



UNDERTAKING

IN THE MATTER OF THE *MOTOR DEALER ACT* R.S.B.C. 1996 c. 316 and the *BUSINESS PRACTICES AND CONSUMER PROTECTION ACT* S.B.C. 2004, c. 2

THIS UNDERTAKING is made with an effective date of July 20th, 2017

Between

609668 B.C. Ltd. *dba* West Bay Auto Sales (Dealer #11172)

And

The Registrar, Vehicle Sales Authority of B.C. (the "Registrar")

WHEREAS:

1. 609668 B.C. Ltd. *dba* West Bay Auto Sales (Dealer #11172) (the "Dealer") is a "registered motor dealer" as defined under the *Motor Dealer Act* R.S.B.C. 1996 c. 316 (the "Act").
2. The "Registrar of Motor Dealers", as defined under the Act, (the "Registrar") is responsible for the administration and enforcement of the Act, its regulations and prescribed provisions of the *Business Practices and Consumer Protection Act* S.B.C. 2004 c. 2 (the "BPCPA")
3. The Registrar has received and investigated a complaint that the Dealer:
 - i. Used an unlicensed salesperson to attempt to sell a vehicle to a potential consumer offsite and had a "D" (Demonstration Plate) licence plate attached to the vehicle.
 - ii. Supplied an unlicensed salesperson a motor vehicle to present to a potential consumer to sell on behalf of the dealership.
 - iii. Supplied an unlicensed salesperson a "D" (Demonstration Plate) licence plate for the purpose of furthering the sale of a vehicle at a location other than the dealers location.
 - iv. Advised a consumer to contact an unlicensed salesperson directly to demonstrate and present the motor vehicle for the purpose of selling the motor vehicle.
4. The Registrar asserts that the Dealer and the unlicensed salesperson have contravened the following provisions of the MDA and the BPCPA or their regulations:

- i. Section 5(1) of the BPCPA (Sections 4(1) and 4(3)(a)(I to viii) 4(3)(b)(i to ix) and/or 4(3)(c)(I to iii) and/or Section 9(1).
- ii. Section 6(c) [use of registered name], 21(2)(e) and (f), 22 [motor vehicle not suitable for transportation] and 27 of the *Motor Dealer Act Regulation* [advertising].
- iii. Section 13.1 of the MDA and Section 2(2) of the *Salesperson Licensing Regulation* [unlicensed salesperson];

NOW THEREFORE the Dealer undertakes, acknowledges, and agrees with the Registrar:

5. To comply with all provisions of the BPCPA and its regulations;
6. To comply with the MDA, the *Motor Vehicle Act* and the regulations made thereunder;
7. To ensure all material facts are disclosed to consumers prior to selling any motor vehicle;
8. To ensure that all vehicles advertised for sale and sold meet the requirements of Section 222 of the *Motor Vehicle Act*, or are otherwise advertised in all media types and on the vehicle itself as "not suitable for transportation" as well as noted on the purchase agreement as "not suitable for transportation";
9. To ensure that all transactions/sales of motor vehicles to consumers take place at the Dealer's registered location;
10. To ensure that all salespersons are licensed;
11. To pay an Administrative Penalty in the amount of \$2,000.00 in relation to the subject matter of this Undertaking;
12. To reimburse the Registrar a total of \$500.00 representing 100% of the investigation and legal costs incurred to date in relation to the subject matter of this Undertaking;
13. That this Undertaking is binding on the Dealer until such time as it is either terminated in writing by the Registrar or terminated by Order of the Supreme Court of British Columbia;
14. That in addition to rendering the Dealer liable to further penalties and proceedings as provided for under the BPCPA, it is an offence under the BPCPA to fail to comply with any part of this undertaking that has not been previously terminated;
15. That the Registrar, may upon breach of any part of this undertaking by the Dealer declare the Undertaking to be at an end and may institute such

proceedings and take such action under the BPCPA, or the Act as considered necessary;

16. That any communication with the Registrar in connection with this undertaking shall be made to the following:

Registrar of Motor Dealers
Vehicle Sales Authority of B.C.
#208 – 5455 152 Street
Surrey, B.C. V3S 5A5
Fax: (604)-574-5883

And in the case of the Dealer to the following address:

609668 B.C Ltd. dba West Bay Auto Sales
608 Esquimalt Road
Victoria, B.C. V9A 3L4

unless another address for delivery is given to the other party, in writing, by either the Registrar or the Dealer;

17. The Dealer acknowledges and warrants that they have had an opportunity to seek legal advice as to the terms of this Undertaking; and
18. This Undertaking may be filed by the Registrar in the B.C. Supreme Court and if it is so filed, the Undertaking is deemed an order of that court for all purposes except appeals.

DATED this 20th day of July, 2017

Dealer Name: West Bay Auto Sales

Real Fournier

(Print the name and title of Dealer's authorized representative)

Signature: "Original is signed"

ACCEPTED by the Registrar of Motor Dealers this
9th day of ~~July~~ August, 2017

"Original is signed"

Ian Christman
Registrar of Motor Dealers or his delegate