



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

VSA Investigation File #: 15-07-103

VSA Hearing File #: 15-08-003

UNDERTAKING

RE: VSA and NAZIA BAJWA v. 0731534 B.C. LTD. dba SUKHI BATH MOTORS

WHEREAS 0731534 B.C. Ltd. dba Sukhi Bath Motors (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:

1. On or about June 18, 2014, at or near Surrey, in the Province of British Columbia, 0731534 B.C. Ltd dba Sukhi Bath Motors (Dealer #30825), Amit Sethi (Salesperson#114296) and Sukhi Bath (Salesperson#100013) 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 Nazia Bajwa (the "Consumer") during the purchase of a 2009 Mercedes GL 320 VIN#4JGBF25E69A525123 (the "Motor Vehicle"). Specifically, the Suppliers failed to:
 - Disclose to the Consumer at any time before, during or after the sale that the Motor Vehicle was unsafe for transportation;
 - Disclose that there were mechanical issues that were not repaired to the Consumer at any time before during or after the sale of the Motor Vehicle; and
 - Document on the Purchase Agreement that there were mechanical issues that were not repaired on the Motor Vehicle at the time of the sale.
2. On or about June 18, 2014, at or near Surrey, in the Province of British Columbia, 0731534 B.C. Ltd dba Sukhi Bath Motors (Dealer #30825), Amit Sethi (Salesperson#114296) and Sukhi Bath (Salesperson#100013) collectively (the "Suppliers") did in relation to a consumer transaction the following:

- 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, Jas Virk, who is authorized by the Registrar to conduct investigations, that are related to the purchase of the Motor Vehicle.
- contravene section 35(3)(a) of the *Motor Dealer Act* by providing false statements to the Vehicle Sales Authority and/or Compliance Officer, Jas Virk, who is authorized by the Registrar to conduct investigations, that are related to the purchase of the Motor Vehicle; and
- contravene section 21(2) of the *Motor Dealer Act Regulation* by using Motor Dealer Purchase Agreement that does not meet the legislated Requirements in relation to the sale of the Motor Vehicle.

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:

- To comply with the *Business Practices and Consumer Protection Act* and the regulations made there under;
- To ensure all material facts are disclosed to consumer prior to purchase of any motor vehicle;
- To provide complete records when requested by the VSA and/or a Compliance Officer acting on behalf of the Registrar;
- 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
- To have all Motor Vehicles that are offered for sale inspected at ~~an independent~~ Provincial Licensed Inspection Facility for a period of twelve months.
 TO THE STANDARD OF SVB
- To review internal policy to insure that the dealer and staff are compliant with the legislation. A copy of the review and policy to be provided to the Registrar within 45 days of signing this undertaking


AND THEREFORE THE DEALER UNDERTAKES TO:

- a) Reimburse the Registrar a total of \$1899.06 for investigation and legal costs relating to the subject matter of this Undertaking; and
- b) Pay an Administrative Penalty in the amount of \$3000.00 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>SUKHI BATH MOTORS</u> (Print the name and title of Dealer's authorized representative)
Signature:  Date: <u>DEC 08, 2015</u>

ACCEPTED by the Registrar of Motor Dealers of British Columbia this 9th day of December 2015



Ian Christman - Registrar of Motor Dealers



Previously known as the Motor Dealer Council of B.C.

**IN THE MATTER OF THE MOTOR DEALER ACT R.S.B.C. 1996 c. 316
and the Salesperson Licensing Regulation B.C. Reg. 241/2004.**

**VSA Investigation File #: 15-07-103
VSA Hearing File #: 15-08-003**

RE: VSA and Nazia BAJWA v. Sukhi Bath (Salesperson#100013)

UNDERTAKING

WHEREAS Sukhi Bath (Salesperson#100013) (the "Salesperson") is a "salesperson" as defined under the *Motor Dealer Act* R.S.B.C. 1996 c. 316 (the "Act").

AND WHEREAS the Motor Dealer Council of British Columbia dba the Motor Vehicle Sales Authority of British Columbia is the "authority" as defined in the Act (the "Authority") and is responsible for the licensing of "salespersons" under the *Salesperson Licensing Regulation* B.C. Reg. 241/2004.

