

**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 June 28, 2018

between

Man Kit Chung (#200940)

and

The Registrar, Vehicle Sales Authority of B.C.

WHEREAS:

1. Man Kit Chung (#200940) (the "Salesperson") is a "salesperson" as defined Section 1(1) of the *Motor Dealer Act* R.S.B.C. 1996 c. 316 (the "MDA");
2. The MDA defines "salesperson" as anyone, who, on behalf of a motor dealer and for or in the expectation of a fee, gain, or reward solicits, negotiates, or arranges for the sale of a motor vehicle to a person, or in any way participates in the soliciting, negotiating, or arranging for the sale of a motor vehicle to a person be licensed by the VSA;
3. The MDA requires that all salespersons be licensed with the VSA;
4. The "Registrar of Motor Dealers," as defined under the MDA, (the "Registrar") 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");
5. Section 4(1) of the BPCPA defines "deceptive act or practice" as any conduct, description, or representation by "that has the capability, tendency, or effect of deceiving or misleading a consumer."
6. Section 5 of the BPCPA prohibits deceptive acts and practices.
7. After an investigation, the Registrar has received information that the Salesperson has engaged in deceptive acts and practices.
8. No hearing was held with respect to information received about Ms. Chung and no findings were made in relation to Ms. Chung.

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

9. To comply with the MDA, the BPCPA, and the regulations made thereunder;
10. To having her salesperson licence suspended for a period of six (6) months, effective November 17, 2017;
11. Not to sell any products for which she, or any company controlled by her, or of which she is a director or officer, invoices the dealership.
12. To ensure that, in the future she takes all available steps to explain to customers every item they are purchasing, including through detailed reviews of bills of sale;
13. Reimburse the VSA for investigation costs relation to this matter, by paying an amount of \$1,500;
14. That this Undertaking is binding on the Salesperson 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 Salesperson 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 Salesperson 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

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

Man Kit Chung

[REDACTED]

Refused pursuant to
sections 22(1) and 22(3)(b) of FIPPA -
Personal Address

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

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

DATED this 23rd day of June, 2018

Man Kit Chung (#200940)

Signature: _____ Original Signed _____

ACCEPTED by the Registrar of Motor Dealers this 28th day of June 2018

_____ Original Signed _____
Ian Christman
Registrar of Motor Dealers or his delegate