



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

RE:

Victoria Ford Alliance *dba* Suburban Motors (Dealer #5528)

UNDERTAKING

WHEREAS Victoria Ford Alliance *dba* Suburban Motors (Dealer #5528) (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 (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:

AND WHEREAS an investigation has been initiated involving the Dealer's conduct, and the following alleged contraventions of section 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).

- 1) Between June 1, 2015, and December 1, 2015, at or near Victoria, in the Province of British Columbia, the Dealer committed or engaged in a deceptive act or practice wherein a representation that uses exaggeration, innuendo, or ambiguity about a material fact or fails to state a material fact, if the effect is misleading specifically that a newspaper advertisement valid until September 5, 2015 was sent to a consumer that. Specifically, the Dealer:
 - Offered the advertised vehicles for sale which were not available as they had been sold prior to the advertisement;
 - Sold vehicles and added a documentation fee, Globali and a Globali insurance premium to the purchase. There was no disclosure on the advertisement and no disclosure of these fees on the Dealer's website; and
 - Sold vehicles for a higher price than the advertised price.

- 2) Between June 1, 2015, and December 1, 2015, at or near Victoria, in the Province of British Columbia, The Dealer committed or engaged in a deceptive act or practice wherein a representation by a supplier about the total price of goods or services if a person could reasonably conclude that a price benefit or advantage exists but it does not. Specifically, the Dealer:
 - Offered the advertised vehicles for sale which were not available as they had been sold prior to the advertisement;

- Sold vehicles and added a documentation fee, Globali and a Globali insurance premium to the purchase. There was no disclosure on the advertisement and no disclosure of these fees on the Dealer's website; and
- Sold vehicles for a higher price than the advertised price.

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

THE DEALER HEREBY UNDERTAKES TO:

- 1) Complete a system review of its advertising procedures and make procedural changes satisfactory to the Registrar within 45 days of signing this Undertaking. These procedural changes are to be forwarded to the Registrar in writing.
- 2) Comply with the BPCPA and the regulations made there under.
- 3) Reimburse all consumers that as a result of the advertisement and sale of the advertised vehicles were over charged on advertised price, charged a documentation fee, and charged for Globali and Globali Insurance.
- 4) Ensure all advertisements clearly specify when the terms of sale so advertised are in effect (both start and end dates);
- 5) Ensure that advertisement copy is affixed to the vehicles advertised for sale therein throughout the effective date of the advertisement
- 6) Ensure that advertisement copy is displayed in the show room of the Dealer throughout the effective date of the advertisement and the vehicles in the advertisement are clearly marked off as sold at the time of sale.
- 7) Ensure all material facts are disclosed to consumer prior to purchase of any motor vehicle.
- 8) Ensure that all fees and costs are clear and disclosed in all advertisements.
- 9) Ensure that all employees of the Dealer who are involved in advertising are fully conversant with the advertising guidelines of the Vehicle Sales Authority and follow these guidelines.
- 10) 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.
- 11) Ensure that all sales prices are in accordance with advertised prices.
- 12) Supply the Registrar or his delegate requested documentation in a timely manner and within specified times.
- 13) Reimburse the Registrar a total of \$1,000.00 for inspection/investigation and legal costs relating to the subject matter of this Undertaking.
- 14) Pay an Administrative Penalty in the amount of \$3,000.00 in relation to the issue covered in this Undertaking.

THE DEALER ACKNOWLEDGES THAT:

- 1) This Undertaking is being entered into by the Dealer voluntarily.

- 2) The Dealer has had an opportunity to obtain legal advice as to the terms of this Undertaking.
- 3) The Registrar will make it a condition of the Dealer's registration to abide by and carry out the terms of this Undertaking.
- 4) The Registrar 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 Dealer's registration.
- 5) This Undertaking and the condition placed on the Dealer's registration may be reviewed in one month.

IN WITNESS WHEREOF the undersigned (and each of them, if more than one) has set his/her/its hand and seal (attested by the hands of its duly authorized officers, if applicable):

Dealer Name:	SUBURBAN MOTORS.		
	JOHN MALONE / DIRECTOR OF SALES.		
	<small>...s authorized representative)</small>		
Signature:		Date:	MARCH 16 th 2016.

ACCEPTED by the Registrar of Motor Dealers this 17 day of March 2016.


 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.)
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