



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 Files: 11-70361**

**WHEREAS** the undersigned Japanoid Auto Store 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* (BPCPA) or the regulations made thereunder, namely:

1. On or about the 1st day of June 2011 and the 3rd day of June 2011 at or near the city of New Westminster in the Province of British Columbia Shogo Shimada ("the Supplier") employed with Japanoid Auto Store Inc. did in relation to a consumer transaction contravene sections 4 and 5 of the Business Practices and Consumer Protection Act (BPCPA) by making an oral, written, visual, descriptive or other representation or conduct by the suppliers to a consumer that had the capability, tendency or effect of misleading Trystan Willmott and Shari Willmott ("the Consumers") in the purchase of a 1995 Mitsubishi Delica ("the Motor Vehicle") specifically the Suppliers: sold the Consumer the Motor Vehicle in which he misrepresented the condition of the vehicle and failed to deliver the vehicle in the condition represented to the consumers.
2. On or about the 1st day of June 2011 and the 3rd day of June 2011 at or near the city of New Westminster in the Province of British Columbia Shogo Shimada ("the Supplier") employed with Japanoid Auto Store Inc. did in relation to a consumer transaction with Trystan Willmott and Shari Willmott ("the Consumers") in the purchase of a 1995 Mitsubishi Delica ("the Motor Vehicle") represented the Motor Vehicle as complying with the safety requirements of the Motor Vehicle Act as required by section 222 of the Motor Vehicle Act; section 8.01 of the Motor Vehicle Act Regulation and section 21(2)(e) of the Motor Dealer Act Regulation; when the Motor Vehicle did not comply due to a leaking tail pipe, a inoperable windshield washer nozzle and a spare tire that does not meet Department of Transportation safety standards.

**AND WHEREAS** the undersigned is desirous of resolving this matter without the need for any formal adjudication of the above allegations.

**AND WHEREAS**, the undersigned has resolved the consumer monetary complaints to the satisfaction of those consumers and the Registrar.

**AND WHEREAS** the undersigned has completed a system review of its operations and made procedural changes satisfactory to the Registrar.


**NOW THEREFORE** the undersigned hereby undertakes:

- a) To comply with the *Business Practices and Consumer Protection Act* and the regulations made there under;
- b) To ensure all material facts are disclosed to consumers prior to purchase of any motor vehicle;
- c) To reimburse the Registrar a total of \$500.00 for inspection/investigation and legal costs relating to the subject matter of this Undertaking; and
- d) Administrative Penalty is waived in relation to the issue covered in this undertaking.

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

**THE UNDERSIGNED** further hereby acknowledges that the availability of an undertaking to resolve any future similar allegations or contraventions may be unavailable; and that any similar allegations may be reviewed by the Registrar of Motor Dealers at a formal hearing to consider the allegations.

**IN WITNESS WHEREOF** the undersigned has set his hand:

Name: Japanoid Auto Store Inc.	
Signature: 	Date: 17 January 2012
Shogo Shimada (Owner)	

**ACCEPTED** by the Registrar of Motor Dealers of British Columbia this 17 day of January 2012



Ian Christman - Registrar of Motor Dealers