



## **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 October 23, 2019

Between

Reg Midgley Motors Ltd. (Dealer #5186)

(the "Dealer")

And

The Registrar, Vehicle Sales Authority of B.C. (the "Registrar")

#### **WHEREAS:**

1. Reg Midgley Motors Ltd. (Dealer #5186) (the "Dealer") is a "registered motor dealer" as defined under the *Motor Dealer Act* R.S.B.C. 1996 c. 316 (the "Act").
2. The "Registrar of Motor Dealers", as defined under the Act, (the "Registrar") is responsible for the administration and enforcement of the Act, 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 received and investigated a complaint from a consumer who claims that the Dealer:
  - a) Facilitated the sale of in excess of forty motor vehicles to a person or persons who were not properly licensed to sell vehicles in the Province of British Columbia with the knowledge and understanding that the vehicles would be sold to the public by an unlicensed salesperson; and
  - b) The facilitation was conducted under the direction of the guiding mind of the dealership who is not a licensed sales person in the Province of British Columbia.

4. The Registrar asserts that the Dealer contravened the following statutory provisions:

- c) Section 13.1 of the *Motor Dealer Act*;
- d) Section 2 of the Salesperson Licensing Regulation; and
- e) The Code of Conduct provisions at section 33 of the Motor Dealer Act Regulation.

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

- 5. To comply with the Act, the BPCPA and the regulations made thereunder;
- 6. To ensure Darrell Midgley has no direct influence over the sales of motor vehicles from the dealership.
- 7. To ensure that all transactions and sales of motor vehicles take place at the registered place of business;
- 8. To ensure that all persons engaged in the sale of vehicles are licensed as Salespersons;
- 9. To ensure that all transactions are recorded accurately and there is a complete record of the vehicle transaction at the dealership;
- 10. To pay an Administrative Penalty in the amount of \$15,000 in relation to the subject matter of this Undertaking;
- 11. To reimburse the Registrar a total of \$1,516.58 representing 50% of the investigation and legal costs incurred to date in relation to the subject matter of this Undertaking;
- 12. 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.
- 13. 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.
- 14. 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.

15. That nothing herein is intended to resolve any other complaint or investigation not specifically referenced in this Undertaking
16. 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 BC  
#280 – 8029 199<sup>th</sup> Street  
Langley, BC V2Y 0E2  
Fax: (604)-574-5883

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

Reg Midgley Motors Ltd (Dealer #5186)  
1671 Island Highway  
Victoria, BC V9B 1H9

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

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

**DATED** this 23 day of October 2019

Reg Midgley Motors Ltd. (Dealer #5186)

Signature: "original is signed"  
Authorized signatory

Name: James Else

Title: Manager

**ACCEPTED** by the Registrar of Motor Dealers this 25 day of October 2019

"original is signed"  
Ian Christman  
Registrar of Motor Dealers