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 and is an authorized representative of the Authority.

AND WHEREAS the Authority has initiated an investigation involving the Salesperson's conduct and the following alleged contraventions:

1. On or about June 18, 2014, at or near Surrey, in the Province of British Columbia, 0731534 B.C. Ltd dba Sukhi Bath Motors (Dealer #30825), Amit Sethi (Salesperson#114296), Sukhi Bath (Salesperson#100013), Kirtveer Bath (Salesperson#111094) and Tariq Bhurgri (Salesperson#100015) 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 Nazia Bajwa (the "Consumer") during the purchase of a 2009 Mercedes GL 320 VIN#4JGBF25E69A525123 (the "Motor Vehicle"). Specifically, the Suppliers failed to :
 - Disclose to the Consumer at any time before, during or after the sale that the Motor Vehicle was unsafe for transportation;
 - Disclose that there were mechanical issues that were not repaired to the Consumer at any time before during or after the sale of the Motor Vehicle; and

- Document on the Purchase Agreement that there were mechanical issues that were not repaired on the Motor Vehicle at the time of the sale.
2. On or about June 18, 2014, at or near Surrey, in the Province of British Columbia, 0731534 B.C. Ltd dba Sukhi Bath Motors (Dealer #30825), Amit Sethi (Salesperson#114296), Sukhi Bath (Salesperson#100013) and Kirtveer Bath (Salesperson#111094) collectively (the "Suppliers") did in relation to a consumer transaction the following:
- 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, Jas Virk, who is authorized by the Registrar to conduct investigations, that are related to the purchase of the Motor Vehicle.
 - contravene section 35(3)(a) of the *Motor Dealer Act* by providing false statements to the Vehicle Sales Authority and/or Compliance Officer, Jas Virk, who is authorized by the Registrar to conduct investigations, that are related to the purchase of the Motor Vehicle; and
 - contravene section 21(2) of the *Motor Dealer Act Regulation* by using Motor Dealer Purchase Agreement that does not meet the legislated Requirements in relation to the sale of the Motor Vehicle.

AND WHEREAS the Salesperson wishes to resolve these issues voluntarily by entering into this Undertaking.

THE SALESPERSON 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;

AND THEREFORE THE DEALER UNDERTAKES TO:


- a) Pay an Administrative Penalty in the amount of \$500.00 in relation to the issues covered in this Undertaking.

THE SALESPERSON ACKNOWLEDGES THAT:

- 1) This Undertaking is being entered into by the Salesperson voluntarily.
- 2) The Salesperson has had an opportunity to obtain legal advice as to the terms of this Undertaking.

- 3) The Authority will make it a condition of the Salesperson's registration to abide by and carry out the terms of this Undertaking.
- 4) The Authority will take steps to monitor and enforce this Undertaking. Enforcement can include, but is not limited to, court action to obtain a compliance order, or the suspension or cancelation of the Salesperson's licence.
- 5) This Undertaking may be reviewed in six months.

IN WITNESS WHEREOF the undersigned has set his hand:

Salesperson's Name: <u>SUKHI BATH</u>
Signature: 
Date: <u>DEC 08, 2015, 2011.</u>

ACCEPTED by the Authority, through its authorized representative, this 9 day of December 2015. 

Ian Christman - Registrar of Motor Dealers or his delegate

The Motor Vehicle Sales Authority of B.C.
(formerly known as the Motor Dealer Council of B.C.)
Suite 208 - 5455, 152nd Street
Surrey, B.C. V3S 5A5
T: 604-574-5050 F: 604-574-5883



Previously known as the Motor Dealer Council of B.C.

**IN THE MATTER OF THE *MOTOR DEALER ACT R.S.B.C. 1996 c. 316*
and the *Salesperson Licensing Regulation B.C. Reg. 241/2004.***

**VSA Investigation File #: 15-07-103
VSA Hearing File #: 15-08-003**

RE: VSA and Nazia BAJWA v. Amit Sethi (Salesperson#114296)

UNDERTAKING

WHEREAS Amit Sethi (Salesperson#114296) (the "Salesperson") is a "salesperson" as defined under the *Motor Dealer Act R.S.B.C. 1996 c. 316* (the "Act").

