



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: 10-70005

WHEREAS the undersigned Lake Country Motor Sports Ltd., John Dumaine and Myles Dumaine 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 supplier is contravening, is about to contravene or has contravened the *Business Practices and Consumer Protection Act* or the regulations made thereunder, namely:

It is alleged from the evidence gathered that between November 2nd, 2009 and April 21, 2010, both dates inclusive, at or near the district of Lake Country in the province of British Columbia that the suppliers, Lake Country Motor Sports Ltd., John Dumaine and Myles Jay Dumaine did commit or engage in a deceptive act or practice by representing by their oral representation or conduct with the consumer Michael Bull:

- that has the capability, tendency or effect of deceiving or misleading the consumer;
- that the purpose or intent of a solicitation of, or a communication with, the consumer by the suppliers is for a purpose or intent that differs from the fact;
- that a consumer transaction involves or does not involve rights, remedies or obligations that differ 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 required a \$200.00 good faith deposit from the consumer to hold a 1992 Ford Callista motor home VIN# 1FDKE30G6RHA18604 for examination by the consumer and the suppliers charged the consumer's credit card \$2,000.00 instead of \$200.00 and subsequently returned \$1,800.00 of the \$2,000.00 deposit to the consumer after the consumer declined to purchase the motor home contrary to section 5(1) of the *Business Practices and Consumer Protection Act* S.B.C.2004 c. 2 (BPCPA).

AND WHEREAS the undersigned does not admit but specifically denies the allegations as set forth above and is desirous of resolving the matter without the need of a formal hearing;

AND WHEREAS the undersigned has refunded the consumer the remaining \$200.00;

NOW THEREFORE the undersigned hereby undertakes:

- (a) To comply with the *Business Practices and Consumer Protection Act* and the regulations made thereunder;

VEHICLE SALES AUTHORITY OF B.C.

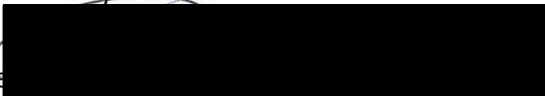

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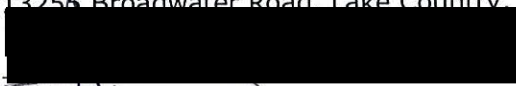
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- (b) To ensure that all conditions respecting a refund of a deposit are disclosed to the consumer; and
- (c) To ensure that the dealer takes deposits in the amount agreed to with the consumer and immediately provides that consumer with a copy of a receipt including a copy of any credit or debit card slip.
- (d) To ensure that being a condition of licensing John Dumaine shall within 90 days take the VSA Salesperson Certification Course - Level II put on by the Motor Vehicles Sales Authority of BC (formerly the Motor Dealer Council of BC);
- (e) To reimburse the Registrar a total of \$2,000.00 for inspection/investigating hearing costs relating the subject matter of this Undertaking,
- (f) To pay an Administrative Penalty in the amount of \$500.00 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 reasonable opportunity to obtain independent legal advice as to its terms and that if this Undertaking is given by two or more persons, all the persons named in the Undertaking are jointly and severally responsible for complying with the Undertaking and are jointly and severally liable for the payment of any amounts under the Undertaking.

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

Name:	Lake Country Motor Sports Ltd. Dealer No. 9740 9558 - Glenmore Road Lake Country, BC V4V 1M5		
Signature:		Date:	Oct 4 2010
	John Dumaine Title: President, Dealer Principal & Salesperson #103631 13255 Broadwater Road, Lake Country, BC V4V 2A5		
Signature:		Date:	Oct 4 2010
	Susan Dumaine Title: Secretary & Dealer Principal 13255 Broadwater Road, Lake Country, BC V4V 2A5		

Name:	Myles Dumaine Salesperson #114257 13255 Broadwater Road, Lake Country, BC V4V 2A5		
Signature:		Date:	Oct 4 2010
	Title: Salesperson		

ACCEPTED by the Registrar of Motor Dealers of British Columbia this 6 day of October 2010



Ian Christman - Registrar of Motor Dealers

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