



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, jointly and severally, with an effective date of
October 30, 2018, by:

429107 B.C. LTD. DBA NORTH VAN MOTORCARS ("North Van") (#9559)

AND

KIN MING "SIMON" TAI ("Tai") (#102479)

AND

SHELAGH BOYD ("Boyd") (#123499)

WHEREAS:

1. North Van is a "registered motor dealer" as defined under the Motor Dealer Act R.S.B.C. 1996 c. 316 ("MDA").
2. Kin Ming "Simon" Tai (#102479) is the guiding mind and dealer principal behind North Van as well as a "salesperson," as defined under the MDA.
3. Shelagh Boyd (#123499) is a "salesperson" as defined under the MDA.
4. 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").
5. The Registrar has investigated and received information that North Van, Tai, and Boyd have:
 - Provided incorrect information regarding the status of vehicles on financial application documentation to lending institutions;
 - Failed to declare the "rebuild" status of vehicles on loan applications; and

- At the time, facilitated financing for consumers irrespective of any policies by the lenders with respect to financing of rebuilt vehicles.
6. North Van, Tai, and Boyd violated the MDA in respect of the sale of a motor vehicle, in contravention of section 5(1) of the BPCPA.
 7. Said investigation and information have given rise to Investigation File #18-06-168 with the VSA.
 8. The procedures used by North Van, Tai, and Boyd regarding the incorrect description of vehicle status in loan applications, had, by extension, the capability or capacity to affect the rights or obligations of consumers associated with such transactions.

NOW THEREFORE North Van, Tai, and Boyd, individually and collectively undertake:

9. To comply with the MDA, the *Motor Vehicle Act* R.S.B.C. 1996, c. 318 ("MVA"), the BPCPA, and the regulations made thereunder;
10. To discontinue providing inaccurate details to lending institutions on loan applications;
11. For North Van to pay an Administrative Penalty, in the amount of \$4,000 for contraventions of the MDA and the BPCPA;
12. For Boyd to pay an Administrative Penalty, in the amount of \$1,000 for contraventions of the MDA and the BPCPA;
13. For Boyd to retake and successfully complete the salesperson licensing course at her own expense within 60 days of signing this undertaking;
14. For Tai to retake and successfully complete the salesperson licensing course at her own expense within 60 days of signing this undertaking;
15. To provide indemnity to any affected consumer, who in the future is able to provide evidence to the satisfaction of the VSA that they have been financially prejudiced by the dealership submitting false, incorrect, or incomplete bank documents; and
16. For North Van to reimburse the Registrar a total \$428.21 representing 100% of the investigation, hearing, and legal costs incurred to date in relation to this matter within thirty (30) days of the execution of this Undertaking.

NORTH VAN FURTHER ACKNOWLEDGES, REPRESENTS, AND DECLARES:

17. That in addition to rendering North Van, Tai, and Boyd 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;
18. That nothing herein is intended to resolve any other complaint or investigation not specifically referenced in this Undertaking; and
19. North Van, Tai, and Boyd have read this Undertaking and have had a reasonable opportunity to seek and obtain legal advice as its terms.

DATED this 28th day of October 2018

Signature: Original Signed
Kin Ming Tai (#102479), Individually & for and on North Van (#9559)

DATED this 28th day of October 2018

Signature: Original Signed
Shelagh Boyd (#123499)

ACCEPTED by the Registrar of Motor Dealers this
30th day of October 2018

Original Signed
Ian Christman
Registrar of Motor Dealers