



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: 10-70482

WHEREAS the undersigned Richmond Chrysler Dodge Jeep Ltd. 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 suppliers are contravening, are about to contravene or have contravened the *Business Practices and Consumer Protection Act* or the regulations made hereunder, namely:

ALLEGATION:

It is alleged from the evidence gathered that between September 29, 2010 and October 6, 2010 at or near Richmond and Vancouver in the province of British Columbia that Richmond Chrysler Dodge Jeep Ltd. (the "Supplier") did commit or engage in a deceptive act or practice that has the capability, tendency or effect of deceiving or misleading a consumer;

Specifically, that Supplier did represent orally, in writing or by their conduct in an advertisement in The Richmond News dated September 29, 2010 and on Vancouver Clear FM Radio Station 104.9 that if you purchased a vehicle from the Supplier a consumer would have the opportunity to win \$10,000.00 in the Supplier's Home of the Ten Thousand Dollar Giveaway when the Supplier was not approved or authorized to conduct such a lottery scheme under the Criminal Code

The above conduct is a deceptive act or practice under the BPCPA either under the general definition of "deceptive act or practice" or is deemed a deceptive act or practice under section 4 of the BPCPA, including the following sections:

4(3) Without limiting subsection (1), one or more of the following constitutes a deceptive act or practice:

- (a) a representation by a supplier that goods or services...
 - (i) have sponsorship, approval, performance characteristics, accessories, ingredients, quantities, components, uses or benefits that they do not have.
 - (iv) are available for a reason that differs from the fact

(b) a representation by a supplier...

- (iv) that a consumer transaction involves or does not involve rights, remedies or obligations that differs from the fact,
- (v) that uses exaggeration, innuendo or ambiguity about a material fact or that fails to state a material fact, if the effect is misleading,


The above alleged conduct may be in contravention of section 5(1) of the *Business Practices and Consumer Protection Act* S.B.C.2004 c. 2 (BPCPA)

NOW THEREFORE the undersigned hereby undertakes

1. To comply with the *Business Practices and Consumer Protection Act* and the regulations made thereunder;
2. To refrain from engaging in the following deceptive acts or practices:
 - (i) have sponsorship, approval, performance characteristics, accessories, ingredients, quantities, components, uses or benefits that they do not have
 - (ii) are available for a reason that differs from the fact
 - (iii) misleading consumers that they may win money if they purchase a motor vehicle from the Supplier when such a prize is not authorized;
 - (iv) that a consumer transaction involves or does not involve rights, remedies or obligations that differ from the fact;and
 - (v) that uses exaggeration, innuendo or ambiguity about a material fact or fails to state a material fact, if the effect is misleading.
3. To reimburse the Registrar a total of \$276.13 for inspection/investigating costs relating the subject matter of this Undertaking,
4. To pay an Administrative Penalty in the amount of \$1,000.00 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 reasonable opportunity to obtain independent legal advice as to its terms.

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: Richmond Chrysler Dodge Jeep Ltd. Dealer #30806 5491 Parkwood Way, Richmond, BC V6V 2M9	
Date: <u>Oct 18/10</u>	
Signature: 	Title: General Manager
Michael Gignac	

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

Ian Christman - Registrar