



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 December 11, 2019,

by

D. V Exotic Auto Group Inc. (DL#40579), Ruoyu Dai (SP#200909)
and Wenqiang Zhou (SP#209891)

WHEREAS:

1. D. V Exotic Auto Group Inc., (DL#40579), (the "Dealer"), is a "registered motor dealer" as defined under the *Motor Dealer Act* R.S.B.C 1996 c. 316 (the "MDA").
2. Ruoyu Dai, (SP#200909), ("Salesperson Dai") is a "salesperson" as defined by the MDA and the Dealer Principal for D. V Exotic Auto Group Inc.
3. Wenqiang Zhou, (SP#209891), ("Salesperson Zhou") is a "salesperson" as defined by the MDA.
4. The "Registrar of Motor Dealers" ("Registrar"), as defined under the MDA, 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").
5. The Registrar has received a complaint and investigated that Salesperson Zhou:
 - a. Failed to complete the statutory declarations on the purchase agreement regarding whether the vehicle complied with the requirements of the *Motor Vehicle Act* ("MVA");
 - b. Failed to record the accurate odometer reading on the purchase agreement;
 - c. Charged undisclosed fees during the transaction;
 - d. Failed to record the consumers extended vehicle warranty on any sales documents or purchase agreement;
 - e. Failed to register the policy or remit payment of the extended vehicle warranty to the insurer until the Vehicle Sales Authority ("VSA") disclosed the consumer complaint to the Dealer; and

- f. Altered their copy of the purchase agreement by completing the missing MVA declarations after the sale, when they submitted their response to the complaint to the VSA.
6. The Registrar asserts that the above detailed conduct violates the following statutory provisions:
 - a) Section 23(b)(ii), (c) and (e) of the Motor Dealer Act Regulation; and
 - b) Sections 4(1), 4(3)(b)(vi) and 5 of the *Business Practices and Consumer Protection Act*.

NOW THEREFORE the Dealer, Salesperson Rai and Salesperson Zhou undertake, acknowledge and agree with the Registrar:

7. To comply with the MDA, the BPCPA and the regulations made thereunder;
8. To require Salesperson Dai to retake the VSA Salesperson course at his own expense, within thirty (30) days of the execution of this Undertaking;
9. To require Salesperson Zhou to retake the VSA Salesperson course at his own expense, within thirty (30) days of the execution of this Undertaking;
10. For the Dealer to pay an Administrative Penalty, in the amount of \$4,000 to deter it from engaging in conduct similar to the aforementioned contraventions of the MDA and the BPCPA in the future;
11. To reimburse the Registrar a total of \$419.07 representing 100% of the investigation costs incurred to date in relation to this matter, within thirty (30) days of the execution of this Undertaking;
12. That this Undertaking is binding until such time as it is either terminated in writing by the Registrar or terminated by Order of the Supreme Court of British Columbia;
13. That in addition to being rendered liable to further penalties and proceedings as provided for under the BPCPA, that it is an offence under the BPCPA to fail to comply with any part of this Undertaking that has not been previously terminated;
14. That the Registrar, upon breach of any part of this Undertaking, may declare the Undertaking to be at an end and may institute such proceedings and take such action under the BPCPA, or the MDA as considered necessary.
15. That nothing herein is intended to resolve any other complaint or investigation not specifically referenced in this Undertaking;
16. That any communication with the Registrar in connection with this Undertaking shall be made to the following address:

Registrar of Motor Dealers
Vehicle Sales Authority of BC
#280 – 8029 199th Street
Langley, BC V2Y 0E2

In the case of Dealer, to the following address:

D. V Exotic Auto Group Inc.
105 – 8855 Laurel Street
Vancouver, BC V6P 3V8

In the case of Salesperson Dai, to the following address:

[REDACTED] Refused pursuant to section 22 of FOIPPA
[REDACTED] [REDACTED]

And in the case of Salesperson Zhou, to the following address:

[REDACTED] Refused pursuant to section 22 of FOIPPA
[REDACTED] [REDACTED]

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

17. The Dealer and Salespersons have read this Undertaking and have had a reasonable opportunity to seek and obtain legal advice as to its terms.

DATED this 11 day of December 2019

D. V Exotic Auto Group Inc. (DL#40579)

Authorized signatory: "Original is signed"

Name: Ruoyu Dai

Title: Principal

Signature: "Original is signed"

Salesperson Name: Rouyu Dai (SP#200909)

Signature: "Original is signed"

Salesperson Name: Wenqiang Zhou (SP#209891)

ACCEPTED by the Registrar of Motor Dealers this 17 day of December 2019

"Original is signed"

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Registrar of Motor Dealers