



**UNDERTAKING**

**IN THE MATTER OF THE *MOTOR DEALER ACT* RSBC 1996 c 316. and the  
*BUSINESS PRACTICES AND CONSUMER PROTECTION ACT* SBC 2004, c 2.**

**THIS UNDERTAKING**

by

Kia South Vancouver (DL#30460)

**WHEREAS:**

1. Kia South Vancouver, (DL#30460), (the "Dealer"), is a "registered motor dealer" as defined under the *Motor Dealer Act* RSBC 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* SBC 2004 c 2 (the "BPCPA").
3. The Registrar has received information that the Dealer in 2019:
  - a) The below items pertain to one vehicle sale,
    - i. Agreed to pay a sum of cash back to a consumer and failed to properly document the terms of the transaction; (the client was paid the agreed upon cash back in full)
    - ii. Failed to clearly document all terms of the sale on agreements, i.e. optional warranty or service products and applicable incentives. (All items were documented on the work sheet which the customer signed.)
  - b) Did not properly specify fees, i.e. "delivery", "finance"; and
  - c) Did not advertise the price of the vehicles on the lot to match the price advertised online.
4. The Registrar asserts that the above detailed conduct is not compliant with the following statutory provisions:

- a. Sections 21(1)(l) and 26(b) of the Motor Dealer Act Regulation ("MDAR");
- b. Sections 4(3)(a)(v)(vi) and 5 of the *Business Practices and Consumer Protection Act* ("BPCPA"); and
- c. The Code of Conduct provisions at section 33(2)(a) of the MDAR.

**NOW THEREFORE** the Dealer undertakes, acknowledges and agrees with the Registrar:

5. To comply with the MDA, the BPCPA and the regulations made thereunder;
6. To provide prompt a comprehensive disclosure of all subject file material to the Vehicle Sales Authority ("VSA") when responding to a consumer transaction complaint and upon the request of the VSA.
7. To pay an Administrative Penalty, in the amount of **\$10,000** to deter the Dealer from engaging in conduct similar to the aforementioned contraventions of the MDA and the BPCPA in the future;
8. To reimburse the Registrar a total of **\$697.85** representing 100% of the investigation costs incurred to date in relation to this matter, within thirty (30) days of the execution of this Undertaking;
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 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;
11. That this Undertaking be published no less than 60 days from the date of acceptance by the Registrar;
12. 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;
13. That nothing herein is intended to resolve any other complaint or investigation not specifically referenced in this Undertaking; and
14. 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 199<sup>th</sup> Street  
Langley, BC V2Y 0E2

In the case of Dealer, to the following address:

Kia South Vancouver  
369 SW Marine Drive  
Vancouver, BC V5X 2R6


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

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

**DATED** this 3<sup>rd</sup> day of December, 2021.

Kia South Vancouver (DL#30460)

Withheld Section 22 FOIPPA

Authorized signatory: 

Name: SAM MANHAS

Title: BC GROUP FINANCIAL CONTROLLER

**ACCEPTED** by the Registrar of Motor Dealers this 25<sup>th</sup> day of February, ~~2021~~ 2022

"Original Signed"

~~Ian Christman~~ Claire Hunter  
~~Registrar of Motor Dealers~~  
Acting Registrar of Motor Dealers