



IN THE MATTER OF THE *MOTOR DEALER ACT* R.S.B.C. 1996 c. 316

VSA Investigation File #: 15-07-326

VSA Hearing File #: 15-11-001

UNDERTAKING

RE: VSA and VERA PFIEFFER v. CHASE DISCOUNT AUTO SALES LTD.

WHEREAS Chase Discount Auto Sales Ltd. (Dealer #10431) (the "Dealer") is a "registered motor dealer" as defined under the *Motor Dealer Act* R.S.B.C. 1996 c. 316 (the "Act").

AND WHEREAS the "Registrar of Motor Dealers", as defined under the Act, (the "Registrar") is responsible for the administration and enforcement of the Act, its regulations and prescribed provisions of the *Business Practices and Consumer Protection Act* S.B.C. 2004 c. 2 (the "BPCPA").

AND WHEREAS an investigation has been initiated involving the Dealer's conduct, and the following alleged contraventions of sections 4 and 5 of the BPCPA and:

1. On or about June 24, 2015, at or near Chase in the Province of British Columbia, Chase Discount Auto Sales Ltd. (Dealer #10431), Gary Bruce Lanoue (Salesperson #103900) and Lesley Anne Turner (Salesperson #203623) (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 to a consumer that had the capability, tendency or effect of misleading Vera Pfeiffer (the "Consumer") during the purchase of a 1994 Nissan Quest VIN#4N2DN11W5RD828639 (the "Motor Vehicle"). Specifically, the Suppliers:

- Sold the Motor Vehicle to the Consumer that was not suitable for transportation under Section 222 of the *Motor Vehicle Act*;
- Failed to declare that the Motor Vehicle had been previously registered outside of British Columbia;
- Failed to declare on the purchase agreement that the Motor Vehicle had previous damage exceeding \$2,000;
- Failed to declare on the purchase agreement that the Motor Vehicle had a "Rebuilt" status; and
- Failed to declare the true odometer reading on the purchase agreement at the time of the sale.

2. On or about October, 6, 2015 at or near Chase in the Province of British Columbia, Chase Discount Auto Sales (Dealer #10431) and Gary Bruce Lanoue (Salesperson #

103900) (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 a consumer in the advertising and displaying of a 2004 GMC Sierra VIN#1GTHK2923E347988 (the "Motor Vehicle"). Specifically, the Suppliers:

- Displayed the Motor Vehicle on the registered lot for sale that failed/rejected a Private Vehicle Inspection conducted by a CVSE Area Vehicle Inspector.

3. On or about October, 6, 2015 at or near Chase in the Province of British Columbia, Chase Discount Auto Sales (Dealer #10431) and Gary Bruce Lanoue (Salesperson # 103900) (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 a consumer in the advertising and displaying of a 2014 Mitsubishi Mirage VIN#ML32A4HJ1EH011174 (the "Motor Vehicle"). Specifically, the Suppliers:

- Displayed the Motor Vehicle on the registered lot for sale that failed/rejected a Private Vehicle Inspection conducted by a CVSE Area Vehicle Inspector.

4. On or about October, 6, 2015 at or near Chase in the Province of British Columbia, Chase Discount Auto Sales (Dealer #10431) and Gary Bruce Lanoue (Salesperson # 103900) (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 a consumer in the advertising and displaying of a 2005 Nissan Altima VIN#1N4AL11DX5C260081 (the "Motor Vehicle"). Specifically, the Suppliers:

- Displayed the Motor Vehicle on the registered lot for sale that failed/rejected a Private Vehicle Inspection conducted by a CVSE Area Vehicle Inspector.

AND WHEREAS the Dealer wishes to resolve these issues, without a hearing, voluntarily by entering into this Undertaking.

AND WHEREAS the Dealer has resolved the consumer monetary complaint to the satisfaction of the consumer and the Registrar by making the consumer whole again by reimbursing the consumer the amount of the purchase price of the Motor Vehicle.

AND WHEREAS the Dealer will complete a system review of its operations and make procedural changes satisfactory to the Registrar within 45 days of signing this Undertaking.

THE DEALER HEREBY UNDERTAKES TO:

- 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 provide complete records when requested by the VSA and/or a Compliance Officer acting on behalf of the Registrar;
- d) To maintain complete records of all Motor Vehicle transactions including but not limited to repairs, deposits, purchase agreements, inspections, buy ins and all other related documents; and
- e) To have all Motor Vehicles that are offered for sale inspected at an independent Provincial Licensed Inspection Facility for a period of twelve months.

AND THEREFORE THE DEALER UNDERTAKES TO:

- a) Reimburse the Registrar a total of \$552.00 for inspection/investigation and legal costs relating to the subject matter of this Undertaking; and
- b) Pay an Administrative Penalty in the amount of \$1,500.00 in relation to the issues 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:

Dealer Name:	<u>GARY HANOVE PRES</u>	
	<small>(Print the name and title of Dealer's authorized representative)</small>	
Signature:		Date: <u>Dec 4/15</u>

ACCEPTED by the Registrar of Motor Dealers of British Columbia this 7 day of Dec, 2015



Ian Christman - Registrar of Motor Dealers