



Vehicle Sales Authority  
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 File #:14-07-020  
VSA Hearing File #:14-09-002**

**WHEREAS** the undersigned Green Island G Auto Ltd. *dba* Peter Baljet Chevrolet Buick GMC #31289 and Brian Bellis Salesperson #105497, and Kelly Ann Gariepy Salesperson #200541, and Ross McCauley Salesperson #105420, and Craig Sabourin Salesperson #200796 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: Sections 5(1) BPCPA, deceptive acts and practices as defined or deemed by sections 4(1); 4(3)(a)(i to viii) 4(3)(b)(i to ix); and/or 4(3)(c)(i to iii).

**Specifically:**

1. On or about December 7, 2013, at or near Duncan in the Province of British Columbia, Green Island G Auto Ltd. *dba* Peter Baljet Chevrolet Buick GMC (Dealer #31289), Brian Bellis (SP #105497), Kelly Ann Gariepy (SP #200541), Ross McCauley (SP #105420), and Craig Sabourin (SP #200796) (collectively 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 that had the capability, tendency or effect of misleading Herbert Jacob Mosimann (the "Consumer") in the purchase of a 2013 Chevrolet Silverado 1500 VIN #1GCRKREAXDZ140212 (the "Motor Vehicle") and specifically:

- Misrepresented the Consumer's income on a loan application to the bank; and
- Misrepresented thru error the monthly payment of \$288.49 on the purchase agreement and then charged this Consumer the payment bi-weekly.

**AND WHEREAS**, Peter Baljet Chevrolet Buick GMC is desirous of resolving this matter without the need for any formal adjudication of the above allegations.

**AND WHEREAS,** Peter Baljet Chevrolet Buick GMC has resolved the consumer monetary complaint to the satisfaction of the consumer and the Registrar by making the consumer whole again.

**AND WHEREAS,** Peter Baljet Chevrolet Buick GMC will complete a system review of its operations and made procedural changes satisfactory to the Registrar within 45 days of signing this undertaking.

**NOW THEREFORE** Peter Baljet Chevrolet Buick GMC (Dealer #31289) 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 ensure that all persons involved in consumer transactions are licensed Salespersons under the Motor Dealer Act.
- d) To provide sensitivity training to the Management of the dealership within 90 days of signing this undertaking.


**AND THEREFORE** the undersigned

- a) Peter Baljet Chevrolet Buick GMC undertakes to reimburse the Registrar a total of \$2,090.78 for inspection/investigation and legal costs relating to the subject matter of this Undertaking; and
- b) Peter Baljet Chevrolet Buick GMC undertakes to pay an Administrative Penalty in the amount of \$1,500 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:	<u>Craig Sabourin</u>
Signature:	 Date: <u>29/7/15</u>
Name:	_____
Signature:	_____ Date: _____

**ACCEPTED** by the Registrar of Motor Dealers of British Columbia this 5 day of August 2015

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