



Motor
Vehicle Sales Authority
of British Columbia

Previously known as the Motor Dealer Council of BC

**IN THE MATTER OF THE *MOTOR DEALER ACT*
AND THE *BUSINESS PRACTICES AND CONSUMER PROTECTION ACT***

UNDERTAKING

(Section 154, *Business Practices and Consumer Protection Act SBC 2004 c. 2*)

VSA File#: 09-70014

WHEREAS the undersigned 101074603 Saskatchewan Ltd. DBA White Rock Hyundai is a "supplier" within the meaning of subsection 1(1) of the *Business Practices and Consumer Protection Act*;

AND WHEREAS the Registrar of Motor Dealers (the "Registrar") has reason to believe that the supplier is contravening, is about to contravene or has contravened the *Business Practices and Consumer Protection Act* or the regulations made there under, namely:

Between July 1, 2008 and December 31, 2008, both dates inclusive at or near the city of Surrey in the Province of British Columbia the supplier did, in writing or by their conduct, commit or engage in an oral, visual, descriptive or other representation by a supplier or conduct of the supplier that has the capability, tendency or effect of deceiving or misleading a consumer, specifically sold products to consumers who were purchasing a motor vehicle and did not deliver the products to the consumer or attach the products to the motor vehicle purchased by the consumer, misrepresented the history and quality of the motor vehicle and misrepresented the rights of the consumer contrary to section 5(1) of the *Business Practices and Consumer Protection Act S.B.C.2004 c. 2 (BPCPA)*.

These alleged facts are deceptive acts or practices under the following sections of the BPCPA:

1. Section 4(1) – general deceptive act or practice; and
2. Sections 4(3)(a)(i), 4(3)(a)(iii), 4(3)(b)(iv) and 4(3)(b)(vi) – deemed deceptive acts.

NOW THEREFORE the undersigned;

1. Hereby undertakes:

- (a) To comply with the *Business Practices and Consumer Protection Act* and the regulations made thereunder;
- (b) To refrain from engaging in any deceptive acts or practices that specifically uses exaggeration, innuendo, or ambiguity about a material fact or that fails to state a material fact, if the effect is misleading or representing that goods or services are of a particular standard, quality, grade, style or model if they are not and that a consumer transaction involves or does not involve rights, remedies or obligations that differ from the fact including selling vehicles to purchasers with additional products or services that are not provided to the purchaser and advising the purchaser they are required to purchase such products or services when in fact the purchaser is not required to purchase that product or service.

FURTHERMORE, the undersigned;

2. Hereby undertakes:

- (a) To review all sales between July 1, 2008 and December 31, 2008 and refund to consumers all hidden fees and overcharges collected from those consumers and more specifically; reimburse such consumers the sum of \$38, 759.69 for all products charged to consumers but which they did not receive, and all tag fees paid. The supplier acknowledges they have paid \$13,316.72 to some of these consumers and will pay an additional \$25,442.97 in relations to the issues covered in this Undertaking;
- (b) To provide a list to the Registrar of all consumers who received a refund in (a);
- (c) To assist and cooperate fully with the Registrar regarding any further consumers complaints that may arise regarding these transactions during the period July 1, 2008 and December 31, 2008 and any other transactions by the supplier;
- (d) To reimburse the Registrar \$23,262.11 being the sum of the legal and investigation costs relating to the subject matter of this Undertaking; and
- (e) To pay an Administrative Penalty in the amount of \$20,000.00 in relation to the issues covered in this Undertaking.

THE UNDERSIGNED hereby acknowledges, represents and declares that they have each read this Undertaking and have had a reasonably opportunity to obtain independent legal advice as to its terms.

IN WITNESS WHEREOF the undersigned has set their hand and seal (attested by the hands of its duly authorized officers, if applicable):

Name: 101074603 Saskatchewan Ltd. DBA White Rock Hyundai # 30780
3150 King George Hwy, Surrey, BC V4P 1A2

Date: January 7, 2010

Signature:  Title: Dealer Principal
Mark Loeppky

ACCEPTED by the Registrar of Motor Dealers of British Columbia this 8 day of
January 2010


Ilan Christman - Registrar of Motor Dealers