



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: 12-70721**

**WHEREAS** the undersigned What Key Auto Sales Ltd. (Dealer #29736) and Wade Bryan Wutke (Salesperson #103885) 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 2, 4, 6 and 7 of the Salesperson Licensing Regulation.

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

Section 222 and 223 of the Motor Vehicle Safety Act.

**Specifically:**

On or about August 21, 2011 at the city of Langley in the Province of British Columbia, What Key Auto Sales Ltd., Wade Bryan Wutke, Edward O Zachariuk, Andreas and Matt Wood did, in writing or by their conduct, commit or engage in an oral, visual, descriptive or other representation by a supplier or any conduct of the supplier that has the capability, tendency or effect of deceiving or misleading a consumer. Specifically, the supplier represented in writing or by their conduct to the purchasers Roger and Monica Pain that the 2002 Dodge Dakota VIN 1B7GG32N52S691294 they purchased was safe to operate on the highway knowing that it was not.

Under Section 4(4) of the *Motor Dealer Act*, a condition was placed on their current and previous year's 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.

On or about August 21, 2011 at the City of Langley in the Province of British Columbia, What Key Auto Sales Ltd., Wade Bryan Wutke, Edward O Zachariuk, Andreas and Matt Wood allowed Edward O Zachariuk, to engage in the sale of the 2002 Dodge Dakota VIN 1B7GG32N52S691294 to Roger and Monica Pain on behalf of What Key Auto Sales Ltd. Contrary to section 2(2) of the *Salesperson Licensing Regulation* and the definition of a salesperson under section 1(1) of the *Motor Dealer Act* and as such it may not be in the public interest to allow What Key Auto Sales Ltd. to continue to be a registered motor dealer or that the registration of What Key Auto Sales Ltd. should be suspended or conditions added to its registration in accordance with sections 5 and 6 of the *Motor Dealer Act*.

**AND WHEREAS**, What Key Auto Sales Ltd. and Wade Bryan Wutke are desirous of resolving this matter without the need for any formal adjudication of the above allegations.

**AND WHEREAS**, What Key Auto Sales Ltd. has completed a system review of its operations and made procedural changes satisfactory to the Registrar to ensure compliance with *Business Practices and Consumer Protection Act* (BPCPA).

**NOW THEREFORE** What Key Auto Sales Ltd. and Wade Bryan Wutke each undertakes:


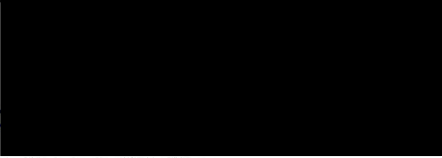
- a) To comply with the *Business Practices and Consumer Protection Act* and the regulations made there under;
- b) To ensure that all salespersons are licensed and registered with the Motor Vehicle Sales Authority.
- c) To act in a professional manner while dealing with consumers and the staff at the Motor Vehicle Sales Authority.
- d) To have written policy in place to ensure that all vehicles sold by the Dealer or the staff of the Dealer are compliant with section 222 and 223 of the Motor Vehicle Safety Act.
- e) 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** 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. What Key Auto Sales Ltd.	
Signature: _____	Date: June <u>28</u> , 2013
Name: Wade Bryan Wutke	
Signature: _____	Date: June <u>28</u> , 2013
Wade Bryan Wutke	

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



Ian Christman - Registrar of Motor Dealers