



## **UNDERTAKING**

### **IN THE MATTER OF THE *MOTOR DEALER ACT* R.S.B.C. 1996 c. 316 and the *BUSINESS PRACTICES AND CONSUMER PROTECTION ACT* S.B.C. 2004, c. 2**

This undertaking is made with an effective date of July 21, 2016

Between

Maple Ridge Hyundai (Dealer #40087) and  
John Bradley Kot (Salesperson #116448)

And

The Registrar, Vehicle Sales Authority of B.C.

#### **WHEREAS:**

1. Maple Ridge Hyundai (Dealer #40087) (the "Dealer") is a "registered motor dealer" as defined under the *Motor Dealer Act* R.S.B.C. 1996 c. 316 (the "Act"). John Bradley Kot (Salesperson #116448) (the "Salesperson") is a "salesperson" as defined under the Act.
2. 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").
3. The Registrar investigated the Dealer after reviewing the Dealer's advertising and discovered the Dealer:
  - Advertised vehicles for a price that included freight and PDI however when purchased a PDI fee of \$475 was charged which included mud flaps, locking wheel nuts and door edge protectors which were not advertised;
  - Charged an additional \$599 documentation fee that was not included in the advertised price.
4. The Registrar asserts that the Dealer has contravened the following provisions of the BPCPA:
  - i. 4(1)(a) of the BPCPA. An oral, written, visual descriptive, or other representation by a supplier that has the capability, tendency or effect of deceiving or misleading a consumer or guarantor;

- ii. 4(3)(c) of the BPCPA. A representation by a supplier about the total price of goods or services.

**NOW THEREFORE** the Dealer undertakes, acknowledges, and agrees with the Registrar:

1. To comply with all provisions of the BPCPA and its Regulations.
2. To reimburse Susan Paula Glavine \$475.00 PDI Fee and \$599.00 Documentation Fee.
3. To reimburse Tara Jayne Roussel \$475.00 PDI Fee and \$599.00 Documentation Fee.
4. To reimburse Lena Natalie Tityk \$599.00 Documentation Fee.
5. To reimburse Danielle Moslenk \$475.00 PDI Fee and \$599.00 Documentation Fee.
6. To reimburse Paulmann Konn Yan Chan \$180.00 PDI Fee.
7. To reimburse Jacqueline Christine Easton \$475.00 PDI Fee and \$599.00 Documentation Fee.
8. To reimburse Linda Marika Benz \$475.00 PDI Fee and \$599.00 Documentation Fee.
9. To pay an Administrative penalty in the amount of \$3,000.00.
10. To reimburse the investigation costs in the amount of \$808.27.
11. To review nine months of records of advertising and to compensate all consumers who have been charged fees that were not advertised by the dealer. Record of these transactions and payments are to be supplied to the Registrar within 45 days of signing this undertaking.
12. To review the policy in relation to advertising and to have all employees sign off on the policy and provide the Registrar the policy and sign off within 45 days of signing this document.
13. To affix proper additional charges to the vehicle pricing on the lot to include the documentation fee and accessories (example PDI).
14. To ensure the total price advertised includes all fees and accessories on the vehicle.
15. That this Undertaking is binding on the Dealer until such time as it is either terminated in writing by the Registrar or terminated by Order of the Supreme Court of British Columbia.

16. That in addition to rendering the Dealer liable to further penalties and proceedings as provided for under the BPCPA, it is an offence under the BPCPA to fail to comply with any part of this undertaking that has not been previously terminated.
17. That the Registrar, may upon breach of any part of this undertaking by the Dealer declare the Undertaking to be at an end and may institute such proceedings and take such action under the BPCPA, or the Act as considered necessary.
18. That any communication with the Registrar in connection with this undertaking shall be made to the following

Registrar of Motor Dealers  
Vehicle Sales Authority of B.C.  
#208 - 5455 152 Street, Surrey, B.C. V3S 5A5  
Fax: (604)-574-5883

And in the case of the Dealer to the following address:

23213 Lougheed Hwy, Maple Ridge, B.C., V2W 1C1

Unless another address for delivery is given to the other party, in writing, by either the Registrar or the Dealer.


19. The Dealer acknowledges and warrants that they have had an opportunity to seek legal advice as to the terms of this Undertaking.

**DATED** this 22 day of JULY, 2016

Dealer Name: MAPLE RIDGE HYUNDAI

John Kot, President,

(Print the name and title of Dealer's authorized representative)

Signature: 

**ACCEPTED** by the Registrar of Motor Dealers this

27 day of July 2016.

  
Ian Christman  
Registrar of Motor Dealers or his delegate