



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 Files: 12-70195

WHEREAS the undersigned Sea to Sky Ford Sales Limited, Licensed Salesperson Todd Chilton 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* (BPCPA) or the regulations made thereunder, namely:

Section 5(1) BPCP: (Sections 4(1) and 4(3)(a)(i to viii) 4(3)(b)(i to ix) and/or 4(3)(c)(i to iii) and or Section 9(1).

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 Motor Dealer Act or the regulations made thereunder, namely:

Section 3.1(b) of the Motor Dealer Act, section 6(c), 21(2) (e) and (f), 22 and 27 of the Motor Dealer Act Regulation.

Item #1

Between April 15, 2012 and April 26, 2012, both dates inclusive at or near the city of Squamish in the Province of British Columbia, Sea to Sky Ford Sales Limited and Todd Chilton (the "Suppliers") did in relation to a consumer transaction contravene sections 4, 5,8 and 9 of the Business Practices and Consumer Protection Act (BPCPA) by making an oral, written, visual, descriptive or other representation or conduct by the Suppliers in an offer of sale to Carrie VanDokkumburg and Daryl Dunn (the "Purchasers") that had the capacity, tendency or effect of misleading consumers in general and the Purchaser specifically:

The Suppliers allowed Angus Campbell Ramage to take a 2002 Mazda Protégé VIN # JMB1B245921532304 ("the Motor Vehicle") belonging to the Suppliers and which Ramage:

(a) misrepresented the condition of the Motor Vehicle and the previous history of the Motor Vehicle to the Purchaser; and

(b) offered to sell the Motor Vehicle away from the Supplier's registered business premises without obtaining the prior approval of the Registrar.

The Suppliers acted in such a way that Ramage was acting as their employee or otherwise as their agent in offering the Motor Vehicle for sale to the Purchaser.

AND WHEREAS Sea to Sky Ford Sales Limited and Todd Chilton are desirous of resolving this matter without the need for any formal adjudication of the above allegations.

AND WHEREAS Sea to Sky Ford Sales Limited has completed a system review of its operations and made procedural changes satisfactory to the Registrar.

NOW THEREFORE Sea to Sky Ford Sales Limited and Todd Chilton each undertakes:

- a) To comply with the *Business Practices and Consumer Protection Act* and the regulations made there under;
- b) To ensure all material facts are disclosed to consumers prior to purchase of any motor vehicle;
- c) To comply with the Motor Dealer Act and the regulations;
- d) To comply with the Motor Vehicle Act and the regulations.

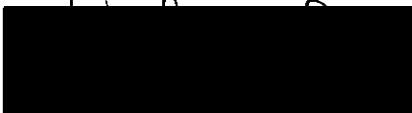
AND THEREFORE the undersigned

- a) Sea to Sky Ford Sales Limited undertakes to reimburse the Registrar a total of \$1,539.10 for inspection/investigation and legal costs relating to the subject matter of this Undertaking; and
- b) Sea to Sky Ford Sales Limited undertakes to pay an Administrative Penalty in the amount of \$2,000 in relation to the issue covered in this undertaking.
- c) Todd Chilton undertakes to pay an Administrative Penalty of \$750.00

THE UNDERSIGNED hereby acknowledges, represents and declares that he has read this Undertaking and has had a reasonable opportunity to obtain independent legal advice as to its terms.

THE UNDERSIGNED further hereby acknowledges that the availability of an undertaking to resolve any future similar allegations or contraventions may be unavailable; and that any similar allegations may be reviewed by the Registrar of Motor Dealers at a formal hearing to consider the allegations.

IN WITNESS WHEREOF the undersigned has set his hand:

Name: Sea to Sky Ford Sales Limited	
Signature: 	Date: <u>25</u> May 2012
Dave Michnik	
Name: Todd Chilton	
Signature: 	Date: <u>25</u> May 2012
Todd Chilton	

ACCEPTED by the Registrar of Motor Dealers of British Columbia this 31 day of May 2012



Ian Christman - Registrar of Motor Dealers