or welfare of the public, which is defined as professional

misconduct under Ontario Regulation 97/13, subsection 1(2);

- c) signed or issued, in his capacity as a member of the College, a document that he knew or ought to have known contained a false, improper or misleading statement, which is defined as professional misconduct under Ontario Regulation 97/13, subsection 1(8);
- d) failed to maintain the standards of a trade, which is defined as professional misconduct under Ontario Regulation 97/13, subsection 1(10); and
- e) 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, which is defined as professional misconduct under Ontario Regulation 97/13, subsection 1(11).

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

1. Walid Osman (the “Member”), is a member of the Ontario College of Trades (“the College”).
2. At all material times, the Member held Certificates of Qualification, Journeypersons class, in the trades of Automotive Service Technician (310S) and Truck and Coach Technician (310T).
3. At all material times, AutoRebex Sales and Service Centre (the “MVIS Licensee”), located at 930 Wellington Street West, Ottawa, Ontario, was licensed by the Ministry of Transportation (“MTO”) as a Motor Vehicle Inspection Station and the Member was registered as a motor vehicle inspection mechanic at that location and had the MVIS Licensee’s signing authority to issue Safety Standard Certificates for vehicles, pursuant to the *Highway Traffic Act*, RSO 1990, Ch. 8 (the “HTA”) and its Regulations.
4. On May 13, 2016, [NAME] (the “Complainant”) purchased a 2005 Pontiac Pursuit bearing the vehicle identification number [NUMBER] (the “Vehicle”) from [NAME] (the “Seller”). As part of the purchase agreement, the Seller brought the Vehicle to the MVIS Licensee to have the Vehicle inspected and certified for road safety, for the purpose of transferring the Vehicle’s ownership and registration.
5. On May 13, 2016, the Member conducted a Safety Standard inspection of the Vehicle on behalf of

the Seller. Following his inspection, the Member signed and issued a Safety Standard Certificate (#23856750) for the Vehicle, whereby he certified that it met the minimum *HTA* safety and performance standards to be operated on public highways in Ontario.

6. While operating the Vehicle following the issuance of the Safety Standard Certificate, the Complainant noticed the smell of gasoline and became concerned that the Vehicle was not safe to drive.
7. On August 20, 2016, the Complainant brought the Vehicle to J&A Automotive Repair, where the Vehicle was inspected by owner Kenneth Kilby, who holds valid Certificates of Qualification, Journeypersons class, in the trades of Automotive Service Technician (310S) and Truck and Coach Technician (310T) and is a member of the College. Mr. Kilby put the vehicle on a hoist to inspect for a fuel leak and noticed rust perforations on the underside of the Vehicle, as well as spray foam having been used to fill in voids. The MTO was contacted.
8. On September 9, 2016, MTO Inspector Michael Kerr, Officer No. 895, inspected the Vehicle on the premises of J&A Automotive Repair and identified several safety deficiencies with the Vehicle, which he noted on the Commercial Vehicle Inspection Report as follows: “[f]rame deteriorated by rust perforation, spray foam has been used to fill in voids[;] plates removed from vehicle”. Based on his findings, MTO Inspector Kerr issued a Commercial Vehicle Inspection Report declaring that the Vehicle was unfit to drive and removing the Vehicle’s licence plates.

**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 **Wednesday, July 26, 2017 at 10:00 a.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 Wednesday, July 26, 2017 at 10:00 a.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 Louis P. Strezos College Counsel in this matter, using the contact information noted below.

**Date:** June 13, 2017

"David Tsubouchi"

**To:** Walid Osman  
[ADDRESS]  
[ADDRESS]

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

**From:** Louis P. Strezos, College Counsel  
Barrister & Solicitor  
15 Bedford Road  
Toronto, ON M5R 2J7  
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**End.**