



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: 09-70776

WHEREAS the undersigned

Carter Pontiac Buick GMC Chevrolet Cadillac Ltd.
4550 Lougheed Hwy.,
Burnaby, 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 did commit or engage in a deceptive act or practice wherein a representation by a supplier about the total price of goods or services if a person could reasonably conclude that a price benefit or advantage exist but it does not, specifically the supplier represented in writing in an advertisement published on September 18, 2009 in The Province Newspaper on page C25 that consumers could obtain a GM Owner Loyalty of \$1,000.00 on each of the following vehicles: 2009 Chev HHR #89-87520, 2009 Pontiac Montana SV6 #T947910, 2009 Silverado Crew Cab #N9-5629-0, 2009 Chevy Cobalt #J9-2018-0, 2009 Chevy Aveo #49-54240, 2009 Malibu Hybrid #D9-12240, subtracted the \$1,000.00 GM Owner Loyalty from the MSRP to arrive at Carter Price knowing that in order to qualify for the \$1,000.00 GM Owner Loyalty a consumer must be a current GM owner and did not disclose such qualification in the advertisement contrary to section 4(3)(c)(i) and section 5(1) 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) deceptive acts or practices and more specifically engage in advertising wherein the conditions or qualification to receive a rebate including a GM Owner Loyalty are not disclosed in the advertisement; and
- (ii) mislead consumers into believing that a price benefit or advantage exists when it does not.

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.

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):

Carter Pontiac Buick GMC Chevrolet Cadillac Ltd. Dealer #5505 4550 Lougheed Hwy., Burnaby, British Columbia V5C 3Z5	
Date: <u>Oct 29/09</u>	Dealer Representative: <u>JAMES CARTER</u> (print name)
Signature: 	Title: <u>JAMES GENERAL MANAGER</u> (print)

ACCEPTED by the Registrar of Motor Dealers of British Columbia this 18 day of November 2009


Ian Christman - Registrar of Motor Dealers