



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 Investigation Files: 13-04-034 and 13-05-037  
VSA Hearing Files: 13-09-008 and 13-09-009**

**WHEREAS** the undersigned Golden Year Auto Broker (Dealer #30468) and Bo (Bill) Pan (Salesperson #107597) and Wen Li Xu 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* (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); Section 20 and 21(1), Section 21(2), Section 21(3) and Section 23 of the Motor Dealer Act Regulation; Section 2(2) of the Salesperson Licensing Regulation; and Section 222 Motor Vehicle Act

**Specifically:**

**#1**

On or about the 5<sup>th</sup> day of June 2010, at or near New Westminster in the Province of British Columbia, Bo (Bill) Pan (Salesperson #107597) and Wen Li Xu (Dealer) did in relation to a consumer transaction contravene sections 4 and 5 of the 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 Alison Bratton (the "Consumer") in the purchase of a 2007 Honda Civic, VIN 2HGFG11647H006745 (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 were aware that the Motor Vehicle was a rebuilt vehicle. The Motor Vehicle was inspected independently after the sale and found to be unsafe and not suitable for transportation due to frame damage repair and quality of the rebuild not meeting the required standards to make the Motor Vehicle suitable/safe for transportation. 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.

**#2**

On or about the 9<sup>th</sup> day of May 2012, at or near New Westminster in the Province of British Columbia, Bo (Bill) Pan (Salesperson) and Wen Li Xu (Dealer) did in relation to a consumer transaction contravene sections 4 and 5 of the 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 Iryna Saranchova (the "Consumer") in the purchase of a 2011 Mazda 3, VIN JM1BL1UF4B1468167 (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 were aware that the Motor Vehicle was a rebuilt vehicle. The Motor Vehicle was inspected independently after the sale and found to be unsafe and not suitable for transportation due to engine motor mount repair and quality of the rebuild not meeting the required standards to make the Motor Vehicle suitable/safe for transportation. 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.

**AND WHEREAS**, Golden Year Auto Broker is desirous of resolving this matters without the need for any formal adjudication of the above allegations.

**AND WHEREAS**, Golden Year Auto Broker will resolve the consumers monetary complaint to the satisfaction of the consumers and the Registrar by making the consumers whole again.

**AND WHEREAS**, Golden Year Auto Broker has completed a system review of its operations and made procedural changes satisfactory to the Registrar.

**NOW THEREFORE** Golden Year Auto Broker (Dealer #30468), Bo (Bill) Pan and Wen Li Xu 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 complaints to the satisfaction of the consumer, Alison Bratton, 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 \$8,960.00
- d) To ensure that the 2007 Honda Civic, VIN 2HGFG11647H006745 is repaired and meets the requirements of the West Coast Inspection prior to re-sale.
- e) To resolve the consumer monetary complaint to the satisfaction of the consumer, Iryna Saranchova, and the Registrar by reimbursing the consumer the cost of the repair and towing on the 2011 Mazda 3, VIN JM1BL1UF4B1468167 plus taxes for a total of \$1,692.69 and further agrees to complete the repairs to the Motor vehicle by replacing the exhaust manifold, the catalytic converter and completing a four wheel alignment and having the motor vehicle re-inspected by a Government Licensed Inspection Facility to ensure the repairs are completed properly.
- f) To inspect all motor 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).

- g) To ensure that all persons involved in consumer transactions are licensed Salespersons under the Motor Dealer Act.
- h) To ensure that a minimum of two years of business records are maintained and available at the dealer location and are available for inspection upon request in accordance with Section 20 of the Motor Dealer Act Regulations.
- i) To ensure that all motor vehicle sales are documented on an approved Purchase Agreement which complies with the Motor Dealer Act and the Regulations.

**AND THEREFORE** the undersigned

- a) Golden Year Auto Broker to reimburse the Registrar a total of \$2,679.84 for inspection/investigation and legal costs relating to the subject matter of this Undertaking; and
- b) Golden Year Auto Broker undertakes to pay an Administrative Penalty in the amount of \$1,000 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: Golden Year Auto Broker	
Signature: 	Date: September <u>29</u> , 2013
Name: Bo (Bill) Pan and Wen Li Xu	
Signature: 	Date: September <u>24</u> , 2013

**ACCEPTED** by the Registrar of Motor Dealers of British Columbia this 24 day of September 2013



Ian Christman - Registrar of Motor Dealers