



### **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 October 31, 2019,

by:

Whitehall Auto Sales Inc. (DL #40111)

#### **WHEREAS:**

1. Whitehall Auto Sales Inc., (DL #40111), (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" ("Registrar"), as defined under the Act, 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 information and investigated that:
  - a) At the time of the investigation, the Dealer employed Jaspreet Singh Doad, who at the time was not licensed by the Vehicle Sales Authority (the "VSA") but was engaging in activities that deemed him to be a salesperson within the meaning of the Act;
  - b) The Dealer was aware that Mr. Doad was engaging in these activities even though he was not licensed by the VSA; and
  - c) The Dealer received multiple warnings by the VSA but continued to engage in activities that violated the Act.
4. The Registrar asserts that the above detailed conduct violates the following statutory provisions:
  - a) Section 13.1 of the *Motor Dealer Act*;
  - b) Section 2 of the Salesperson Licensing Regulation; and
  - c) Section 4 and 5 of the *Business Practices and Consumer Protection Act*.

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

5. To comply with the Act, the BPCPA and the regulations made thereunder;
6. To cease and desist from engaging or involving unlicensed salespersons in respect of the sale of a motor vehicle;
7. To pay an Administrative Penalty, in the amount of \$3,000 to deter the Dealer from engaging in conduct similar to the aforementioned contraventions of the MDA and the BPCPA in the future;
8. To reimburse the Registrar a total of \$715.02 representing 100% of the investigation costs incurred to date in relation to this matter, within thirty (30) days of the execution of this Undertaking;
9. That this Undertaking is binding until such time as it is either terminated in writing by the Registrar or terminated by Order of the Supreme Court of British Columbia;
10. That in addition to being rendered liable to further penalties and proceedings as provided for under the BPCPA, that it is an offence under the BPCPA to fail to comply with any part of this Undertaking that has not been previously terminated;
11. That the Registrar, upon breach of any part of this Undertaking, may 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.
12. That nothing herein is intended to resolve any other complaint or investigation not specifically referenced in this Undertaking;
13. That any communication with the Registrar in connection with this Undertaking shall be made to the following address:

Registrar of Motor Dealers  
Vehicle Sales Authority of BC  
#280 – 8029 199<sup>th</sup> Street  
Langley, BC V2Y 0E2  
Fax: (604)-574-5883

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

Whitehall Auto sales Inc.  
13477 King George Blvd.  
Surrey, BC V3T 2T8

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

The Dealer has read this Undertaking and has had a reasonable opportunity to seek and obtain legal advice as to its terms.

**DATED** this 31<sup>st</sup> day of October 2019

Whitehall Auto Sales Inc.

Authorized signatory: "Original is signed"

Name: Bog Chand

Title: \_\_\_\_\_

**ACCEPTED** by the Registrar of Motor Dealers this 4<sup>th</sup> day of November 2019

"Original is signed"

Ian Christman

Registrar of Motor Dealers