



### **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 July 21, 2020,

between

Go Auto Surrey Chrysler Dodge Jeep Ram Ltd. (DL#40116)

and

The Registrar, Vehicle Sales Authority of BC

#### **WHEREAS:**

1. Go Auto Surrey Chrysler Dodge Jeep Ram Ltd. (DL#40116), (the "Dealer"), is a "registered motor dealer" as defined under the *Motor Dealer Act R.S.B.C. 1996 c. 316* (the "MDA").
2. The Registrar of Motor Dealers, (the "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. After an investigation was conducted, the Registrar has received information that the Dealer:
  - a) Misrepresented the condition of a vehicle as being new when it was used;
  - b) Misrepresented the odometer reading of the vehicle on the purchase agreement;
4. The Registrar asserts that the above detailed conduct violates the following statutory provisions:
  - a) Sections 21(2)(b) and 23(e) of the Motor Dealer Act Regulation ("MDAR");
  - b) Sections 4(3)(b)(vi) and 5 of the BPCPA; and

c) The Code of Conduct provisions at section 33(2)(a) of the MDAR.

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

5. To comply with the MDA, the BPCPA and the regulations made thereunder, including but not limited to ensuring they do not sell a used vehicle as new, that they do not misrepresent odometer readings and that they make all statutory declarations to consumers going forward;
6. To payout the remaining amount of Ms. Powers' loan with the BMO and to restore her credit rating with the BMO on this loan, to that of what it was in October of 2018 before she entered into the within transaction with the Dealer. If there are other items affecting her credit rating due to her missing payments on the BMO loan, the Dealer will not be expected to resolve those issues;
7. To pay an Administrative Penalty, in the amount of **\$5,000** to deter the Dealer from engaging in conduct similar to the aforementioned contraventions of the MDA and the BPCPA in the future, within thirty (30) days of the execution of this Undertaking;
8. To reimburse the Registrar a total of **\$1,088.63** representing 100% of the investigation costs incurred to date in relation to this matter, within thirty (30) days of the execution of this Undertaking;
9. That this Undertaking is binding until such time as it is either terminated in writing by the Registrar or terminated by Order of the Supreme Court of British Columbia;
10. That in addition to being rendered liable to further penalties and proceedings as provided for under the BPCPA, that it is an offence under the BPCPA to fail to comply with any part of this Undertaking that has not been previously terminated;
11. That the Registrar, upon breach of any part of this Undertaking, may declare the Undertaking to be at an end and may institute such proceedings and take such action under the BPCPA, or the MDA as considered necessary.
12. That nothing herein is intended to resolve any other complaint or investigation not specifically referenced in this Undertaking;
13. That any communication with the Registrar in connection with this Undertaking shall be made to the following address:

Registrar of Motor Dealers  
Vehicle Sales Authority of BC  
#280 – 8029 199<sup>th</sup> Street  
Langley, BC V2Y 0E2

In the case of the Dealer, to the following address:

Go Auto Surrey Chrysler Dodge Jeep Ram Ltd.  
6280 – 120<sup>th</sup> Street  
Surrey, BC V3X 1Y7

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

14. The Dealer has read this Undertaking and has had a reasonable opportunity to seek and obtain legal advice as to its terms.

**DATED** this 21 day of July 2020

Go Auto Surrey Chrysler Dodge Jeep Ram Ltd. (DL#40116)

Authorized signatory: original is signed

Name: Guy Boudreau

Title: Dealer Principal

**ACCEPTED** by the Registrar of Motor Dealers this 30 day of July 2020

"original is signed"

Ian Christman

Registrar of Motor Dealers