

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

BETWEEN:

**ONTARIO COLLEGE OF TRADES**

-and-

**JASWINDER SINGH**

**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 Jaswinder Singh (Membership No. 13254310), 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 Jaswinder Singh 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 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 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 (Ontario Regulation 97/13, subsection 1(8));
- d) 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 (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) 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:**

**Background**

1. Jaswinder Singh, Membership No. 13254310 (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 (“C of Q”), Journeyperson class, in the trade of Truck and Coach Technician (310T).
3. At all material times, the Member was the owner, director and the controlling mind of Ontario Corporation #1405759 o/a Toronto Truck Repair ( “Toronto Truck Repair”), located at 225 Claireport Crescent, Etobicoke, Ontario.
4. At all material times, Toronto Truck Repair was licensed by the Ontario Ministry of Transportation (“MTO”) as a Motor Vehicle Inspection Station and the Member, by virtue of being a C of Q holder, was licensed to issue Annual Inspection Certificates (“AICs”) for motor vehicles pursuant to the *Highway Traffic Act*, RSO 1990, ch. 8 (the “HTA”) and its Regulations.

**Member Issues Improper AIC**

5. On or about September 12, 2015, an individual, [NAME], brought his 1995 Ford dump truck with the Vehicle Identification Number (“VIN”) [NUMBER] (the “Truck”) to Toronto Truck Repair seeking to obtain an AIC.
6. On or about September 12, 2015, the Member signed and issued AIC #6992054 for the Truck to [NAME]. The Member had not performed an inspection prior to issuing the AIC, despite the requirement to do so pursuant to section 90(3) of the *HTA*.

#### **Wheel-Off From the Truck leading to Death of a Bystander**

7. On or about September 18, 2015, [NAME] was operating the Truck westbound on Meadowvale Boulevard in Mississauga, Ontario. At the same time, an individual, Diane Tsialtas, was walking eastbound on Meadowvale Boulevard on the south sidewalk.
8. As the Truck approached West Credit Avenue, two tires on the rear driver’s side of the Truck detached from an axle.
9. One of the tires continued rolling in a western direction and struck Diane Tsialtas in the head area. She was transported to Sunnybrook Hospital and passed away the next morning.

#### **Investigation Following the Incident**

10. After the incident, the Truck’s wheels were inspected by D. D. Perovic, a Professor of Material Science and Engineering at the University of Toronto.
11. Perovic’s report concluded that the loose wheel condition existed prior to the date the AIC was issued by the Member.

#### **Conviction Under the *Criminal Code of Canada* in Relation to the Truck Wheel-Off**

12. On or about May 18, 2017, the Member was found guilty of an offence under s. 430 (5.1) of the *Criminal Code of Canada* for completing and certifying the AIC of the Truck causing actual danger to the life of an individual.

13. On or about June 1, 2017, a judge of the Ontario Court of Justice imposed a four-month custodial sentence and a two-year probation order on the Member.

**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 26, 2018 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 26, 2018 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 John J.S. Park, College Counsel in this matter, using the contact information noted below.

**Date:** March 12, 2018

"George Gritziotis"

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

**To:** Jaswinder Singh  
[ADDRESS]  
[ADDRESS]

**From:** John J.S. Park, College Counsel  
655 Bay Street, Suite 600  
Toronto, ON M5G 2K4  
647-847-3120  
john.park@collegeoftrades.ca