



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 18
April 2019,

by:

Auto 360 Wholesale, Ltd. (#31018) & Daljit Singh Cheema (#107792)

WHEREAS:

1. Auto 360 Wholesale, Ltd. (#31018) ("Auto 360") is a motor dealer, as defined by section 1(1) of the *Motor Dealer Act* R.S.B.C. 1996 c. 316 ("MDA").
2. Daljit Singh Cheema (#107792) ("Cheema:") is the principal and guiding mind behind Auto 360 and is a salesperson, as defined by section 1(1) of the MDA.
3. 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").
4. The Registrar has investigated and received information that Auto 360 and Cheema have:
 - Failed to maintain two (2) years of records at the dealership location, despite prior warnings;
 - Represented motor vehicles for sale as having been safety inspected, when they had not;
 - Failed to complete any statutory declarations on purchase agreements in respect of the sales of motor vehicles; and
 - Offered and displayed vehicles for sale, which were not located at Auto 360's dealership location, despite prior warnings.

5. The above detailed conduct violates the following statutory provisions:
- Section 11 of the MDA and section 20 of the *Motor Dealer Act Regulation*, B.C. Reg. 447/78 ("MDAR");
 - Section 5(1) of the BPCPA;
 - Section 13(1) of the MDA; and
 - Section 3(1)(c) of the MDA.

NOW THEREFORE Auto 360 and Cheema undertake:

6. To comply with the MDA, the BPCPA, the Motor Vehicle Act R.S.B.C. 1996, c. 318 ("MVA") and the regulations made thereunder;
7. To ensure that all motor vehicles that are sold, offered for sale, exposed or displayed for sale, or delivered to consumers comply with the MVA and attendant regulations, including but not limited to thoroughly inspecting said motor vehicles;
8. To keep records of all inspections and repairs at the Dealer's registered business location as required by the MDA and attendant regulations;
9. To refrain from making any false representations with regards to the status or completion of vehicle inspections;
10. To ensure that the dealer is, at all times, maintaining the required two years of dealer records at the registered place of business;
11. To ensure that in respect of all consumer transactions, the dealer is completing the required declarations on purchase agreements and making the correct disclosures to consumers;
12. To ensure that consumers are accurately and completely informed as to the nature and circumstances in respect of any motor vehicle sales;
13. To ensure that all transactions and sales of motor vehicles take place at the registered place of business including the display of vehicles;
14. For Auto 360 and Cheema – jointly and severally - to pay an Administrative Penalty, in the amount of \$3,000 to deter it from engaging in conduct similar to the aforementioned contraventions of the MDA and the BPCPA in the future;

15. For Auto 360 to reimburse the Registrar a total \$505.07, 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;

AUTO 360 AND CHEEMA FURTHER ACKNOWLEDGE, REPRESENT, AND DECLARE:

16. That in addition to rendering Auto 360 and Cheema 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 nothing herein is intended to resolve any other complaint or investigation not specifically referenced in this Undertaking; and
18. Auto 360 and Cheema have read this Undertaking and have had a reasonable opportunity to seek and obtain legal advice as to its terms.

DATED this 18th day of April 2019

Signature: Original Signed
Daljit Singh Cheema (#107792), individually and on behalf of
Auto 360 Wholesale, Ltd. (#31018)

ACCEPTED by the Registrar of Motor Dealers this 24th day of April 2019

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