



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: 09-70627

WHEREAS the undersigned Gold's Motor Cars Inc, Dealer # 30763 and Ernest Peter Flaming Salesperson #110386, are each 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 suppliers are contravening, are about to contravene or have contravened the *Business Practices and Consumer Protection Act* or the regulations made hereunder, namely:

ALLEGATIONS: On or about November 11th, 2007 at or near the City of Abbotsford in the Province of British Columbia that the suppliers did commit or engage in a deceptive act or practice by representing in writing and by their conduct to the consumers, Dale and Valmae Ferguson the a motor vehicle, a 1999 Cadillac Deville VIN: 1G6KD54Y2XU77525240, left at Gold's Motor Cars Inc. to be sold on consignment had its registration transferred to Gold's Motor Cars Inc. without the consumer's consent and the suppliers failed to state a material fact that they were not authorized to sell on consignment contrary to section 5(1) of the *Business Practices and Consumer Protection Act* S.B.C.2004 c. 2 (BPCPA).

These alleged facts are deceptive acts or practices under the following sections of the BPCPA:

1. Section 4(1) – general deceptive act or practice; and
2. Sections 4(3)(b)(iv) and 4(3)(b)(vi) – deemed deceptive acts

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 deceptive acts or practices:
 - (i) Failing to provide consumers their full rights, remedies or obligations for consignment sales of motor vehicles by a dealer; and
 - (ii) Using exaggeration, innuendo or ambiguity about a material fact or that fails to state a material fact


2. Furthermore, the undersigned hereby agree;

- (i) Transfer the vehicle ownership of the 1999 Cadillac Deville VIN: 1G6KD54Y2XU77525240 from Gold's Motor Cars Inc. to the consumers and return to vehicle to the consumers.
- (ii) To reimburse the consumers \$488.93 for the cost of a vehicle rental incurred by the consumers.
- (iii) To reimburse to the Registrar a total of \$750.00 for inspection/investigating costs relating the subject matter of this Undertaking.

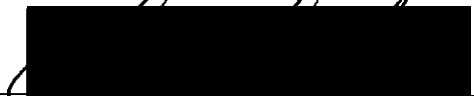
THE UNDERSIGNED hereby acknowledges, represents and declares that they have each read this Undertaking and have had a reasonably opportunity to obtain independent legal advice as to its terms.

IN WITNESS WHEREOF the undersigned has set his hand and seal (attested by the hands of its duly authorized officers, if applicable):

Name:	Gold's Motor Cars Inc, Dealer # 30763
Address:	Suite 102 - 2121 Clearbrook Road, Abbotsford, V2T 4H6
Date:	May 13, 2010
Signature:	
Title:	Dealer Principal
	Ernest Peter Flaming

Name:	Ernest Peter Flaming Salesperson Licence #110386
Address:	29652 Huntington Road, Abbotsford, BC V4X 2K6
Date:	May 13, 2010
Signature:	
	Ernest Peter Flaming

J.C. **ACCEPTED** by the Registrar of Motor Dealers of British Columbia this 13 day of May 2010



Ian Christman - Registrar of Motor Dealers