



Motor
Vehicle Sales Authority
of British Columbia

Previously known as the Motor Dealer Council 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)

VSA File: 09-70775

WHEREAS the undersigned Dueck Chevrolet Cadillac Hummer Limited 400 S.E. Marine Drive Vancouver, British Columbia 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 supplier is contravening, is about to contravene or has contravened the *Business Practices and Consumer Protection Act* or the regulations made hereunder, namely:

ALLEGATIONS:

1. On or about September 18, 2009, at or near the City of Vancouver, in the Province of British Columbia, Dueck Chevrolet Cadillac Hummer Limited (the "supplier") represented in writing in an advertisement published on September 18, 2009 in The Province Newspaper on pages C22 and C25 (a copy of which is attached hereto as Schedule "A") that consumers could obtain a Loyalty Rebate of \$1,000.00 on each of the following vehicles:

- 2009 Uplander LS#9UP6087
- 2009 Hummer H3SUV 4x4 #943857
- 2009 Avalanche 4x4 #9AV643
- 2009 Silverado Reg. Cab #9Si0743,
- 2009 Silverado Ext. Cab #9Si0743,
- 2009 Silverado Crew Cab #9Si0087
- 2009 Silverado Ext. Cab 4x4 #9Si8045,
- 2009 Aveo Lt 5 door #9A00658,
- 2010 Equinox SUV FWD #10EQ6903,
- 2009 Cobalt LS #9CB7436,
- 2009 HHR LS #9HR6144, and
- 2009 Malibu Hybrid #9MA7040,

and subtracted the \$1,000.00 Loyalty Rebate from the Dueck Sale Price to arrive at a Dueck Cash Price. The supplier did not include in the advertisement the qualification that, in order to qualify for the \$1,000.00 Loyalty Rebate, a consumer must be a current Saturn and GM owner contrary to section 4(3)(c)(i) and section 5(1) of the *Business Practices and Consumer Protection Act*.

2. On or about September 18, 2009, at or near the City of Vancouver, in the Province of British Columbia, the Supplier represented in an advertisement published on September 18, 2009 in The Province Newspaper on page C22 (a copy of which is attached as Schedule "A") that 2009 Silverado Reg. Cab #9Si0743 and a 2009 Silverado Extended Cab # 9Si0743 vehicles were available, and photos were supplied for each, but due to an error by the Province Newspaper (as admitted by the Province Newspaper in the form attached hereto as Schedule "B") inadvertently referenced the same stock number, contrary to sections 4(3)(a)(ii) and 5(1) of the *Business Practices and Consumer Protection Act*.

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) advertising wherein the conditions or qualification to receive a rebate including a Loyalty Rebate are not disclosed in the advertisement; and
 - (ii) advertising different model vehicles with the same stock number and accessories and different prices.

2. Hereby acknowledges, represents and declares that this Undertaking does not absolve the supplier from any complaints from any consumer who purchased a motor vehicle as advertised and noted in the allegations.

3. Hereby acknowledges that section 4(1) of the *Business Practices and Consumer Protection Act* defines "deceptive act or practice" as follows:

"deceptive act or practice" means, in relation to a consumer transaction,

- (a) an oral, written, visual, descriptive or other representation by a supplier, or
- (b) any conduct by a supplier that has the capability, tendency or effect of deceiving or misleading a consumer or guarantor; "

even if such oral, written, visual, descriptive or other representation or conduct by a supplier was inadvertent or unintentional.

THE UNDERSIGNED hereby acknowledges, represents and declares he has read this Undertaking and has had a reasonably opportunity to obtain independent legal advice as to its terms.

IN WITNESS WHEREOF the undersigned (and each of them, if more than one) has set his/her/its hand and seal (attested by the hands of its duly authorized officers, if applicable):

Dueck Chevrolet Cadillac Hummer Limited Dealer # 8430 400 S.E. Marine Drive, Vancouver, BC V5X 4X2	
Date: <u>FEB 10, 2010</u>	Dealer Representative: <u>BRAD CRUICKSHANK</u> (print name)
Signature: <u>[Signature]</u>	Title: <u>CFO</u> (print)

ACCEPTED by the Registrar of Motor Dealers of British Columbia this 15 day of February 2010 D.C.

[Signature]
Ian Christman - Registrar of Motor Dealers

Schedule "B" to Undertaking
VSA File 09-70775

THE VANCOUVER SUN

The Province

Suite 1
200 Granville Street
Vancouver, B.C. V6C 3N3
Tel: (604) 605-2000

Attention Management and staff
Dueck GM Marine
Sept 20, 2009

The ad insertion printed in The Vancouver Province, September 18th 2009, on page C22 in the Classifieds Section was printed with an error.

Your insertion included two trucks, a 2009 Silverado regular cab priced at \$15,565 and a 2009 Silverado Ext cab priced at \$19,995, both were advertised with the same stock number #9Si0743.

Due to a typesetting and eventual proofing error the stock number for the Silverado regular cab, which is correct, was duplicated under the Silverado Extra Cab. In fact the Extra cab should have been advertised with the stock number #9S18134

The Vancouver Province regrets any inconvenience this may have caused Dueck GM Management, staff and your valued customers.

Sincerely

Craig Asselstine
Pacific Newspaper Group

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