



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: 11-70649

WHEREAS the undersigned Basant Motors Limited, Baldev Bath Slaesperson #100008 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 8(1) and 8(2) and 8(3) (a to F) and or Section 9 or other section.

Item #1

On or about the 1st of May 2011 at or near Surrey in the Province of British Columbia, Basant Motors (Motor Dealer), Baldev Bath (Sales Person), Jaswinder Pal Singh Shinh (Sales Person) and Gurpreet Singh Kang (Sales Person) did in relation to a consumer transaction contravene sections 4 and 5 of the Business Practices and Consumer Protection Act (BPCPA) by making an oral, written, visual, descriptive or other representation or conduct by the Supplier to a consumer that had the capability, tendency or effect of misleading Harpreet Nirwan ("the Consumer") in the purchase of a 2004 BMW 545, VIN WBANB335X4B107718 ("the Motor Vehicle) specifically the Suppliers: Sold the Consumer the Motor Vehicle and who subsequently found that the Motor Vehicle was unsafe for transportation. The suppliers advised the Consumer that the vehicle had not been in any accidents subsequently significant dangerous defects to the undercarriage resulting in serious safety concerns. The Suppliers at the time of the sale represented the Motor Vehicle as safe for transportation to the consumer and the Supplier ought to have known that the Motor Vehicle was unsafe for transportation.

Item #2

On or about the 8th of October 2011 at or near Surrey in the Province of British Columbia ,Basant Motors (Motor Dealer), Baldev Bath (Sales Person), Balram Singh Sidhu (Sales Person) and Gurpreet Singh Kang (Sales Person) did in relation to a consumer transaction contravene sections 4 and 5 of the Business Practices and Consumer Protection Act (BPCPA) by making an oral, written, visual, descriptive or other representation or conduct by the Supplier to a consumer that had the capability, tendency or effect of misleading Bryce and Shondra Johnson ("the Consumer") in the purchase of a 2004 BMW 545, VIN WBANB335X4B107718 ("the Motor Vehicle) specifically the Suppliers: Sold the Consumer the Motor Vehicle and who subsequently found that the Motor Vehicle was unsafe for transportation. The suppliers advised the Consumer that the vehicle had not been in any accidents subsequently significant dangerous defects to the undercarriage resulting in serious safety concerns. The Suppliers at the time of the sale represented the Motor Vehicle as safe for transportation to the consumer and the Supplier ought to have known that the Motor Vehicle was unsafe for transportation.

Item #3

Between the 1st of March 2011 and the 12th of June 2012 at or near Surrey in the Province of British Columbia ,Basant Motors (Motor Dealer), Baldev Bath (Sales Person) and Gurpreet Singh Kang (Sales Person) did contravene Section 4(4) of the Motor Dealer Act. Kang was employed by the Motor Dealer in the capacity of a Sales Person and was not licensed to do so. The Motor Dealer license is conditional upon all staff, management, and other representatives involved in retail sales holding a valid salesperson license issued by the Motor Vehicle Sales Authority.

AND WHEREAS Basant Motors Limited is desirous of resolving this matter without the need for any formal adjudication of the above allegations.

AND WHEREAS, Basant Motors Limited has resolved the consumer monetary complaints to the satisfaction of those consumers and the Registrar.

AND WHEREAS Basant Motors Limited has completed a system review of its operations and made procedural changes satisfactory to the Registrar.

NOW THEREFORE Basant Motors Limited and Baldev Bath 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 inspect all vehicles offered for sale prior to sale, to the standard of a Licensed Inspection Facility for a period of six months from the date of this undertaking and to maintain record of the inspections in the dealer file.

AND THEREFORE the undersigned

- a) Basant Motors Limited undertakes to reimburse the Registrar a total of \$2,381.36 for inspection/investigation and legal costs relating to the subject matter of this Undertaking; and
- b) Basant Motors Limited undertakes to pay an Administrative Penalty in the amount of \$2,500 in relation to the issue covered in this undertaking.
- c) Baldev Bath 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: Basant Motors Limited

Signature: _____



Date: 11 October 2012

Baldev Bath (Owner)

Name: Baldev Bath

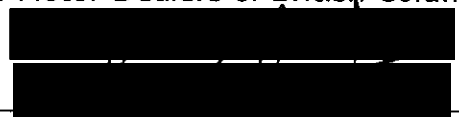
Signature: _____



Date: 11 October 2012

Baldev Bath

ACCEPTED by the Registrar of Motor Dealers of British Columbia this 12 day of October 2012



Ian Christman - Registrar of Motor Dealers