



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: 09-70258

WHEREAS the undersigned Auto Canada Northtown Auto GP Inc. A General Partner of Northtown Auto LP, DBA Northland Chrysler Jeep Dodge 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 may be or may have contravened the *Business Practices and Consumer Protection Act* (BPCPA) or the regulations made thereunder, namely:

On or about September 2009 at or near the city of Prince George in the province of British Columbia Judge M.A. Gray of the Provincial Court of British Columbia issued a judgment that found Northtown to have committed an unconscionable act or practice between September 26 and 27, 2007 in the sale of a 2004 Dodge Grand Caravan to Samy Hanna contrary to Part 2, Section 9(1) of the *Business Practices and Consumer Protection Act* S.B.C.2004 c. 2 (BPCPA) and no appeal having been taken and the time to appeal having expired:

AND WHEREAS the undersigned is desirous of resolving this matter without the need for any formal adjudication on whether an administrative penalty should be imposed on the motor dealer pursuant to sections 8.1 of the Motor Dealer Act, section 29 of the Motor Dealer Act Regulation and section 164 of the BPCPA

THE UNDERSIGNED has instituted the following procedures to minimize any occurrence of the subject matter of this undertaking:

1. Ensure each consumer receives a clear and verbal explanation of the contents of all sales documents to be signed by the consumer;
2. The Dealership will implement a specific disclosure statement, acceptable to the MVSA, and offer to use it in all retail vehicle sales transactions, which by its terms will have the customer confirm they fully understand the transaction.
3. Ensure that even after conducting the procedures listed in 1 and 2 above, if the consumer advises that they are still unclear or do not understand the documents, the undersigned will provide the consumer an opportunity to have a relative, friend or independent person explain any documents to the consumer prior to the consumer signing the contract. (AutoCanada currently exploring internal control procedures which would involve a person independent from the sales transaction being available to review transaction with consumer


when necessary or questionable as to consumer's ability to fully understand the transaction.)

NOW THEREFORE the undersigned hereby undertakes:

- (a) To comply with the *Business Practices and Consumer Protection Act* and the regulations made there under;
- (b) To ensure all employees comply with the *Business Practices and Consumer Protection Act* and the regulations made there under; and
- (c) To adopt the procedures referred to in 1, 2 and 3 above to ensure that all consumers receive a clear explanation of the contents of all documents required to be signed.

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: Auto Canada Northtown Auto GP Inc. A General Partner of Northtown Auto LP, DBA Northland Chrysler Jeep Dodge Dealer # 30541 1995 – 20 th Avenue, Prince George, BC V2L 5R7	
Date: <u>OCT 23, 2010</u>	
Signature: 	Title: General Manager
Brent Marshall	

ACCEPTED by the Registrar of Motor Dealers of British Columbia this 4 day of November 2010


Ian Christman - Registrar of Motor Dealers