



IN THE MATTER OF THE *MOTOR DEALER ACT* R.S.B.C. 1996 c. 316

RE:

[Park Avenue Enterprises Ltd. DBA The Honda Way, Registration # 8292]

UNDERTAKING

WHEREAS Park Avenue Enterprises Ltd. DBA The Honda Way, Registration # 8292 (the "Dealer") is a "registered motor dealer" as defined under the *Motor Dealer Act* R.S.B.C. 1996 c. 316 (the "Act").

AND WHEREAS the "Registrar of Motor Dealers", as defined under the Act, (the "Registrar") is responsible for the administration and enforcement of the Act, its regulations and prescribed provisions of the *Business Practices and Consumer Protection Act* S.B.C. 2004 c. 2.

AND WHEREAS the Registrar has initiated an investigation involving the Dealer's conduct and the following alleged contravention [**Section 4 (4) of the MDA**]:

- 1) A condition was placed on your motor dealer licence that was issued by the Registrar of Motor Dealers and the Motor Vehicle Sales Authority of BC (VSA). This condition states "Conditional upon all staff, management, and other representatives involved in retail vehicle sales holding a valid salesperson licence issued by the VSA." The VSA has evidence that the dealership has failed to fulfill this condition.

AND WHEREAS the Dealer wishes to resolve this issue voluntarily by entering into this Undertaking.


THE DEALER HEREBY UNDERTAKES TO:

- 1) Implement the policy as outlined in the Dealer's notarized letter to the VSA dated February 17, 2011. This policy outlines a system to ensure all employees who act as "salespersons" as defined in the Act, are properly licensed before they do so.
- 2) Provide to the VSA a monthly record of all dealership staff that are/were involved in motor vehicle sales for that month. Each monthly record will include the name, birth date, start date, end date (if applicable) and VSA Salesperson Licence number of each staff member. This record will be provided to the VSA Licensing Department no later than 7 days after the end of the month.
- 3) Pay to the Registrar the sum of \$1224.50 which are the costs for investigating this matter, by March 28.

THE DEALER ACKNOWLEDGES THAT:

- 1) This Undertaking is being entered into by the Dealer voluntarily.
- 2) The Dealer has had an opportunity to obtain legal advice as to the terms of this Undertaking.
- 3) The Registrar will make it a condition of the Dealer's registration to abide by and carry out the terms of this Undertaking.
- 4) The Registrar will take steps to monitor and enforce this Undertaking. Enforcement can include, but is not limited to, court action to obtain a compliance order, or the suspension or cancelation of the Dealer's registration.
- 5) This Undertaking and the condition placed on the Dealer's registration may be reviewed in one year.

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):

Dealer Name: <u>PARK AVENUE ENTERPRISES LTD, DR# THE HONDA WAY</u>	
<u>WAYNE D. ANDERSON</u> (Print the name and title of Dealer's authorized representative)	
Signature: 	Date: <u>28 FEBRUARY</u> 2011.

ACCEPTED by the Registrar of Motor Dealers this 11 day of March 2011.



Ian Christman - Registrar of Motor Dealers or his delegate

The Motor Vehicle Sales Authority of B.C.
(formerly known as the Motor Dealer Council of B.C.)
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