



**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 8, 2018

between

Weymouth Enterprises, Inc. (Dealer #7717)

and

The Registrar, Vehicle Sales Authority of B.C.

WHEREAS:

1. Weymouth Enterprises, Inc. (Dealer #7717) (the "Dealer") is a "motor dealer" as defined Section 1(1) of the *Motor Dealer Act* R.S.B.C. 1996 c. 316 (the "MDA");
2. The MDA requires motor dealers to be registered with the Vehicle Sales Authority of British Columbia (the "VSA");
3. 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;
4. The MDA requires that all salespersons be licensed with the VSA;
5. The MDA prohibits motor dealers from employing or engaging any unlicensed salespersons;
6. The *Motor Vehicle Act* R.S.B.C. 1996 c. 318 (the "MVA") and the *Motor Dealer Act Regulations*, B.C. Reg. 264/2006 (the "MDAR") prohibit the sale of any motor vehicle not suitable for transportation without proper disclosure of the vehicle's condition;
7. The "Registrar of Motor Dealers," as defined under the MDA, (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");
8. After an investigation, the Registrar has received information that the Dealer has:

- (a) Engaged unlicensed salespersons, in contravention of Section 13(1) of the MDA; and
- (b) Sold vehicles in contravention of Section 222 of the MVA and Sections 21(2)(f) and 22 of the MDAR.

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

- 9. To terminate any employment or engagement of unlicensed salesperson;
- 10. To refrain from employing or engaging any unlicensed salespersons in the future;
- 11. To comply with the MDA, the MVA, and the regulations made thereunder;
- 12. To pay an Administrative Penalty in the amount of \$3,000.00 in relation to the subject matter of this Undertaking within thirty (30) days of the execution of this Undertaking;
- 13. To reimburse the Registrar a total of \$271.91 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;
- 14. 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;
- 15. 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;
- 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

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

Weymouth Enterprises, Inc.
155 Pemberton Ave
North Vancouver, B.C. V7P 2R4

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

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

DATED this 8 day of March, 2018

Dealer Name: Weymouth Enterprises, Inc. (Dealer #7717)

Sheldon Kwan

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

Signature: Original Signed

ACCEPTED by the Registrar of Motor Dealers this
12th day of March 2018

Original Signed

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Registrar of Motor Dealers or his delegate