



## **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 April 23, 2018

Between

Vancouver Velocity Cars Ltd. (#40027)

And

The Registrar, Vehicle Sales Authority of B.C.

#### **WHEREAS:**

1. Vancouver Velocity Cars Ltd. (#40027) (the "Dealer") is a "registered motor dealer" as defined under the *Motor Dealer Act* R.S.B.C. 1996 c. 316 ("MDA").
2. The "Registrar of Motor Dealers" ("Registrar"), as defined under the MDA, 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")
3. The Registrar has investigated and received information that the Dealer:
  - i. Has engaged in deceptive acts and practices, in its advertising;
  - ii. Has advertised motor vehicles as being "for sale," which are not in stock; and
  - iii. Offered vehicles for sale, which do not comply with the *Motor Vehicle Act* R.S.B.C. 1996 c. 318 ("MVA");
4. The Registrar asserts that the Dealer has contravened the following provisions of the BPCPA, MDA, and MVA:
  - i. Section 5(1) of the BPCPA – engaging in deceptive acts or practices; and

- ii. Section 222 of the MVA – selling, offering for sale, exposing or displaying for sale, or delivering a motor vehicle that is not in accordance with the MVA and its regulations.

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

5. To comply with the MDA, the MVA, BPCPA, and the regulations made thereunder;
6. To cease, desist, and remove any and all false or misleading advertising in respect of the sale of motor vehicles;
7. To cease and desist advertising or offering for sale any motor vehicles, which do not comply with the MVA;
8. To affix MVA compliant notices to all vehicles, which are not suitable for transportation or not for sale;
9. To ensure that all advertisement in respect of motor vehicle sales are accurate and in no way misleading;
10. To ensure that consumers are accurately and completely informed as to the nature and circumstances in respect of any motor vehicle sales;
11. To ensure that all motor vehicles that are sold, offered for sale, exposed or displayed for sale, or delivered to consumers comply with the MVA and attendant regulations, including but not limited to thoroughly inspecting said motor vehicles;
12. To keep records of all such inspections at the Dealer's registered business location as required by the MDA and attendant regulations;
13. To pay an Administrative Penalty in the amount of \$4,000.00 in relation to the subject matter of this Undertaking within thirty (30) days of the execution of this Undertaking;
14. To reimburse the Registrar a total of \$2,161.13 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;
15. 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;
16. 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;

17. 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; and

18. 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:

Vancouver Velocity Cars Ltd. (#40027)  
3888 Marine Way  
Burnaby, B.C. V5J 3H4

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

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

**DATED** this 23<sup>rd</sup> day of April, 2018

Dealer Name: Vancouver Velocity Cars Ltd. (#40027)  
Sergey Mozgovoy (#201015)

Signature: \_\_\_\_\_ Original Signed \_\_\_\_\_

**ACCEPTED** by the Registrar of Motor Dealers this  
25<sup>th</sup> day of April, 2018

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