

MOTOR VEHICLE SALES AUTHORITY OF BRITISH COLUMBIA
(Previously known as the Motor Dealer Council of B.C.)

**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**

RE:

JOHN SLATER

COMPLAINANT

AND:

CANEM INVESTMENTS LTD.
dba CANEM AUTO SALES/CANEM AUTO GROUP (BURNABY)
DL# 10781

MOTOR DEALER

AND:

PRADEEP "PAUL" SINGH
SP# 12861

SALESPERSON

RECONSIDERATION DECISION OF THE REGISTRAR OF MOTOR DEALERS

On August 1st, 2008 Ian Christman rendered a final decision in this matter. By letter dated August 15, 2008 John Slater formally requested that Mr. Christman's decision be reconsidered. Section 181 of the Business Practices and Consumer Protection Act allows for reconsideration in certain circumstances.

Section 182(2) would allow me to vary or cancel Mr. Christman's determination only if I am "*satisfied that new evidence has become available or has been discovered that is.....*"; firstly, "*substantial and material*" to the original determination – and; secondly, it is evidence that "*did not exist at the time of the review.....*".

On both of the above referenced requirements Mr. Slater's application for reconsideration fails. His August 15th, 2008 letter simply restates and reargues his views on information which has already been considered by Mr. Christman. Nothing new is provided in Mr. Slater's correspondence so there is little else I need to say here.

I would direct Mr. Slater to paragraph 23 of the August 1st, 2008 decision wherein it is clearly stated that his view of the facts was not accepted by Mr. Christman - "*In assessing the evidence on a whole and applying common sense, I find it more likely than not that Mr. Slater was aware that the Mazda had sustained damage over*

\$2,000.00 and that he was aware that the damage was significant enough to seek assurances that there was no frame damage. I also find that he was aware of these facts prior to purchasing the Mazda. Applying the deceptive act provisions of the BPCPA and the case law, I find Canem and Mr. Singh have not committed a deceptive act or practice as alleged.”

In closing I also mention Section 182(6) of the BPCPA which makes it clear that the determination I have made herein is not open to further reconsideration.

Date: October 3rd, 2008



Ken Smith – Registrar of Motor Dealers for
the Province of British Columbia