



**VSA Investigation File: #16-04-010**  
**VSA Undertaking File: #16-04-004**

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

**RE:**

**Pioneer Garage Limited *dba* Pioneer Chrysler Jeep (Dealer #5224)**

**UNDERTAKING**

**WHEREAS** the undersigned Pioneer Garage Limited *dba* Pioneer Chrysler Jeep (Dealer #5224) (the "Dealer") is 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 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).

**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 March 10<sup>th</sup> and March 31<sup>st</sup>, 2016, at or near Mission, in the Province of British Columbia, Pioneer Garage Limited *dba* Pioneer Chrysler Jeep (Dealer #5224) (the "Supplier") did in relation to a representation by a supplier contravene sections 4(3)(b) and 5 of the *Business Practices and Consumer Protection Act* (BPCPA) by making an oral, written, visual descriptive or other representation or conduct that had the capability, tendency or effect of misleading potential consumers in a mail out advertisement, specifically:
  - Advertised a non-existent program named Canada Automotive Rebate Program and used the Canadian Flag and font to give the appearance of a government form.
  - Made the envelope appear to be mailed by a government agency by using the words "2015 REFUND" also insinuating that there is a refund available to the consumer.
  - Focused on three postal code areas, V2V, V4S, V0M, and mentioned that valid government ID must be presented verifying the postal code to participate in the program; however, a postal code that does not match in the flyer is still not restricted from participating.
  - Had misleading wording that time is running out such as "This is Your Final Notice" and misleading wording that it is a government tax incentive.

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

**AND WHEREAS**, Pioneer Garage Limited *dba* Pioneer Chrysler Jeep will 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.

**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) Ensure all advertisements clearly specify when the terms of sale so advertised are in effect (both start and end dates);
- 4) Ensure that advertisement copy is affixed to the vehicles advertised for sale therein throughout the effective date of the advertisement
- 5) 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.
- 6) Ensure all material facts are disclosed to consumer prior to purchase of any motor vehicle.
- 7) Ensure that all fees and costs are clear and disclosed in all advertisements.
- 8) 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.
- 9) 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.
- 10) Ensure that all sales prices are in accordance with advertised prices.
- 11) Supply the Registrar or his delegate requested documentation in a timely manner and within specified times.
- 12) Reimburse the Registrar a total of \$400.00 for inspection/investigation and legal costs relating to the subject matter of this Undertaking.
- 13) Pay an Administrative Penalty in the amount of \$3,000.00 in relation to the issue covered in this Undertaking.

**THE DEALER ACKNOWLEDGES THAT:**

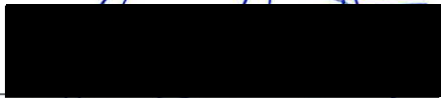
- 1) This Undertaking is being entered into by the Dealer voluntarily.
- 2) The Dealer has had an opportunity to obtain legal advice as to the terms of this Undertaking.

- 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 cancellation of the Dealer's registration.

**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: <u>Pioneer Garage Limited</u>
<u>Raymond Van Empe</u> <small>(Dealer's authorized representative)</small>
Signature:  Date: <u>May 6</u> 2016.

**ACCEPTED** by the Registrar of Motor Dealers this 9 day of May 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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