



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: 12-70664**

**WHEREAS** the undersigned Direct Installations Inc. dba Motor Trend's Auto Group (Dealer #30859), Donald Soo (Salesperson #111250), Divan Kaur Nair (Salesperson #108135 - cancelled) and Ross Ike Hwang (Salesperson #113971) are each a "supplier" within the meaning of subsection 1(1) of the *Business Practices and Consumer Protection Act* ("BPCPA");

**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 BPCPA or the regulations made thereunder, namely: Section 5(1) BPCPA: (Sections 4(1) and 4(3)(a)(i to viii), 4(3)(b)(i to ix) and/or 4(3)(c)(i to iii). MDA Salesperson Licensing Regulation Section 4 – Conditions on License pursuant to section 6 and 7 or whether salesperson should be licensed.

**Specifically:**

1. Between July 1st, 2012 and October 19<sup>th</sup> 2012, at or near Richmond in the Province of British Columbia, Direct Installations Inc. dba Motor Trend's Auto Group, Ross Ike Hwang, Donald Soo and Divan Kaur Nair (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 Huiqing Yang (the "Consumer") in the purchase of a 2008 Maserati Granturismo VIN # unknown (the "Motor Vehicle") specifically:
  - Collecting a \$5,000 deposit from the Huiqing Yang for the purchase of a vehicle not identified by a vehicle identification number and then amending the terms of the purchase agreement without the knowledge of the Consumer and failed to reimburse the Consumer when the purchase was not completed.

2. Between July 1st, 2012 and October 19th, 2012, at or near Richmond in the Province of British Columbia, Direct Installations Inc. dba Motor Trend's Auto Group allowed, while carrying on business as a registered motor dealer, unlicensed salesperson Divan Kaur Nair to sell motor vehicles contrary to the conditions as set forth on the Motor Dealer Licence #30859 for the period June 3, 2012 to June 3, 2013.

**AND WHEREAS**, Direct Installations Inc. dba Motor Trend's Auto Group is desirous of resolving this matter without the need for any formal adjudication of the above allegations.

**AND WHEREAS**, Direct Installations Inc. dba Motor Trend's Auto Group will resolve the consumer monetary complaint to the satisfaction of the consumer and the Registrar by making the consumer whole again.

**AND WHEREAS**, Direct Installations Inc. dba Motor Trend's Auto Group has completed a system review of its operations and made procedural changes satisfactory to the Registrar.

**NOW THEREFORE** Direct Installations Inc. dba Motor Trend's Auto Group and Don Soo 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 ensure that all Purchase Agreements are completed in full at the time of the sale of a motor vehicle.
- d) 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 deposit on the motor vehicle for a total of \$5,000.00.
- e) To ensure that all persons involved in transactions involving the sale of motor vehicles be licensed with the Motor Vehicle Sales Authority and in particular Divan Kaur Nair.
- f) 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

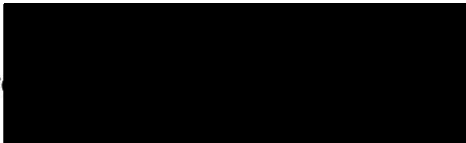
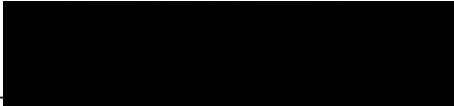
- a) Direct Installations Inc. dba Motor Trend's Auto Group undertakes to reimburse the Registrar a total of \$661.64 for inspection/investigation and legal costs relating to the subject matter of this Undertaking; and

b) Direct Installations Inc. dba Motor Trend's Auto Group 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: Direct Installations Inc. dba Motor Trend's Auto Group	
Signature: 	Date: July <u>11</u> , 2013
Don Soo	
Name: Don Soo	
Signature: 	Date: July <u>11</u> , 2013
Don Soo	

**ACCEPTED** by the Registrar of Motor Dealers of British Columbia this 12 day of July 2013

  
\_\_\_\_\_  
Ian Christman - Registrar of Motor Dealers