



VSA Investigation File #:17-11-167
VSA Hearing File #: 18-03-009

**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 May 3, 2018

between

Harris Victoria Chrysler Dodge Jeep Ram Ltd. (Dealer #31254)
& Craig Sabourin (SP # 200796)

and

The Registrar, Vehicle Sales Authority of B.C.

WHEREAS:

1. Harris Victoria Chrysler Dodge Jeep Ram Ltd. (Dealer #31254) ("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. Craig Sabourin (SP # 200796) ("Salesperson") is a "salesperson" as defined by the MDA.
3. Section 3 of the MDA requires that all motor dealers be registered 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 26(b) of the *Motor Dealer Act Regulations B.C. Reg. 447/78* ("MDAR") requires that:

A motor dealer exhibiting or offering for sale a new motor vehicle shall affix to in in a clear and legible manner information concerning... the price at which it is offered for sale, inclusive of accessories and items of optional equipment that are physically attached to it... [and] and itemized list describing each accessory and item of optional equipment that is physically attached to it.

6. Section 26.1 of the MDAR requires that "A motor dealer must not refer in an advertisement to the price at which a new motor vehicle is offered for sale, unless the price is the total asking price and includes all elements provided for in section 26 (b)."

7. 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."
8. Section 5 of the BPCPA prohibits deceptive acts and practices.
9. Failure to comply with sections 26(b) and 26.1 of the MDAR can be construed as deceptive acts or practices.
10. After an investigation, the Registrar has received information that:
 - a. The Dealer failed to comply with Section 26(b) of the MDAR in its advertisements of a new motor vehicle for sale;
 - b. The Dealer failed to comply with Section 26.1 of the MDAR in exhibiting the new motor vehicle, which was being offered for sale;
 - c. Such conduct constitutes the commission of deceptive acts and practices in contravention of Section 5 of the BPCPA; and
 - d. The Dealer and the Salesperson misled the Registrar and his delegates about the aforementioned conduct, during the course of the investigation.

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

11. To comply with the MDA, the BPCPA, and the regulations made thereunder;
12. To pay an Administrative Penalty in the amount of \$7,500.00 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 \$764.64, 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 and 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 Dealer and 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 Dealer or 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 Dealer to the following address:

Harris Victoria Chrysler Dodge Jeep Ram Ltd.
Attention Craig Sabourin
1061 Yates St.
Victoria, B.C. V8V 3M5

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

Craig Sabourin
S406 - 737 Humboldt Street
Victoria, B.C. V8W 1B1

unless another address for delivery is given to the other party, in writing, by either the Registrar, the Dealer, 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 3rd day of May, 2018

Representative for Harris Victoria Chrysler Dodge Jeep Ram Ltd. (Dealer #31254)

Signature: Original Signed
Craig Sabourin

ACCEPTED by the Registrar of Motor Dealers this
7th day of May 2018

Original Signed
Ian Christman
Registrar of Motor Dealers or his delegate