

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

BETWEEN:

ONTARIO COLLEGE OF TRADES

-and-

JATINDER BANSAL

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 Jatinder Bansal (Membership No. 13258794), a member of the Ontario College of Trades, be referred to the Discipline Committee of the College. 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 Jatinder Bansal 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) 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);
- b) was found guilty of contravening a law that is relevant to his suitability to hold a certificate of qualification, which is defined as professional misconduct under Ontario Regulation 97/13, subsection 1(9);

- c) failed to maintain the standards of a trade, which is defined as professional misconduct under Ontario Regulation 97/13, subsection 1(10); and
- d) 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. Jatinder Bansal (the “Member”), is a member of the Ontario College of Trades.
2. At all material times, the Member held a certificate of qualification in the trade of Automotive Service Technician, Journeypersons class.
3. At all material times, Motor Vehicle Inspection Station [NUMBER], operating as [BUSINESS], was licensed by the Ministry of Transportation (MTO) as a Motor Vehicle Inspection Station and the Member was an automotive mechanic of the Motor Vehicle Inspection Station.
4. On August 6, 2013, the Member conducted a safety standard certificate inspection on a 1994 Volkswagen Golf (the “Vehicle”) bearing the vehicle identification number [NUMBER] and following his inspection signed and issued a Safety Standards Certificate (#20020132) for the Vehicle, which confirmed that it met the basic safety standards to drive on public roads and highways in Ontario.
5. On August 11, 2013, [NAME] (the “Complainant”) purchased the Vehicle and drove the Vehicle for two (2) days. During the operation of the Vehicle the Complainant became concerned that the Vehicle was not safe to drive.
6. On August 15, 2013, the Vehicle was returned to [BUSINESS] due to the Complainant’s concerns regarding the Vehicle’s safety.
7. On September 18, 2013, an MTO inspector inspected the Vehicle and found several deficiencies respecting the roadworthiness of the Vehicle. Based on his findings, the MTO inspector made a determination that the Vehicle was unfit to drive on Ontario roads and that the Safety Standards

Certificate should not have been issued.

8. On February 18, 2014, the Member was convicted under the *Highway Traffic Act*, RSO 1990, c H.8 for unlawfully issuing a Safety Standards Certificate (#20020132) for the Vehicle when it did not comply with inspection requirements and performance standards prescribed by regulations.

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 or is incompetent. 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 **Friday, August 5, 2016 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 Friday, August 5, 2016 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 Strezos College Counsel in this matter, using the contact information noted below.

Date: June 27, 2016

"David Tsubouchi"

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

To: Jatinder Bansal
[ADDRESS]
[ADDRESS]
[TELEPHONE NUMBER]

From: Louis P. Strezos, College Counsel
Barrister & Solicitor
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Toronto, ON M5R 2J7
Tel: 416-944-0244
Email: lps@15bedford.com

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