

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

BETWEEN:

ONTARIO COLLEGE OF TRADES

-and-

SAJJAD BUTT

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 Sajjad Butt, 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 Sajjad Butt 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:

- a) he 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) he was found guilty of contravening a law, the contravention of which is relevant to his suitability to hold a certificate of qualification or statement of membership, which is defined as professional misconduct under Ontario Regulation 97/13, subsection 1(9);

- c) he failed to maintain the standards of a trade, which is defined as professional misconduct under Ontario Regulation 97/13, subsection 1(10); and
- d) he 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. Sajjad Butt, Membership No. 13241812 (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, and carried on business as [BUSINESS] located on [ADDRESS] in Toronto, Ontario.
3. At all material times, [BUSINESS] was licensed by the Ontario Ministry of Transportation as a Motor Vehicle Inspection Station and the Member was the licensee of the Motor Vehicle Inspection Station.
4. On May 15, 2014, the Member conducted a safety standard certificate inspection on a 1988 Mercedes Benz 56L sedan (the “Vehicle”) bearing the vehicle identification number [NUMBER] and following his inspection signed and issued a Safety Standards Certificate (#21010095) for the Vehicle, which confirmed that it met the basic safety standards to drive on public roads and highways in Ontario.
5. Less than four (4) weeks after the Safety Standards Certificate was signed and issued, the owner of the Vehicle, [OWNER], noted that the Vehicle’s rear wheels were not functioning properly and appeared to be falling off the car and/or severely out of alignment which ultimately caused [OWNER] and/or her husband, [HUSBAND], to return the Vehicle to the Member’s business, [BUSINESS].

6. On June 10, 2014, a Ministry of Transportation inspector inspected the Vehicle and made a determination that the Vehicle was unfit to drive on public roads and highways in Ontario and advised the Member that, due to safety concerns, the Vehicle must remain at the Member's business until repairs were complete.
7. On June 10, 2014, the Member authorized and/or allowed [HUSBAND] to drive the Vehicle off the Member's business premises and onto a public road or highway in Ontario when he knew or ought to have known that the Vehicle was unsafe to operate.
8. On May 28, 2015, the Member was convicted under the *Highway Traffic Act*, RSO 1990, c H.8 for unlawfully issuing a Safety Standards Certificate (#21010095) for the Vehicle when the Vehicle did not comply with inspection requirements and performance standards prescribed by regulations.
9. On May 28, 2015, the Member was also convicted under the *Highway Traffic Act*, RSO 1990, c H.8 for failing to ensure that the inspection premises [BUSINESS] were equipped with proper inspection devices and for not complying 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. 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, April 14, 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 THURSDAY, APRIL 14, 2016 AT 10:00 AM (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: March 3, 2016

"David Tsubouchi"

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

To: Sajjad Butt
[ADDRESS]
[ADDRESS]
[ADDRESS]

From: Louis P. Strezos, College Counsel
Barrister & Solicitor
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Toronto, ON M5R 2J7
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