



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 March 31, 2017

Between

Fuel Motorsports Ltd. (Dealer #40101) and
Cody Christopher (Salesperson #201542)

And

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

WHEREAS:

1. Fuel Motorsports Ltd. (Dealer #40101) (the "Dealer") is a "registered motor dealer" as defined under the *Motor Dealer Act* R.S.B.C. 1996 c. 316 (the "Act").
2. Cody Christopher (Salesperson #201542) (the "Salesperson") is a "salesperson" as defined under the *Motor Dealer Act* R.S.B.C. 1996 c. 316 (the "Act").
3. 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")
4. The Registrar has received and investigated a complaint from a consumer who claims that the Dealer and Salespersons:
 - i. Displayed and Sold the Motor Vehicle as "not suitable for transportation" however allowed the Consumer to test drive the Motor Vehicle that was not compliant with the *Motor Vehicle Act* which represented to the consumer, by conduct, that the Motor Vehicle was compliant with the *Motor Vehicle Act* and only disclosed this to the consumer after the initial negotiations;

- ii. Had an unlicensed salesperson complete the sale as noted in the Purchase Agreement: contravention of sections 1 and 13.1 of the *Motor Dealer Act*;

5. The Registrar asserts that the Dealer and Salespersons have contravened the following provisions of the BPCPA:

- i. 4(3)(a)(ii);
- ii. 4(3)(iii);
- iii. 4(3)(b)(vi); and
- iv. 5.

NOW THEREFORE the Dealer and Salespersons undertake, acknowledge, and agree with the Registrar:

6. To make the consumer whole again by reimbursing the consumer \$4,650.00 and the consumer retains the Motor Vehicle.
7. To comply with all provisions of the BPCPA and its Regulations;
8. To comply with the *Motor Dealer Act*, the *Motor Vehicle Act* and the regulations made thereunder;
9. To ensure all material facts are disclosed to consumers prior to purchase of any motor vehicle;
10. To have all motor vehicles that are offered for sale inspected to ensure that they meet the requirements of the *Motor Vehicle Act* and are deemed safe for transportation. Documentation of these inspections are to be retained in the Motor Vehicle file.
11. To ensure that all salespersons are licensed.
12. To pay an Administrative Penalty in the amount of \$1,000 in relation to the subject matter of this Undertaking.
13. To reimburse the Registrar a total of \$1,536.44 representing 100% of the investigation and legal costs incurred to date in relation to the subject matter of this Undertaking.
14. That this Undertaking is binding on the Dealer and Salespersons until such time as it is either terminated in writing by the Registrar or terminated by Order of the Supreme Court of British Columbia.
15. That in addition to rendering the Dealer and Salespersons 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.

16. 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.

17. 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:

Fuel Motorsports Ltd.
7854 Vedder Road,
Chilliwack, B.C. V2R 4G9

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

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

DATED this 31st day of March, 2017.

Dealer Name: Fuel Motorsports Ltd.

Cody Christopher - owner

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

Signature: "Original is signed"

Salesperson Name: Cody Christopher

Cody Christopher - owner

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

Signature: "Original is signed"

ACCEPTED by the Registrar of Motor Dealers this
4th day of April, 2017.

"Original is signed"

Ian Christman
Registrar of Motor Dealers or his delegate