



Hearing File No. 15-10-002  
Investigation File No. 15-07-034

**IN THE MATTER OF THE *MOTOR DEALER ACT* R.S.B.C. 1996 C. 316  
AND THE *SALESPERSON LICENSING REGULATION* B.C. REG. 241/2004**

**RE:**

**HARPALJIT SANDHU  
(Proposed Salesperson Licence # 103629)**

**Salesperson Applicant**

**DECISION OF THE REGISTRAR OF MOTOR DEALERS**

**APPEARANCES**

For the Authority:                    Hong Wong, Manager of Licensing  
   Kim Murphy, Licensing Officer  
   Jas Virk, Compliance Officer

For Harpaljit Sandhu:                Himself

Date and Place of Hearing:    November 26, 2015 at Surrey, British Columbia

**Introduction**

[1] A hearing was called to review the salesperson application of Harpaljit Sandhu (proposed salesperson licence #103629). The staff of the Vehicle Sales Authority (the "Authority") raised concerns with Mr. Sandhu's criminal record for manslaughter of his wife and aggravated assault on his daughter. Mr. Sandhu pled guilty to the charges at the earliest opportunity. He was incarcerated from October 14, 2009, until his statutory release on June 12, 2014. Mr. Sandhu's sentence expires on October 13, 2016. Reports from Corrections Canada, including a Community Mental Health Integration Final Report of July 29, 2015, note that at the time of the offences, Mr. Sandhu was in an alcohol induced furry and delusional. Mr. Sandhu's parole officer noted that Mr. Sandhu has been rated as very low on the recidivism scale, meaning he is a low risk to re-offend. I will speak of the extenuating circumstances and Mr. Sandhu's rehabilitation later in this decision.

**The Law**

[2] Section 14 of the *BC Human Rights Code* prohibits refusing a license because of a criminal conviction that is unrelated to the intended licence. Whether the

criminal convictions are related to the licence is dependent on all the circumstances of the case.

*B.C. Council of Licensed Practical Nurses v. Mans & Humphreys v. B.C. Council of Human Rights* 1993 CanLII 1501 (B.C. Court of Appeal)

*Woodward Stores (British Columbia) Ltd. V. McCartney* 1983 CanLII 444 (B.C. Supreme Court)

[3] Section 6 of the *Salesperson Licensing Regulation* B.C. Reg. 241/2004 states:

6 If the conduct of an applicant or licensee is, in the opinion of the authority, such that it would not be in the public interest for the applicant or licensee to be licensed or continue to be licensed, the authority may

- (a) refuse to issue the licence

[4] From past decisions of the Registrar, the reviewable conduct of a salesperson is not viewed as an exhaustive list, but generally:

- (a) ...encompasses any act or omission or course of behaviour that affords reasonable grounds to believe that the business [or person] will not be carried on in accordance with law, honesty and integrity: *Re: Badshah* (Registrar's Decision, File 09-71010, September 24, 2010) at paragraph 20 citing *Prestige Toys Ltd v Ontario (Registrar, Motor Vehicle Dealers Act)*, 2009 CanLII 43657 (Ont. Superior Court of Justice);
- (b) behaviour indicating a lack of transparency or candour on the part of the salesperson in their interaction with the Authority: *Re: Badshah* and *Dirani*;
- (c) behaviour indicating the salesperson is or will be ungovernable, meaning they will not abide by lawful orders of the Registrar or the Authority: *Registrar v Peter Fryer* (December 13, 2013, File 13-11-005) at paragraph 11, affirmed *Fryer v. Motor Vehicle Sales Authority of British Columbia*, 2015 BCSC 279 (BC Supreme Court);
- (d) behaviour of concern to the public's safety: *Registrar v Peter Fryer* at paragraph 9; and *Re: Bruce Ironside* (BC Registrar of Motor Dealers, File 11-025, May 27, 2011) at paragraph 8;
- (e) behaviour of concern to consumers' personal, financial and otherwise confidential information: *Registrar v Peter Fryer* at paragraph 10; and *Re:*



*Basset* (Registrar of Motor Dealers, December 2, 2009, File 09-108822) at paragraph 22; and

- (f) behaviour of concern indicating an inability to trust the salesperson: *Re: Basset* at paragraph 22.

[5] Recently, Madame Justice Sharma discussed section 6 of the *Salesperson Licensing Regulation* and noted:

[23] The Registrar states that the requirement to examine a person's past conduct demonstrates an overarching concern with public safety. Past conduct is the statutory tool by which the Registrar can determine if applicants will be governable, act in accordance with the law and conduct themselves with honesty and integrity. Salespersons are in a position of trust with the buying public who rely on them to give clear and honest information about buying motor vehicles. The public also expects safety to be a priority if taking a test drive with a salesperson. Lastly, integrity is important because salespersons may be privy to customer's confidential personal information including home address and financial information.

