



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 #:15-01-031
VSA Hearing File #:15-04-002**

WHEREAS the undersigned Green Island G Auto Ltd. *dba* Peter Baljet Chevrolet Buick GMC (DL#31289), Brian Bellis (Salesperson #105497), Robert Eastman (Salesperson #105383), 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: Section 5(1) BPCPA, deceptive acts and practices as defined or deemed by sections 4, 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, 2014, 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), Robert Eastman (SP #105383) 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 oral, written, visual, descriptive and/or other representations, and by engaging in conduct, that has the capability, tendency or effect of deceiving or misleading a consumer. Specifically, in relation to the sale of a 2014 GMC Terrain VIN #2GKALMEK4E6346424 (the "Motor Vehicle") to James Charlie and Alexandra Charlie (the "Consumers") the Suppliers:

- (a) Represented to the Consumers that the Motor Vehicle was new, when in fact the Motor Vehicle was used, having previously been registered to third party consumer A. R.;
- (b) Represented to the Consumers that the Motor Vehicle was the only vehicle that the bank would finance for the Consumers, when in fact the bank did not impose such a restriction; and

- (c) Represented on the APV9T that the Motor Vehicle had 50 kilometers on its odometer, when in fact it had approximately 400 kilometers on its odometer at the time of the representation.

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 will resolve 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 make procedural changes satisfactory to the Registrar within 45 days of signing this Undertaking.

NOW THEREFORE Peter Baljet Chevrolet Buick GMC (Dealer #31289) and Craig Sabourin 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 including but not limited to accurate odometer readings;
- c) To resolve the consumer monetary complaint to the satisfaction of the consumers, James Charlie and Alexandra Charlie, 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 \$32,375.03 which is the entire payout of the loan including the negative equity.
- d) To resolve the consumer monetary complaint to the satisfaction of the consumers, James Charlie and Alexandra Charlie, and the Registrar by making the consumer whole by reimbursing the consumer four monthly payments of \$563.76 for a total of \$2,255.04.


AND THEREFORE the undersigned

- a) Peter Baljet Chevrolet Buick GMC undertakes to reimburse the Registrar a total of \$1,626.86 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 \$5,000 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: <u>Craig Sabourin</u> | |
| Signature:  | Date: <u>13/8/15</u> |
| Name: _____ | |
| Signature: _____ | Date: _____ |

ACCEPTED by the Registrar of Motor Dealers of British Columbia this 13 day of August 2015



Ian Christman - Registrar of Motor Dealers