



news

Motor
Vehicle Sales Authority
of British Columbia

FOR IMMEDIATE RELEASE

Surrey's Hare Motors Ltd. penalized for "deliberately" selling unsafe motor vehicle

(SURREY, B.C. - 4 March, 2009) - A local motor vehicle dealer has been ordered by the Registrar of Motor Dealers to fully refund the sales price of a 2004 Ford truck and inspection costs incurred by the consumer; pay a \$20,000 administrative assessment under the province's Business Practices and Consumer Protection Act (BPCPA); as well as other costs related to the investigation.

The dealership was represented at a hearing by Ajit Hare, Manager and Director. The salesperson involved in the issue, Vijaya "Frank" Naidu, who had no prior complaints on his record, was ordered to pay an administrative assessment of \$750 and to retake the Motor Vehicle Sales Authority (VSA) Salesperson Certification Course, which focuses on legal matters far more thoroughly now than when Naidu completed the course in 2004.

Deputy Registrar Ian Christman, who wrote the ruling, noted that Hare Motors Ltd, which does business at 12375 King George Highway in Surrey, had been the subject of multiple complaints and investigations since 2001, and this was the third complaint in three years for selling an unsafe vehicle.

Hare Motors claimed that the Ford pickup had been thoroughly tested. The vehicle in question was represented to the consumer as follows:

"This is a great truck. It's in great condition. . . . some cosmetic issues, which again, is just the windshield, which was fixed, and some body work and paint."

The consumer, sensing serious problems after taking delivery, paid to have both a B.C. Private Vehicle Inspection (PVI) and a Structural Integrity Assessment (SIA), each of which showed serious frame damage. The vehicle was ruled unsafe and ordered off the road. Confronted by this evidence, the dealership refused a refund, citing "buyer beware."

In his ruling, Deputy Registrar Christman emphasized the safety issues involved.

"The selling of an unsafe vehicle is very serious. Hare Motors is being given this one last opportunity to correct its conduct. If Hare Motors does not comply with this condition or if there is another complaint of... selling an unsafe vehicle, that will be grounds for the Registrar of Motor Dealers to cancel Hare Motors' registration in order to protect the public."

The ruling also set the terms of probation for this dealership. Before any vehicle can be sold, it must first be determined roadworthy by a provincial PVI at an independent and Designated Inspection site.

As a precedent for the establishment of penalties, the Deputy Registrar cited a similar ruling and near identical administrative assessments in a 2008 case involving Massive Truck Sales Ltd. of Abbotsford and two salespeople with respect to a large Dodge truck, also ruled unsafe. That company is no longer in business.

Christman addressed - once again - the frequent misconception of "*buyer beware, caveat emptor* or *as is*" proclamations. This protection to the seller has effectively disappeared. In 1980, the Supreme Court of Canada commented that "buyer beware" had little impact on the sale of goods. The B.C. Sale of Goods Act, the BPCPA and other statutes and regulations clearly demonstrate that in response to a consumer allegation of deception or misrepresentation, the onus of proof resides with the seller.

FOR MORE INFORMATION, PLEASE CONTACT:

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