



Motor
Vehicle Sales Authority
of British Columbia

**IN THE MATTER OF THE MOTOR DEALER ACT
AND THE BUSINESS PRACTICES AND CONSUMER PROTECTION ACT**

UNDERTAKING

(Section 154, Business Practices and Consumer Protection Act)

WHEREAS the undersigned is a "supplier" within the meaning of subsection 1(1) of the *Business Practices and Consumer Protection Act*;

AND WHEREAS the Registrar of Motor Dealers (the "Registrar") has reason to believe that the undersigned is contravening, is about to contravene or has contravened the *Business Practices and Consumer Protection Act* or the regulations made thereunder, namely:

- A. Whereas on November 15, 2005, the undersigned David Ross MacRae (the salesperson), whilst employed as a salesperson with ACTION MOTORS LTD., Prince George, BC, sold a 1997 Dodge Neon (the vehicle) to Gwenda Olson (the consumer), PRINCE GEORGE, BC. The consumer is alleging to have paid the salesperson \$500.00 in cash for a 3 year/30,000 kilometer after market warranty (the warranty) for the vehicle. A review of Action Motors Ltd. sales file did not disclose any record of the warranty. The consumer was adamant that she purchased the warranty from the salesperson. The consumer alleges that she paid the salesperson \$ 500.00 in cash for the warranty that was subsequently discovered to not exist contrary to section 8 (1) (b) of the Business Practices and Consumer Protection Act to wit: that the supplier, It is alleged that David Ross MacRae took advantage of Gwenda Olson's inability to reasonably protect her own interest because of Gwenda Olson's inability to understand the character, nature or language of the consumer transaction or any other matter related to the transaction.

NOW THEREFORE the undersigned:



1. Hereby undertakes:
 - (a) To comply with the *Business Practices and Consumer Protection Act* and the regulations made thereunder;
 - (b) To refrain from engaging in the following acts or practices:
 - (i) Taking advantage of a consumer through a deceptive act or practice
 - (ii) Taking advantage of a consumer through an unconscionable act or practice

(c) To compensate consumers including reimbursing any money or returning any other property or thing or a class of consumers, received from consumers in connection with a consumer transaction, as follows:

(i) To compensate the consumer in the amount of \$500.00

2. Hereby acknowledges, represents and declares that the undersigned has read this Undertaking and has had the opportunity to take independent legal advice as to its terms.

IN WITNESS WHEREOF the undersigned has set his hand and seal:

Name (Print): David Ross MacRae	
<input checked="" type="checkbox"/> Salesperson (Licence No. 106444)	
Address (<input checked="" type="checkbox"/> Residence	<input type="checkbox"/> Business
	
Date:	<u>05/25/2008</u>
Signature:	

ACCEPTED by the Registrar of Motor Dealers this 25 day of June, 2008.


Registrar

Form approved January 16, 2008