*Fryer v. Motor Vehicle Sales Authority of British Columbia*, 2015 BCSC 279 (BC Supreme Court)

[6] Cancelling, suspending or refusing a salesperson licence generally deprives a person of earning income and affects their and their family's livelihood. I am mindful of the cautions noted in cases such as *Pacific International et al v. B.C. Securities Commission* 2002 BCCA 421 (CanLII) at paragraphs 11-13 and also see *Zenner v. College of Optometrists (Prince Edward Island)*, [2005] 3. S.C.R. 645 (Supreme Court of Canada). Even so, the public interest is paramount: *Pacific International et al*.

See also *Crown Auto Body and Auto Sales Ltd. v. Motor Vehicle Sales Authority of British Columbia*, 2014 BCSC 894

## **Evidence**

[7] At the outset, I would note that Mr. Sandhu did not dispute any of the evidence presented at the hearing. Licensing Officer, Kim Murphy, presented a Licensing Hearing Report and noted that Mr. Sandhu was cooperative and responsive to any questions she had. Due to the criminal record, Compliance Officer, Jas Virk, was asked to interview Mr. Sandhu as well as Mr. Sandhu's current employer and the proposed motor dealer who will employ Mr. Sandhu among



others. Mr. Virk also interviewed Mr. Sandhu's parole officer Sundeep Jassi. Mr. Virk found Mr. Sandhu to be cooperative and responsive throughout Mr. Virk's review. Mr. Virk presented his Compliance Hearing Report.

[8] In 2005 to 2006, Mr. Sandhu was a licensed salesperson for about a year working at the family dealership, which closed down. The Authority says there were no concerns with Mr. Sandhu during this period. After the dealership, Mr. Sandhu owned and operated a taxi business in the interior of B.C. before he was incarcerated. The company was sanctioned once by the Passenger Transportation Board. Mr. Sandhu explained this occurred just as he was taking over the company and was not fully up to speed on his requirements. From a review of the decision of the Passenger Transportation Board, it appears that was the case.

### **(a) The Offence**

[9] Mr. Sandhu was convicted of manslaughter involving his wife and aggravated assault against his daughter. The evidence placed before me is clear this was after a long period of alcohol abuse and the Health Integration Final Report notes Mr. Sandhu was delusional and paranoid at the time of the crimes. There is no other history of any violence or criminal conduct in Mr. Sandhu's past. Mr. Sandhu says he is remorseful for his conduct.

### **(b) Rehabilitation**

[10] Mr. Sandhu has undergone medical treatment for his issues and was under medical care from a psychiatrist and on medication until August of 2014. Afterwards, Mr. Sandhu continued with counselling with a medical professional until March 2015, when he was found to be stable and no longer required ongoing counseling. In the Mental Health Integration Final Report, the health care professional notes Mr. Sandhu is stable, high functioning, he remains sober since the incident, Mr. Sandhu has community support and attends peer support meetings twice a week even though he is not required to as a condition of his statutory release. The condition of his statutory release requiring him to participate in counselling was recently removed.

[11] Mr. Sandhu's parole officer, Sundeep Jassi, was interviewed by Jas Virk and the information he provided is contained in the Compliance Hearing Report. Sundeep Jassi took the time to attend the hearing. He confirmed the contents of the Compliance Hearing Report and re-affirmed that Mr. Sandhu ranks at the lowest level of the recidivism scale and is a low risk to re-offend. Sundeep Jassi also noted that Mr. Sandhu is attempting to reach out to fellow inmates and encouraging them to attend peer support meetings. It would appear Mr. Sandhu wishes to help others



who are in similar situations as him. Mr. Jassi also notes Mr. Sandhu has completed all requirements made of him, reports on time and Mr. Sandhu has never breached his conditions as of the date of this hearing.

[12] While incarcerated, Mr. Sandhu took advantage of training and education opportunities as evidenced in various certificates and letters of achievement placed in evidence. There are letters of support from a pastor where Mr. Sandhu attended inter-faith services while incarcerated as well as a letter from the Sikh Chaplain. Mr. Sandhu has several recent letters of reference indicating a changed person from 2008 in terms of his behaviour and his relationship with alcohol.

[13] At the hearing Mr. Rana, Mr. Sandhu's current employer, provided evidence. He confirmed his letter of support which he had furnished to Compliance Officer, Jas Virk. At the hearing he reiterated that Mr. Sandhu has been a trustworthy and good employee. Mr. Sandhu is hard working and always on time. Mr. Rana was able to find accommodation for Mr. Sandhu where he continues to reside.

