



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 May 6th, 2020,

by

Harjinder Dhaliwal (SL#202476)

WHEREAS:

1. Harjinder Dhaliwal (SL#202476), (the "Salesperson") is a "salesperson" as defined in section 1(1) of the *Motor Dealer Act* R.S.B.C. 1996 c. 316 (the "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. After an investigation was conducted, the Registrar received information that the Salesperson:
 - a) Was carrying on business as a Motor Dealer as defined by the MDA when he was not registered to do so;
 - b) Was advertising vehicles for sale using a dealer number and name that belonged to an unrelated dealership;
 - c) Was advertising vehicles for sale that were not part of his inventory and were registered to another Motor Dealer;
 - d) Failed to properly advertise the prescribed information on new and used vehicles as required by the Motor Dealer Act Regulation, (MDAR)
4. The Registrar asserts that the above detailed conduct violates the following statutory provisions:
 - a) Section 3 of the MDA;

- b) Sections 26(a) and 27 of the MDAR;
- c) Sections 4(3)(b)(i) and (vi) and 5 of the *Business Practices and Consumer Protection Act* ("BPCPA"); and
- d) The Code of Conduct provisions at section 33(2)(a) of the MDAR.

NOW THEREFORE the Salesperson undertakes, acknowledges and agrees with the Registrar:

- 5. To comply with the MDA, the BPCPA and the regulations made thereunder;
- 6. To pay an Administrative Penalty, in the amount of **\$2,000** to deter the Salesperson from engaging in conduct similar to the aforementioned contraventions of the MDA and the BPCPA in the future;
- 7. To reimburse the Registrar a total of **\$632.38** representing 100% of the investigation costs incurred to date in relation to this matter, within thirty (30) days of the execution of this Undertaking;
- 8. 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;
- 9. 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;
- 10. 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.
- 11. That nothing herein is intended to resolve any other complaint or investigation not specifically referenced in this Undertaking;
- 12. 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 Salesperson, to the following address:

Harjinder Dhaliwal

[REDACTED]
[REDACTED] [REDACTED]

Withheld - personal address
Section 22 - FOIPPA.

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

13. The Salesperson has read this Undertaking and has had a reasonable opportunity to seek and obtain legal advice as to its terms.

DATED this 6th day of May 2020

"original is signed"

Harjinder Dhaliwal (SL#202476)

ACCEPTED by the Registrar of Motor Dealers this 12th day of May 2020

"original is signed"

Ian Christman
Registrar of Motor Dealers