



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 5, 2021

between:

Harris Victoria Chrysler Dodge Jeep Ram Ltd. (MD#31254)(WL#41415)

and:

The Registrar, Vehicle Sales Authority of BC ("VSA")

WHEREAS:

1. Harris Victoria Chrysler Dodge Jeep Ram Ltd. (the "Dealer"), is a "registered motor dealer", as defined under the *Motor Dealer Act* R.S.B.C. 1996 c. 316 ("MDA").
2. The Dealer also holds a "wholesaler license", as defined under the Wholesaler Licensing Regulation.
3. The "Registrar of Motor Dealers," as defined under the MDA, (the "Registrar") 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 received information that:
 - a. The VSA commenced the auditing of files pulled from the Dealer in relation to a manufacturer-sponsored and publicly marketed "consumer cash" incentive program;
 - b. It was discovered that in some cases, the manufacturer's incentive value had not been properly passed on to the consumer, but instead was retained by the Dealer. The audit revealed that 55 consumer transactions fell into this category;
 - c. As a result of the audit, the Dealer provided affected consumers with full payment of the value of consumer cash not received at the time of the transaction. The highest amount refunded to a single consumer was \$7,877. The average amount refunded was \$2,452.28, and the total amount refunded was \$134,875.27;

- d. With the assistance of the Dealer the review covered the 2018 calendar year and a portion of early 2019.
5. The Registrar asserts that the above detailed conduct violates the following statutory provisions:
 - a. Section 4(3)(b)(iv) and (vi) of the BPCPA by engaging in deceptive acts or practices. Specifically, a representation by a supplier that a consumer transaction involves or does not involve rights, remedies or obligations that differs from the fact, or that uses ambiguity about a material fact or fails to state a material fact, if the effect is misleading.

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

6. To comply with the BPCPA, and the regulations made thereunder;
7. To pay the VSA its investigation costs in the amount of **\$2,544.42**, within thirty (30) days from the execution of this Undertaking;
8. 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;
9. 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; and
10. 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 MDA as considered necessary;
11. 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 B.C.
#280 - 8029 199th Street
Langley, BC V2Y 0E2

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

Harris Victoria Chrysler Dodge Jeep Ram Ltd.
1061 Yates St.
Victoria, BC V8V 3M5

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

12. The Dealer acknowledges and warrants that it has had an opportunity to seek legal advice as to the terms of this Undertaking.

DATED this _____ day of _____ 2021

Harris Victoria Chrysler Dodge Jeep Ram Ltd. (DL#31254)(WL#41415)



Withheld - Section 22 FOIPPA

Signature: _____

Authorized signatory name: _____

GLENN SHORTER

ACCEPTED by the Registrar of Motor Dealers this 5th day of October 2021

"Original signed"

Ian Christman
Registrar of Motor Dealers