



## **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 6, 2017

Between

Coquitlam Chrysler Dodge Jeep Ltd. (Dealer #7557)

(the "Dealer")

And

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

#### **WHEREAS:**

1. Coquitlam Chrysler Dodge Jeep Ltd. (Dealer #7557) (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 from a consumer who claims that the dealer:
  - i. Advertised a 2017 Dodge Ram 3500 Crew Cab SLT 4WD for \$45,207, in which the photo was a diesel truck however the diesel truck was not available.
4. The Registrar asserts that the Dealer has contravened the following provisions of the BPCPA:
  - i. Section 5(1) of the BPCPA (as defined and deemed by sections 4(1); s.4(3)(a)(i to viii); 4(3)(b)(i to ix); and 4(3)(c)(I to iii) of the BPCPA [misrepresenting the type of vehicle].

**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 and the regulations made thereunder;
7. To ensure that all vehicles advertised for sale are correctly advertised and are available on the Dealer's lot.
8. To ensure that all employees of the Dealer who are involved in advertising are fully conversant with and abide by the laws applicable to advertising motor vehicles and review the advertising guidelines of the Vehicle Sales Authority.
9. To pay an Administrative Penalty in the amount of \$4,000.00 in relation to the subject matter of this Undertaking;
10. To reimburse the Registrar a total of \$458.15 representing 100% of the investigation and legal costs incurred to date in relation to the subject matter of this Undertaking;
11. 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.
12. 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.
13. 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.
14. 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:

Coquitlam Chrysler Dodge Jeep Ltd.  
2960 Christmas Way  
Coquitlam, B.C. V3C 4E6

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

15. The Dealer acknowledges and warrants that they have had an opportunity to seek legal advice as to the terms of this Undertaking.

**DATED** this 6 day of October, 2017

Dealer Name: Coquitlam Chrysler

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

Signature: "Original is signed"

**ACCEPTED** by the Registrar of Motor Dealers this  
16 day of October 2017

"Original is signed"

\_\_\_\_\_  
Ian Christman  
Registrar of Motor Dealers or his delegate