



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 April 23, 2018

Between

Tantalus Auto Sales Ltd. (Dealer #31272) & Joseph Maika (SL #103189)

And

The Registrar, Vehicle Sales Authority of B.C.

WHEREAS:

1. Tantalus Auto Sales Ltd. (Dealer #31272) (the "Dealer") is a "registered motor dealer" as defined under the *Motor Dealer Act* R.S.B.C. 1996 c. 316 ("MDA").
2. Joseph Maika (SL #103189) is the Dealer Principal and a "salesperson" as defined under the MDA.
3. The "Registrar of Motor Dealers" ("Registrar"), as defined under the MDA, is responsible for the administration and enforcement of the MDA, its regulations and prescribed provisions of the *Business Practices and Consumer Protection Act* S.B.C. 2004 c. 2 (the "BPCPA")
4. The Registrar has investigated and received information that:
 - i. The Dealer has engaged in the sales of motor vehicles at a site other than its registered business location without authorization from the Registrar;
 - ii. The Dealer has misled consumers as to the nature and circumstances in respect to the sale of a motor vehicle;
 - iii. The Dealer has failed to inspect the motor vehicles, which were sold at the non-registered location,
 - iv. Joseph Maika materially participated in such conduct.

5. The Registrar asserts that the Dealer and Mr. Maika have contravened the following provisions of the MDA, BPCPA, and *Motor Vehicle Act* R.S.B.C 1996, c. 318 ("MVA"):
 - i. Section 4(2) of the MDA – conducting business at a location not registered with the Vehicle Sales Authority ("VSA");
 - ii. Section 5(1) of the BPCPA – engaging in deceptive acts or practices; and
 - iii. Section 222 of the MVA – selling, offering for sale, exposing or displaying for sale, or delivering a motor vehicle that is not in accordance with the MVA and its regulations.

NOW THEREFORE the Dealer and Mr. Maika undertake, acknowledge, and agree with the Registrar:

6. To comply with the MDA, the MVA, BPCPA, and the regulations made thereunder;
7. To ensure that all transactions and sales of motor vehicles take place at the registered place of business;
8. To ensure that all persons engaged in the sale of vehicles are licensed as salespeople;
9. To ensure that consumers are accurately and completely informed as to the nature and circumstances in respect of any motor vehicle sales;
10. To ensure that all motor vehicles that are sold, offered for sale, exposed or displayed for sale, or delivered to consumers comply with the MVA and attendant regulations, including but not limited to thoroughly inspecting said motor vehicles;
11. To keep records of all such inspections at the Dealer's registered business location as required by the MDA and attendant regulations;
12. To have Mr. Maika take and successfully complete, at his own expense, the VSA's Salesperson training course by July 31, 2018
13. To pay an Administrative Penalty in the amount of \$2,500.00 in relation to the subject matter of this Undertaking within thirty (30) days of the execution of this Undertaking;
14. To reimburse the Registrar a total of \$858.30 representing 100% of the investigation and legal costs incurred to date in relation to the subject matter of this Undertaking within thirty (30) days of the execution of this Undertaking;

15. 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;
16. That in addition to rendering the Dealer and Mr. Maika 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;
17. That the Registrar may, upon breach of any part of this undertaking by the Dealer or Mr. Maika, 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; and
18. 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:

Tantalus Auto Sales Ltd. (Dealer #31272)
1123A Enterprise Way
Squamish, B.C. V8B 0E8

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

The Dealer and Mr. Maika acknowledge and warrant that they have had an opportunity to seek legal advice as to the terms of this Undertaking.

DATED this 23rd day of April, 2018

Dealer Name: Tantalus Auto Sales Ltd. (Dealer #31272)
Joseph Maika (SL #103189)

Signature: _____ Original Signed _____

ACCEPTED by the Registrar of Motor Dealers this
23rd day of April 2018

Original Signed
Ian Christman
Registrar of Motor Dealers or his delegate