



Investigation Files #18-08-161
#17-05-010
Undertaking File #18-11-003

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 22 November 2018,

by:

TMT Auto Finance, Ltd. (#40328)

And

Gurinder "Bickie" Dhadwal (#107982)

WHEREAS:

1. TMT Auto Finance, Ltd. (#40328) ("TMT") is a "motor dealer" as defined under the *Motor Dealer Act*, R.S.B.C. 1996 c. 316 ("MDA").
2. Gurinder Dhadwal (#107982) ("Dhadwal") is a "sales person" as defined under the MDA and the guiding mind behind TMT.
3. 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").
4. The Registrar has investigated and received information that, in July of 2015, Dhadwal:
 - Facilitated the fabrication of a fictitious sale of a 2008 Saturn Astra purportedly into the name of an individual, who was not truly engaged in the purchase of the subject vehicle, and obtained financial consideration in the form of creditor financing in the name of that individual, in violation of section 5 and section 9 of the BPCPA.
 - Facilitated the fabrication of a fictitious sale of a 2011 Jeep Compass purportedly into the name of another individual who was not truly engaged in the purchase of the subject vehicle, and obtained financial consideration

in the form of creditor financing in the name of that individual, in violation of section 5 and section 9 of the BPCPA.

5. Further, the Registrar has investigated and received information that, in March of 2018, TMT and Dhadwal:
 - Included a purchaser and borrower on the Motor Vehicle Purchase agreement and Credit agreement, who was not involved in the purchase of a motor vehicle, in violation of section 5 of the BPCPA;
 - Facilitated the registration of the primary vehicle (2017 Dodge Ram 1500) in the name of only one of the joint purchasers, in violation of section 4 of the MVA;
 - Included a second vehicle (2015 Ducati) in the purchase with no documentation, in violation of sections 21(2) and 23 of the *Motor Dealer Act Regulations* ("MDAR");
 - Failed to disclose the true price of the primary vehicle and the Ducati to the purchaser, in violation of section 5 of the BPCPA;
 - Facilitated registration of the Ducati to someone other than the purchaser/owner, in violation of section 4 of the MVA; and
 - Did not produce a Motor Vehicle Purchase agreement for the Ducati (Including all related requirements of the contents of a Purchase agreement per the MDAR), in violation of sections 21(2) and 23 of the MDAR.

NOW THEREFORE TMT and Dhadwal undertake:

6. To comply with the MDA, the MVA, the BPCPA, and the regulations made thereunder;
7. To refrain from engaging in any deceptive acts and practices, including, but not limited to
 - a) Ensuring that any and all purchases identified on a purchase agreement, credit applications and transfer forms are truly engaged in the purchaser of the subject vehicle, and
 - b) Included as purchases/buyers on any applicable vehicle registration documents and transfer forms;

8. To use only purchase agreements that comply with the MDAR in respect of the sale of motor vehicles;
9. For TMT and Dhadwal jointly and severally to pay an Administrative Penalty, in the amount of \$18,000.00 for contraventions of the BPCPA;
10. For TMT to reimburse the Registrar a total \$344.44 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;
11. For Dhadwal to take and successfully complete the salesperson certification course, at his own expense, within sixty (60) days of the signing of this Undertaking;

TMT AND DHADWAL FURTHER ACKNOWLEDGE, REPRESENT, AND DECLARE:

12. That in addition to rendering TMT and Dhadwal liable to further penalties and proceedings as provided for under the MDA and BPCPA, it is an offence under the BPCPA to fail to comply with any part of this undertaking that has not been previously terminated;
13. That nothing herein is intended to resolve any other complaint or investigation not specifically referenced in this Undertaking; and
14. TMT and Dhadwal have read this Undertaking and have had a reasonable opportunity to seek and obtain legal advice as its terms.

DATED this 22nd day of November 2018

Signature: Original Signed
Gurinder Dhadwal (#107982)
Individually and on behalf of
TMT Auto Finance, Ltd. (#40328)

ACCEPTED by the Registrar of Motor Dealers this 22nd day of November 2018

Original Signed
Ian Christman, J.D.
Registrar of Motor Dealers