



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#: 10-70366

WHEREAS the undersigned K.S. Auto Market Ltd., dba SK Automarket 104 – 3050 King George Blvd., Surrey, B.C. Kenneth Shalinsky and Anthony Skarich are each 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 suppliers are contravening or about to contravene or have contravened the *Business Practices and Consumer Protection Act* or the regulations made there under, namely:

Between April 15, 2010 and April 21, 2010 both dates inclusive, at or near the city of Surrey in the province of British Columbia that the suppliers, K.S. Auto Market Ltd., dba SK Automarket, Kenneth Shalinsky and Anthony Skarich did commit or engage in a deceptive act or practice by representing in writing and by their conduct:

- that the suppliers have a sponsorship, approval, status, affiliation or connection that the suppliers do not have;
- that the purpose or intent of a solicitation of, or a communication with, a consumer by the suppliers is for a purpose or intent that differs from the fact;
- that uses exaggeration, innuendo or ambiguity about a material fact or fails to state a material fact, if the effect is misleading;

specifically that the suppliers advertised motor vehicles for sale from a private residence, 2739 Cranley Drive, Surrey, BC to consumers and were displaying motor vehicles for sale and had no approval from the Motor Dealer Council dba Motor Vehicle Sales Authority contrary to section 5(1) of the *Business Practices and Consumer Protection Act* S.B.C.2004 c. 2 (BPCPA).

NOW THEREFORE the undersigned;

1. Hereby undertakes:

- (a) To comply with the *Business Practices and Consumer Protection Act* and the regulations made thereunder; and
- (b) To refrain from engaging in any acts or practices that represents that that the suppliers have a sponsorship, approval, status, affiliation or connection that the suppliers do not have; that the purpose or intent of a solicitation of, or a communication with, a consumer by the suppliers is for a purpose or intent that differs from the fact; that uses exaggeration, innuendo or ambiguity about a material fact or fails to state a material fact, if the effect is misleading;


FURTHERMORE, the undersigned;


2. Hereby undertakes:


- (a) To reimburse the Registrar the sum of \$440.95 for investigation costs relating to the subject matter of this Undertaking; and
- (b) To not advertise or sell any motor vehicle at a location other than the registered address of the licensed motor dealer.

THE UNDERSIGNED hereby acknowledges, represents and declares that they have each read this Undertaking and have had a reasonable 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: K.S. Auto Market Ltd., dba SK Automarket Dealer #9987 104 - 3050 King George Blvd., Surrey, B.C.V4P 1A2	
Date: <u>20 August 2010</u>	
Signature: 	Title: Dealer Principal
Kenneth Shalinsky Salesperson #104648	

Name: Kenneth Shalinsky Salesperson #104648 104 - 3050 King George Blvd., Surrey, B.C.V4P 1A2	
Date: <u>20 August 2010</u>	
Signature: 	Title: Dealer Principal
Kenneth Shalinsky Salesperson #104648	

Name: Anthony Skarich Salesperson Licence # 104647 104 - 3050 King George Blvd., Surrey, B.C.V4P 1A2	
Date: <u>20 August 2010</u>	
Signature: 	Title: Salesperson
Anthony Skarich Salesperson Licence # 104647	

ACCEPTED by the Registrar of Motor Dealers of British Columbia this 20 day of August 2010


Ian Christman - Registrar of Motor Dealers