



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: 12-70545

WHEREAS the undersigned Marine Drive Imported Cars Ltd. dba Vancouver Honda #8185 and Ray Luetzen (General Manager) 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).

Specifically:

On or about the 20th day of July 2011 at or near Vancouver in the Province of British Columbia, Marine Drive Imported Cars Ltd. dba Vancouver Honda (Motor Dealer), Hugh Hung Fat Wong (Sales Person#110606), Kin-Cheung "Danny" Ma (Sales Person#108455) and Ray Leutzen (Sales Person Unlicensed) 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 Heidi Farnola and Derek Thistlewaite ("the Consumers") in the purchase of a 2004 Volkswagon Golf, VIN 9BWGL21J244025107("the Motor Vehicle) specifically the Suppliers: Sold the Consumer the Motor Vehicle and represented it to be in good working order, which had been in an small front end collision with damage to the engine and front center of the Motor Vehicle but no damage to the frame. The Suppliers at the time of the sale misrepresented the condition and history of the Motor Vehicle to the consumer and the Supplier ought to have known that the Motor Vehicle had been in several accidents previously, resulting in serious damage to the frame and front end shocks installed incorrectly. There was also some welding done on the frame.

AND WHEREAS Marine Drive Imported Cars Ltd. dba Vancouver Honda is desirous of resolving this matter without the need for any formal adjudication of the above allegations.

AND WHEREAS, Marine Drive Imported Cars Ltd. dba Vancouver Honda resolves the consumer monetary complaint to the satisfaction of the consumers and the Registrar by making the consumer whole again.

AND WHEREAS Marine Drive Imported Cars Ltd. dba Vancouver Honda has completed a system review of its operations and made procedural changes satisfactory to the Registrar.

NOW THEREFORE Marine Drive Imported Cars Ltd. dba Vancouver Honda and Ray Luetzen 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 resolve the consumer monetary complaint to the satisfaction of the consumers and the Registrar by making the consumer whole again by reimbursing the consumer the purchase price of the vehicle plus taxes.
- d) To inspect all vehicles offered for sale prior to sale at an independent Government Licensed Inspection Facility for a period of six months from the date of this undertaking and to maintain records of the inspections in the dealer file. (All used vehicles to be inspected prior to sale).
- e) To ensure that all employees who act as "salespersons" as defined in the Act, are properly licensed before they do so.

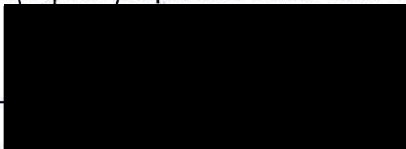

AND THEREFORE the undersigned

- a) Marine Drive Imported Cars Ltd. dba Vancouver Honda undertakes to reimburse the Registrar a total of \$1641.22 for inspection/investigation and legal costs relating to the subject matter of this Undertaking; and
- b) Marine Drive Imported Cars Ltd. dba Vancouver Honda undertakes to pay an Administrative Penalty in the amount of \$2500 in relation to the issue covered in this Undertaking.
- c) Ray Luetzen, General Manager, undertakes to pay an Administrative Penalty of \$250.00.

THE UNDERSIGNED hereby acknowledges, represents and declares that he or she 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: Marine Drive Imported Cars Ltd. dba Vancouver Honda	
Signature: 	Date: <u>28</u> February 2013
Ray Luetzen (General Manager)	
Name: Ray Luetzen	
Signature: 	Date: <u>28</u> February 2013
Ray Luetzen (General Manager)	

ACCEPTED by the Registrar of Motor Dealers of British Columbia this 28 day of February 2013


Ian Christman - Registrar of Motor Dealers