



## **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 September 13, 2018

Between

What Key Auto Sales, Ltd. (#29736)

And

The Registrar, Vehicle Sales Authority of B.C.

#### **WHEREAS:**

1. What Key Auto Sales, Ltd. (#29736) (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:
  - i. The Dealer has misled consumers as to the nature, circumstances, and condition of motor vehicles in respect of the sale of those motor vehicles;
  - ii. Advertised motor vehicles for sale at a price lower on-line than the price advertised on the vehicle, at the Dealer's lot;
  - iii. Failed to register and pay for warranties, purchased by consumers in respect of the sale of motor vehicles; and
  - iv. The Dealer has offered a vehicle for sale, which did 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 MDA, BPCPA, 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.
- iii. Sections 22 and 27 of the Motor Dealer Act Regulation – failing to adhere to the requirements pertaining to the advertising or sale of vehicles not suitable for transportation.

**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 have all motor vehicles, which are offered or advertised for sale unless properly identified as "Not Suitable for Transportation," undergo a provincially-approved Private Vehicle Inspection ("PVI") at a provincially-licensed Designated Inspection Facility, or be inspected by a red seal trade qualified mechanic to that same PVI standard;
7. To provide copies of inspection reports to all consumers prior to the purchase of any motor vehicle;
8. To conform on-line and on-lot pricing of all motor vehicles, which are offered for sale;
9. To register and pay for all outstanding warranty policies within fourteen (14) days of signing this undertaking and to provide confirmation of same to the Authority within twenty-one (21) days of signing this undertaking;
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;
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 \$5,000.
14. To reimburse the Registrar a total of \$1,522.36, representing 100% of the Registrar's investigation costs in case files #18-02-096 and #17-10-225 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.  
#280 – 8029 199<sup>th</sup> Street  
Langley, B.C. V2Y 0E2  
Fax: (604)-574-5883

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

What Key Auto Sales Ltd. (#29736)  
19602 Fraser Highway  
Langley, B.C. V3A 4C5

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

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

**DATED** this 13 day of September 2018

Dealer: What Key Auto Sales Ltd. (#29736)

Signature: Original Signed  
Wade Bryan Wutke (#103885)

**ACCEPTED** by the Registrar of Motor Dealers this  
13 day of September 2018

Original Signed  
Ian Christman  
Registrar of Motor Dealers or his delegate