AND WHEREAS the Motor Dealer Council of British Columbia dba the Motor Vehicle Sales Authority of British Columbia is the "authority" as defined in the Act (the "Authority") and is responsible for the licensing of "salespersons" under the *Salesperson Licensing Regulation B.C. Reg. 241/2004*.

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* and is an authorized representative of the Authority.

AND WHEREAS the Authority has initiated an investigation involving the Salesperson's conduct and the following alleged contraventions:

1. On or about June 18, 2014, at or near Surrey, in the Province of British Columbia, 0731534 B.C. Ltd dba Sukhi Bath Motors (Dealer #30825), Amit Sethi (Salesperson#114296), Sukhi Bath (Salesperson#100013), Kirtveer Bath (Salesperson#111094) and Tariq Bhurgri (Salesperson#100015) 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 Nazia Bajwa (the "Consumer") during the purchase of a 2009 Mercedes GL 320 VIN#4JGBF25E69A525123 (the "Motor Vehicle"). Specifically, the Suppliers failed to :
 - Disclose to the Consumer at any time before, during or after the sale that the Motor Vehicle was unsafe for transportation;
 - Disclose that there were mechanical issues that were not repaired to the Consumer at any time before during or after the sale of the Motor Vehicle; and

- Document on the Purchase Agreement that there were mechanical issues that were not repaired on the Motor Vehicle at the time of the sale.
2. On or about June 18, 2014, at or near Surrey, in the Province of British Columbia, 0731534 B.C. Ltd dba Sukhi Bath Motors (Dealer #30825), Amit Sethi (Salesperson#114296), Sukhi Bath (Salesperson#100013) and Kirtveer Bath (Salesperson#111094) collectively (the "Suppliers") did in relation to a consumer transaction the following:
- 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, Jas Virk, who is authorized by the Registrar to conduct investigations, that are related to the purchase of the Motor Vehicle.
 - contravene section 35(3)(a) of the *Motor Dealer Act* by providing false statements to the Vehicle Sales Authority and/or Compliance Officer, Jas Virk, who is authorized by the Registrar to conduct investigations, that are related to the purchase of the Motor Vehicle; and
 - contravene section 21(2) of the *Motor Dealer Act Regulation* by using Motor Dealer Purchase Agreement that does not meet the legislated Requirements in relation to the sale of the Motor Vehicle.

AND WHEREAS the Salesperson wishes to resolve these issues voluntarily by entering into this Undertaking.

THE SALESPERSON 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;

AND THEREFORE THE DEALER UNDERTAKES TO:


- a) Pay an Administrative Penalty in the amount of \$500.00 in relation to the issues covered in this Undertaking.

THE SALESPERSON ACKNOWLEDGES THAT:


- 1) This Undertaking is being entered into by the Salesperson voluntarily.
- 2) The Salesperson has had an opportunity to obtain legal advice as to the terms of this Undertaking.

- 3) The Authority will make it a condition of the Salesperson's registration to abide by and carry out the terms of this Undertaking.
- 4) The Authority will take steps to monitor and enforce this Undertaking. Enforcement can include, but is not limited to, court action to obtain a compliance order, or the suspension or cancelation of the Salesperson's licence.
- 5) This Undertaking may be reviewed in six months.

IN WITNESS WHEREOF the undersigned has set his hand:

Salesperson's Name: <u>AMIT SETHI</u>
Signature: 
Date: <u>DEC 9, 2015</u> , 2015.

ACCEPTED by the Authority, through its authorized representative, this 9 day of December 2015.



Ian Christman – Registrar of Motor Dealers or his delegate

The Motor Vehicle Sales Authority of B.C.
(formerly known as the Motor Dealer Council of B.C.)
Suite 208 – 5455, 152nd Street
Surrey, B.C. V3S 5A5
T: 604-574-5050 F: 604-574-5883