



Motor
Vehicle Sales Authority
of British Columbia

Previously known as the Motor Dealer Council of British Columbia

**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)

VSA File: 09-71095

WHEREAS the undersigned Super Dave's Golden Ears Motors Ltd. dba Maple Ridge Hyundai, Dealer # 7356, David Phillip Wyant, Jay Crawford Purdy, and Michael Alan Jankowiak are all "suppliers" 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 suppliers are contravening, are about to contravene, or have contravened the *Business Practices and Consumer Protection Act* or the regulations made hereunder, namely:

ALLEGATIONS:

1. That on or about October 11, 2008 at or near the City of Maple Ridge in the Province of British Columbia the suppliers did commit or engage in a deceptive act or practice by representing in writing and by their conduct to the consumer Tracy Lynn ELIAS that the motor vehicle namely a 2005 Dodge Caravan, VIN: 1D4GP25R75B244496 was accident free when it was not, contrary to section 5(1) of the *Business Practices and Consumer Protection Act* S.B.C.2004 c. 2 (BPCPA).
2. That on or about October 11, 2009 at or near the City of Maple Ridge in the Province of British Columbia the suppliers did commit or engage in a deceptive act or practice by representing in writing and by their conduct to the consumer Tracy Lynn ELIAS that she had been pre-approved at an interest rate of just under 7%; that on or about October 17, 2008 the consumer was called by the dealer to bring in her bill of sale from October 11, 2008 as they needed to add another \$3,000 on her down payment, that the consumer attended and turned over her original bill of sale; that the dealer then provided the consumer with a prepared replacement bill of sale in which the interest rate had been changed from 7% to 20.9%; that the consumer claims the change in interest rate was only brought up when she questioned the changes while signing the new bill of sale, 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)(ii), 4(3)(b)(vi), 4(3)(c)(i) and 4(3)(c)(iii) – 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 there under;
- (b) To refrain from engaging in any acts or practices that represents that:
 - i. goods or services are of a particular standard, quality, grade, style or model if they are not;
 - ii. uses exaggeration, innuendo, or ambiguity about a material fact or that fails to state a material fact, if the effect is misleading;
 - iii. a person could reasonably conclude that a price benefit or advantage exists but it does not; and
 - iv. the supplier's estimate of the price is materially less than the price subsequently determined or demanded by the supplier unless the consumer has expressly consented to the higher price before the goods or services were supplied.

2. **Furthermore**, the undersigned hereby agree;


- (i) To unwind the sale of the 2005 Dodge Caravan, VIN: 1D4GP25R75B244496 to Tracy Lynn ELIAS;
- (ii) To reimburse to the Registrar a total of \$ 337.38 for inspection/investigating costs relating the subject matter of this Undertaking;
- (iii) To pay an Administrative Penalty of \$ 2,000 (Two Thousand Dollars) to the VSA;
- (iv) To provide a full vehicle history check on all used vehicles offered for sale;
- (v) To ensure that all customers receive a copy of any documentation signed by them on the date of sale including the bill of sale and to disclose any documentation that shows in a very clear manner that credit arrangements are subject to change pending final approval from the lender; and
- (vi) That being a condition of licensing as a salesperson David Phillip Wyant Salesperson # 104998, Jay Crawford Purdy Salesperson # 101948 and Michael Alan Jankowiak Salesperson # 104674 shall each within 90 days of the signing of this Undertaking at their own expense take and successfully complete the VSA Salesperson Certification Course - Level II.


3. THE UNDERSIGNED hereby acknowledges, represents and declares that:

- (a) Each has read this Undertaking and have had a reasonable opportunity to obtain independent legal advice as to its terms; and
- (b) Each is jointly and severally liable for complying with this Undertaking and is jointly and severally liable for the payment of any amounts under this Undertaking.


IN WITNESS WHEREOF the undersigned (and each of them if more than one) has set his hand and seal (attested by the hands of its duly authorized officers, if applicable):


Name: **Super Dave's Golden Ears Motors Ltd. dba Maple Ridge Hyundai, Dealer # 7356,**
Business Address: 23213 Lougheed Hwy, Maple Ridge, British Columbia V2W 1C1

Date: 

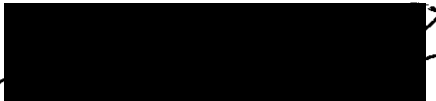
Signature:  Title: **Vice President**
David Phillip Wyant,

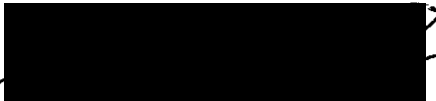
Name: **David Phillip Wyant Salesperson # 104998**
Business Address: 23213 Lougheed Hwy, Maple Ridge, British Columbia V2W 1C1

Date: 


Signature:  Title: **Vice President**
David Phillip Wyant,


Name: **Jay Crawford Purdy Salesperson # 101948**
Business Address: 23213 Lougheed Hwy, Maple Ridge, British Columbia V2W 1C1


Date: 

Signature:  Title: **General Sales Manager**
Jay Crawford Purdy

Name: **Michael Alan Jankowiak Salesperson # 104988**
Business Address: 23213 Lougheed Hwy, Maple Ridge, British Columbia V2W 1C1

Date: 

Signature:  Title: **Business Manager**
Michael Alan Jankowiak,

ACCEPTED by the Registrar of Motor Dealers of British Columbia February 8 2010 *J.C.*

Ian Christman - Registrar of Motor Dealers