



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: 13-70719

WHEREAS the undersigned Bill Howich Chrysler Ltd. (Dealer# 9332) William Michael Howich (Salesperson #106571) and Steve Glen Isaac (Salesperson #120923) 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).

Section 20 and 21(1), Section 21(2), Section 21(3) and Section 23 of the Motor Dealer Act Regulation.

Specifically:

#1

1. On or about September 29, 2012 at or near Campbell River in the Province of British Columbia, Bill Howich Chrysler Ltd., William Michael Howich and Steve Glen Isaac (the "Suppliers") 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 to a consumer that had the capability, tendency or effect of misleading Charles LeBlanc (the "Consumer") in the purchase of a 1999 Thor Trailer Vin #WXTN2326XC216174 (the "Motor Vehicle") specifically:

- Misrepresenting the true condition of the Motor Vehicle by failing to disclose that there was wood rot present in the rear of the Motor Vehicle.

2. On or about September 29, 2012 at or near Campbell River in the Province of British Columbia, Bill Howich Chrysler Ltd., William Michael Howich and Steve Glen Isaac (the "Suppliers") did in relation to a consumer transaction with Charles LeBlanc (the "Consumer") in the purchase of a 1999 Thor Trailer Vin #WXTN2326XC216174 (the "Motor Vehicle") contravene sections 8 and 9 of the Business Practices and Consumer Protection Act (BPCPA) by committing an unconscionable act or practice, specifically the Suppliers:

- Pressured the Consumer to purchase with urgency contrary to the Consumer's feelings and the Consumer's request to come back on the following Monday to complete the transaction.
- Took advantage of the Consumer's inability or incapacity to reasonably protect his interest because of the Consumer's age.

AND WHEREAS, Bill Howich Chrysler Ltd. is desirous of resolving this matter without the need for any formal adjudication of the above allegations.

AND WHEREAS, Bill Howich Chrysler Ltd. will resolve the consumer monetary complaint to the satisfaction of the consumer and the Registrar by making the consumer whole again.

AND WHEREAS, Bill Howich Chrysler Ltd. has completed a system review of its operations and made procedural changes satisfactory to the Registrar.

NOW THEREFORE Bill Howich Chrysler Ltd. and William Michael Howich 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 consumer prior to purchase of any motor vehicle;
- c) To resolve the consumer monetary complaint to the satisfaction of the consumer and the Registrar by making the consumer whole again by reimbursing the consumer the purchase price of the motor vehicle plus taxes for a total of \$9,712.00.
- d) To have written policy in place to complete a structural assessment **and** safety inspection with all used R.V's by trained RV technicians.
- e) To have written policy in place that the hand written inspection document of any of these units which does not pass the structural assessment and safety inspection be legibly signed and dated by the technician and by a manager after review.
- f) To have written policy to advise consumers of any issues detected involving dry rot noted in a unit and have the consumer acknowledge the issues by detailing those issues and signing that they were advised of the issues prior to purchase

- g) To have written policy that any RV's that do not pass a structural assessment be sold as a "Not suitable for transportation parts only" unit.
- h) To provide the Registrar with copies of the policies outlined in this document and have all salespersons sign off has having read the policy documents.

AND THEREFORE the undersigned


- a) Bill Howich Chrysler Ltd. undertakes to reimburse the Registrar a total of \$1,246.00 for inspection/investigation and legal costs relating to the subject matter of this Undertaking; and
- b) Bill Howich Chrysler Ltd. undertakes to pay an Administrative Penalty in the amount of \$2,000 in relation to the issue covered in this Undertaking.

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: Bill Howich Chrysler Ltd

Signature:  Date: June 11, 2013

William Michael Howich

Name: William Michael Howich

Signature:  Date: June 11, 2013

William Michael Howich

ACCEPTED by the Registrar of Motor Dealers of British Columbia this 11 day of June 2013


Ian Christman - Registrar of Motor Dealers