[14] At the hearing, Mr. Sandhu's sister spoke in his support. Doctor Sidhu spoke of the family situation since the unfortunate incidents. Doctor Sidhu has been raising Mr. Sandhu's children. Doctor Sidhu noted there was never any past violence by Mr. Sandhu. Doctor Sidhu notes that she has seen how the education and training Mr. Sandhu has received is working. Doctor Sidhu hopes that her brother can start moving forward and contribute to the welfare of his children.

[15] Mr. Sandhu spoke only briefly. He noted that his knees do not allow him to do manual labour. Mr. Sandhu expressed a desire to contribute to his family, even though he is not allowed contact with the one daughter. Mr. Sandhu was clearly emotional and remorseful during the hearing.

## **Discussion**

[16] My role is to balance the protection of the public who may interact with Mr. Sandhu if he is to be granted a licence, with Mr. Sandhu's desire to be a licensed salesperson. The mere fact that Mr. Sandhu was convicted of manslaughter and aggravated assault does not justify denying him a salesperson licence: s. 14 *Human Rights Code*. I must be satisfied there continues to be a risk to the public if Mr. Sandhu was issued a salesperson licence, which cannot be addressed through conditions on his licence: *Fryer v. Motor Vehicle Sales Authority of British Columbia* (BC Supreme Court).

[17] In applying the type of considerations noted in *Woodward*, supra, I believe Mr. Sandhu is a low risk to the public which can be managed with conditions.

[18] Various factors have brought me to this conclusion:

- (a) The criminal behaviour was fueled by extenuating circumstances of alcohol induced furry and delusions. That root cause has been identified and Mr. Sandhu has shown he has and is addressing the root cause.
- (b) Mr. Sandhu has completed medical treatment and has been stable without medication for over a year, and no longer requires ongoing counselling by a medical professional.
- (c) Mr. Sandhu continues to attend peer support sessions to address his issue with alcohol, even though he has not been ordered to do so.
- (d) Mr. Sandhu has no prior history of violence.
- (e) There are no other criminal convictions.
- (f) Mr. Sandhu shows remorse and pled guilty to the charges.
- (g) Mr. Sandhu has been cooperative and responsive to the requests of the Authority.
- (h) Mr. Sandhu has not breached any of his conditions of statutory release and completes any conditions imposed on him.
- (i) Mr. Sandhu will continue to report to his parole officer until October 13, 2016, who will monitor Mr. Sandhu's compliance with his statutory release conditions.
- (j) Mr. Sandhu has support from persons in his community who want him to succeed.
- (k) Mr. Sandhu has a supportive sister who wants him to succeed.

[19] The above factors distinguish Mr. Sandhu from cases such as *Re: Basset* (Registrar, December 2, 2009, File 09-108822) or *Registrar v Peter Fryer* (December 13, 2013, File 13-11-005), affirmed *Fryer v. Motor Vehicle Sales Authority of British Columbia*, 2015 BCSC 279 (BC Supreme Court). In past cases where licenses were denied for criminal records there is usually little evidence of remorse, rehabilitation and/or cooperation with the Authority's review.

[20] To enhance consumer confidence and protect the public interest, I place the following conditions on Harpaljit Sandhu's licence:

- (a) Must successfully complete the salesperson certification course as required by the Authority.
- (b) To stay employed with the one identified motor dealer. He may not switch employers without the prior approval of the Authority.
- (c) Not to hold a management position without the prior approval of the Authority.



- (d) Not to work unsupervised at the motor dealer without prior approval of the Authority.
- (e) To report any violation of the conditions of his statutory release immediately.
- (f) Mr. Sandhu's employment, licence and its conditions are to be reviewed every three months for one year. After one year, Mr. Sandhu may request any conditions be removed.

[21] Mr. Sandhu's actions resulting in his convictions are not to be condoned. They are very serious. Even so, Mr. Sandhu has shown a desire to reintegrate into society and taken significant positive steps to do so. Importantly, Mr. Sandhu has shown a willingness to follow any conditions that society places on him to gain back society's trust so that he may reintegrate. I am granting him that opportunity in this industry. If Mr. Sandhu fails to abide by any of his conditions, if he breaches any of the laws or rules governing this industry, or he exhibits any conduct indicating a risk to the public interest, Mr. Sandhu could lose the privilege of having a salesperson licence indefinitely.

Date: November 27, 2015



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Ian Christman, J.D.  
Registrar of Motor Dealers

