



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 January 30, 2020,

by:

Neil Dha (SP#120159)

WHEREAS:

1. Neil Dha (#120159) ("Mr. Dha") is a "salesperson" as defined under Section 1(1) of the *Motor Dealer Act* R.S.B.C 1996 c. 316 (the "Act"), acting on behalf of 0976736 BC Ltd. dba Surrey Mitsubishi (the "Motor Dealer") at all relevant times.
2. The "Registrar of Motor Dealers" ("Registrar"), as defined under the Act, 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 has received and investigated a complaint from Jonathon Nikirk ("Mr. Nikirk"), who alleges that Mr. Dha:
 - a. Failed to disclose to Mr. Nikirk that the Dodge Grand Caravan (the "Vehicle"), he was purchasing had previously sustained damage over \$2,000;
 - b. Failed to disclose to Mr. Nikirk that the Vehicle had Rebuilt status;
 - c. Provided an incorrect VIN to TD Auto Finance on the Credit Application completed on March 20, 2018 for the Vehicle;
 - d. Provided Mr. Nikirk with an incorrect copy of the Credit Application;
 - e. Facilitated the incorrect registration of the vehicle by failing to ensure Mr. Nikirk was identified as the sole owner/purchaser of the Vehicle on the APV9T Transfer/Tax Form;

- f. Sold Mr. Nikirk the Vehicle on March 4, 2018, while the Vehicle was still considered as having "salvage" status in the BC Vehicle Registry and while the Vehicle was still registered to Coast Way Auto Sales and had yet to pass a Structural Integrity Inspection and Mechanical/Safety Inspection conducted by a Designated Inspection Facility authorized by the Ministry of Transportation and Infrastructure;
 - g. Did not formally secure the Motor Dealer's purchase and transfer of the Vehicle into its name from Coast Way Auto until May 3, 2018. Sixty (60) days after the Vehicle was sold to Mr. Nikirk;
4. The issues surrounding the allegations against the Motor Dealer and the interests of the consumer have been resolved by way of a separate undertaking.
5. The Registrar asserts that Mr. Dha – acting in his capacity as an individual salesperson - has contravened the following provisions of the Act, the BPCPA and their associated regulations:
- a. Section 4 and 5 of the BPCPA; and
 - b. Section 21(1), 22 and 23 of the Motor Dealer Act Regulation.

NOW THEREFORE Mr. Dha undertakes, acknowledges and agrees with the Registrar:

- 6. To comply with the Act, the BPCPA, the *Motor Vehicle Act* R.S.B.C 1996 c. 318, (the "MVA") and the regulations made thereunder;
- 7. To re-take the Vehicle Sales Authority's Salesperson Licensing Course at Mr. Dha's own expense, within sixty (60) days from the signing of this Undertaking;
- 8. To pay an Administrative Penalty, in the amount of **\$2,000** to deter Mr. Dha from continuing to engage in conduct similar to the aforementioned contraventions of the Act and the BPCPA in the future;
- 9. 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;
- 10. That in addition to rendering Mr. Dha 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;

11. That the Registrar may, upon breach of any part of this Undertaking, 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;
12. That nothing herein is intended to resolve any other complaint or investigation not specifically referenced in this Undertaking;
13. 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
Fax: (604)-574-5883

And in the case of Mr. Dha, to the following address:

Campbell Froh May & Rice LLP
5611 Cooney Rd. #200
Richmond, BC V6X 3J6

Attention: Aron Mand

Unless another address for delivery is given to the other party, in writing by either the Registrar or by Mr. Dha; and

14. Mr. Dha has read this Undertaking and has had a reasonable opportunity to seek and obtain legal advice as to its terms.

DATED this 30 day of January 2020

Signature: "original is signed"
Neil Dha (SP#120159)

ACCEPTED by the Registrar of Motor Dealers this 7 day of February 2020

"original is signed"
Ian Christman
Registrar of Motor Dealers