



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: 09-70983

WHEREAS the undersigned **Coquitlam Chrysler Dodge Jeep Ltd.** 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 thereunder, namely:

ALLEGATION:

1. On or about November 17, 2009 at or near the city of Coquitlam in the Province of British Columbia the supplier did commit a deceptive act or practice by representing in a written advertisement headlined "ADESA SURPLUS PUBLIC AUTO AUCTION" published on November 17, 2009 in The Province Newspaper on page C9 that:

- 0% financing available
- No payments for 6 months available

knowing that 0% financing was limited in its availability; that no payments for 6 months required that a declaration that the transaction has an interest-free period or has a grace period, contrary to Section 5(1) Business Practices and Consumer Protection Act S.B.C.2004 c. 2 (BPCPA)

2. On or about November 17, 2009 at or near the city of Coquitlam in the Province of British Columbia the supplier did commit a deceptive act or practice by representing in a written advertisement headlined "ADESA SURPLUS PUBLIC AUTO AUCTION" published on November 17, 2009 in The Province Newspaper on page C9 that:

- A 2010 DODGE CARAVAN SE MSRP \$29,270 #5807 OPENING BID \$9,900; and
- A 2009 JEEP PATRIOT NORTH 4WD OPENING BID \$11,200.

by failing to state a material fact, specifically whether or not these vehicles being offered for sale were subject of a reserve bid or not subject of a reserve bid contrary to section 5(1) *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. Section 4(3)(b)(vi) and Section 60(2) - 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:
 - (i) Representation by the supplier that uses exaggeration, innuendo or ambiguity about a material fact or that fails to state a material fact, if the effect is misleading;
 - (ii) Representation by the supplier does not include the Annual Percentage Rate (APR) and the term; and
 - (iii) Representation by the supplier does not disclose that whether delayed payments has an interest-free period or has a grace period.
2. Furthermore, the undersigned hereby agrees;
 - (i) To reimburse to the Registrar a total of \$388.07 for inspection/investigating costs relating the subject matter of this Undertaking; and
 - (ii) To pay an Administration Penalty in the amount of \$2,000.00.

THE UNDERSIGNED hereby acknowledges, represents and declares that each of them if more than one have read this Undertaking and have had a reasonable 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):

Name: **Coquitlam Chrysler Dodge Jeep Ltd. DBA Coquitlam Chrysler; Coquitlam Leasing and Wholesale Dealer # 7557, 2960 Christmas Way, Coquitlam, BC V3C 4E6.**

Date: Apr 6/10

Signature: 
Jeff Kornatowsky

Title: General Manager

ACCEPTED by the Registrar of Motor Dealers of British Columbia this 7th day of April 2010



Ian Christman - Registrar of Motor Dealers