



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 : #14-12-075

VSA Hearing File :#15-07-004

WHEREAS the undersigned Pioneer Garage Limited *dba* Pioneer Chrysler Jeep (Dealer #5224), Robert William Taggart (Salesperson #116872), collectively (the "Suppliers") 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 and 6 of the Motor Dealer Act R.S.B.C. 1996 c. 316 ("the MDA"), Section 6 and 7 of the Salesperson Regulations B.C. Reg. 241/2004, Sections 29(3), 35(3)(a),(b) of the MDA - Regulations B.C. Reg. 264/2006 and/or Sections 4 and 5, Sections 150(1)(e), 154, 155 and 164 of the Business Practices and Consumer Protection Act S.B.C. 2004 c. 2 ("the BPCPA") into allegations under the BPCPA, the MDA and/or its Regulations.

Specifically:

1. On or about March 20, 2014, at or near Vancouver, in the Province of British Columbia, Pioneer Garage Limited *dba* Pioneer Chrysler Jeep (Dealer #5224), Pioneer Garage Limited *dba* Pioneer Motor Group (Dealer #40047) and Robert William Taggart (Salesperson #116872), 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 by the Suppliers to a consumer that had the capability, tendency or effect of misleading Adriane Dos Santos (the "Consumer") during the purchase of a 2012 Mazda VIN#JM1DE1KY3C0145226 (the "Motor Vehicle"). Specifically, the Suppliers:

- Failed to disclose to the Consumer that the Motor Vehicle had previous damage over \$2,000.
- Failed to provide a Purchase Agreement to the Consumer at any time before, during or after the sale.

- Failed to have the Purchaser sign a Purchase Agreement at the time of the purchase of the Motor Vehicle.
2. On or about March 20, 2014, at or near Vancouver, in the Province of British Columbia, Pioneer Garage Limited *dba* Pioneer Chrysler Jeep (Dealer #5224), Pioneer Garage Limited *dba* Pioneer Motor Group (Dealer #40047) and Robert William Taggart (Salesperson #116872) collectively (the "Suppliers") did in relation to a consumer transaction contravene section 150(1)(e) of the *Business Practices and Consumer Protection Act* ("BPCPA") and section 35(3)(b) of the Motor Dealer Act, by failing to provide records to the Vehicle Sales Authority and/or Compliance Officer, Carrie Vandokkumburg, who is authorized by the Registrar to conduct investigations, that are related to the purchase of a 2012 Mazda VIN#JM1DE1KY3C0145226 (the "Motor Vehicle").

AND WHEREAS, Pioneer Garage Limited *dba* Pioneer Chrysler Jeep (Dealer #5224), and Robert William Taggart (Salesperson #116872) are desirous of resolving this matter without the need for any formal adjudication of the above allegations.

AND WHEREAS, Pioneer Garage Limited *dba* Pioneer Chrysler Jeep (Dealer #5224), and Robert William Taggart (Salesperson #116872) have resolved the consumers' monetary losses to the satisfaction of the consumers and the Registrar by unwinding the transaction in full.

AND WHEREAS, Pioneer Garage Limited *dba* Pioneer Chrysler Jeep (Dealer #5224), and Robert William Taggart (Salesperson #116872) 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 Pioneer Garage Limited *dba* Pioneer Chrysler Jeep (Dealer #5224), and Robert William Taggart (Salesperson #116872) each undertakes:

- a) To comply with the *Business Practices and Consumer Protection Act* and the regulations made there under;
- b) To ensure that all documents including the purchase agreement and the finance agreements are provided to the consumer at the time of the sale.
- c) To ensure all material facts are disclosed to consumer prior to purchase of any motor vehicle;
- d) To declare all material facts to the consumer prior to or at the time of the purchase of a Motor Vehicle.
- e) To ensure that documents supplied to the VSA are true and reflect the transaction in whole.
- f) To ensure that all persons involved in consumer transactions are licensed Salespersons under the Motor Dealer Act.

- g) 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.
- h) To ensure that all motor vehicle sales are documented on a Purchase Agreement which complies with the Motor Dealer Act and the Regulations.

AND THEREFORE the undersigned

- a) Pioneer Garage Limited *dba* Pioneer Chrysler Jeep (Dealer #5224), and Robert William Taggart (Salesperson #116872) undertakes to reimburse the Registrar a total of \$2,000.00 for inspection/investigation and legal costs relating to the subject matter of this Undertaking; and
- b) Pioneer Garage Limited *dba* Pioneer Chrysler Jeep (Dealer #5224) undertakes to pay an Administrative Penalty in the amount of \$2,500.00 in relation to the issue covered in this Undertaking.
- c) Robert William Taggart (Salesperson #116872) undertakes to pay an Administrative Penalty in the amount of \$500.00 in relation to the issue covered in this Undertaking.
- d) Robert William Taggart (Salesperson #116872) undertakes to attend and successfully complete a Salesperson Certification Course at his own cost within 90 days by attending in person or on line.

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.

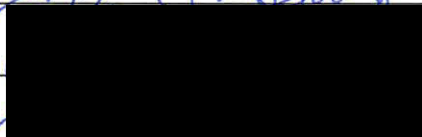
THE UNDERSIGNED further hereby acknowledges that the availability of an undertaking to resolve any future similar allegations or contraventions may be unavailable; and that any similar allegations may be reviewed by the Registrar of Motor Dealers at a formal hearing to consider the allegations.

IN WITNESS WHEREOF the undersigned has set his hand:

Name: Raymond Van Empe

Signature:  e: 8-19-15

Name: Robert A. Christman

Signature:  Date: 8-19-15

ACCEPTED by the Registrar of Motor Dealers of British Columbia this 19 day of August 2015



Ian Christman - Registrar of Motor Dealers