



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 10-70119**

**WHEREAS** the undersigned D.A.K. Enterprises Ltd. dba Totem City Motors, Kelth Bienia and Robert Brian Lippert 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 undersigned are contravening, are about to contravene or have contravened the *Business Practices and Consumer Protection Act* or the regulations made thereunder, namely:

**ALLEGATION:**

Between January 1, 2009 and February 4, 2010 both dates inclusive, at or near the city of Kamloops 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 that the suppliers have sponsorship, approval, status, affiliation or connection that the suppliers do not have specifically, D.A.K. Enterprises Ltd. could sell on consignment a consumer's motor vehicle when D.A.K. Enterprises Ltd. was not licensed to sell motor vehicle on consignment namely:

- a 2001 Chevrolet VIN# 1GCGK29U91Z191800 belonging to Geraldine McArthur;
- a 1991 Ford VIN# 1FTEX14H6MKA13255 belonging to Benjamin Ripley;
- a 2003 Kia VIN# KNDUP131936435026 belonging to Boris Semeniuk;
- a 2001 Ford VIN# 1FTYR14U11PB25559 belonging to William Hewlett;
- a 2006 Mazda VIN# 4F2YZ02Z96KM34287 belonging to Sabrina Sla; and
- a 1992 Mazda VIN# JM1EC4344N0133578 belonging to Donald Kapiar,

contrary to section 5(1) of the Business Practices and Consumer Protection Act S.B.C. 2004 c. 2 (BPCPA).

**AND WHEREAS** D.A.K. Enterprises Ltd. has returned each of the unauthorized consigned motor vehicles back to their respective owners.

**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:

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- (i) misleading consumers that a motor vehicle offered for sale or sold to a consumer is of a particular standard or quality and meets the safety requirements of the Motor Vehicle Act; and
- (ii) misleading consumers by not disclosing all material facts about vehicles.


2. Furthermore, the undersigned hereby agree;


- (i) To reimburse to the Registrar a total of \$1,567.23 for inspection/investigating costs relating the subject matter of this Undertaking; and
- (ii) To pay the Registrar an Administrative Penalty of \$1,000.00.


**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 (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 : D.A.K. Enterprises Ltd. dba Totem City Motors Dealer #30904  
189- Royal Avenue, Kamloops, BC V2B 8J6 Date: May 21, 2010  
Signature:  Title: Dealer Principal  
Keith Bienia

Name : Keith Bienia Salesperson #106121  
2328- Abbeyglen Way, Kamloops, BC V1S 1V6 Date: May 21, 2010  
Signature:  Title: Dealer Principal/Salesperson  
Keith Bienia

Name : Robert Lippert Salesperson #100679  
939- Moncton Avenue, Kamloops, BC V2B 1S3 Date: MAY 21 2010  
Signature:  Title: Salesperson  
Robert Lippert

ACCEPTED by the Registrar of Motor Dealers of British Columbia this 31 day of May 2010  
  
\_\_\_\_\_  
Ian Christman - Registrar of Motor Dealers

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