



## **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, jointly and severally, with an effective date of  
November 29<sup>th</sup>, 2018,

by:

**0976736 BC Ltd. dba Surrey Mitsubishi (#40045)**

### **WHEREAS:**

1. 0976736 BC Ltd. dba Surrey Mitsubishi (#40045) ("Surrey Mitsubishi") is a "motor dealer" as defined under the Motor Dealer Act R.S.B.C. 1996 c. 316 ("MDA").
2. The "Registrar of Motor Dealers" ("Registrar"), as defined under the MDA, is responsible for the administration and enforcement of the MDA, its regulations, and prescribed provisions of the Business Practices and Consumer Protection Act S.B.C. 2004 c. 2 (the "BPCPA").
3. The Registrar has investigated and received information that Surrey Mitsubishi:
  - Engaged or involved an unlicensed salesperson in respect of the sale of a motor vehicle in violation of section 13.1 of the MDA;
  - Offered referral or "bird-dog" fees to the public at-large, a practice which constitutes engaging or involving unlicensed salespersons in respect of the sale of a motor vehicle in violation of section 13.1 of the MDA; and
  - Sold vehicles for a price that once fully calculated at the time of sale unintentionally exceeded a previously-advertised total price, which nevertheless constitutes deceptive acts and practices as defined by section 4 (1) of the BPCPA and prohibited by section 5 of the BPCPA. Specifically overcharging:

Withheld - consumer name

Section 22 FOIPPA. ○ [REDACTED] \$745.00, in respect of the sale of a 2015 Toyota Corolla, VIN 2T1BURHEXFC301522;

Withheld - consumer name

Section 22 FOIPPA. ○ [REDACTED] \$1,610.09, in respect of the sale of a 2017 Hyundai Elantra, VIN KMHD84LF7HU426589; and

Withheld - consumer name

Section 22 FOIPPA. ○ [REDACTED] \$541.15, in respect of the sale of a 2018 Kia Soul, VIN KNDJP3A51J7515397.

**NOW THEREFORE** Surrey Mitsubishi and DeBartolo undertake:

4. To comply with the MDA, the MVA, the BPCPA, and the regulations made thereunder;
5. To refrain from engaging or involving unlicensed salespersons in respect of the sale of a motor vehicle;
6. To refrain from offering referral or "bird-dog" fees;
7. To refrain from engaging in any deceptive acts and practices;
8. For Surrey Mitsubishi to pay an Administrative Penalty, in the amount of \$3,000.00 for contraventions of the MDA and the BPCPA;
9. For Surrey Mitsubishi to reimburse the Registrar a total \$ 983.37 representing 100% of the investigation, hearing, and legal costs incurred to date in relation to this matter within thirty (30) days of the execution of this Undertaking;
10. To remit a cheque to the VSA, within fourteen (14) days of the signing of this undertaking, a cheque payable to Amanda Colleen Joseph in the amount of \$745.00;
11. To remit a cheque to the VSA, within fourteen (14) days of the signing of this undertaking, a cheque payable to Joseph James Martin Gauthier, in the amount of \$1,610.09;
12. To remit a cheque to the VSA, within fourteen (14) days of the signing of this undertaking, a cheque payable to Marlow Steven in the amount \$541.15; and
13. [THE SIGNED UNDERTAKING INADVERTENTLY OMITTED PARAGRAPH NO. 13]

**SURREY MITSUBISHI FURTHER ACKNOWLEDGE, REPRESENT, AND DECLARE:**

14. That in addition to rendering Surrey Mitsubishi 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;

15. That nothing herein is intended to resolve any other complaint or investigation not specifically referenced in this Undertaking; and
16. Surrey Mitsubishi have read this Undertaking and have had a reasonable opportunity to seek and obtain legal advice as its terms.

**DATED** this 27<sup>th</sup> day of November 2018

Signature: Original Signed  
Daniel DeBartolo (#107612)  
Individually and on behalf of  
0976736 BC Ltd. dba Surrey Mitsubishi (#40045)

**ACCEPTED** by the Registrar of Motor Dealers 29<sup>th</sup> day of November 2018

Original Signed  
Ian Christman, J.D.  
Registrar of Motor Dealers