



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**

BETWEEN:

Brandon Leonardo
(SP# 208835)

(the "Respondent")

AND:

The Registrar of Motor Dealers

WHEREAS:

1. Brandon Leonardo, (SP # 208835), (the "Respondent"), is employed at TMT Auto Finance Ltd. and is a registered salesperson within the meaning of section 1(1) of the Motor Dealer Act, ("MDA")
2. The "Registrar of Motor Dealers" (the "Registrar"), as defined under the MDA, is responsible for the administration and enforcement of the MDA, its regulations, and the prescribed provisions of the Business Practices and Consumer Protection Act (the "BPCPA").
3. It is alleged that the Respondent:
 - a. Failed to properly disclose previous damage to the vehicle in the amount of \$19,697.32;
 - b. Being the previous owner of the vehicle knew or ought to have known about the aforementioned damage; and
 - c. Altered Carfax report # 25244194
4. The Registrar asserts that the circumstances described above constitute contraventions by the Respondent of the following legislation:
 1. Section 23(b)(ii) of the Motor Dealer Act Regulations ("MDAR"), for failure by the respondent to disclose a material fact, namely, that the vehicle had sustained damages requiring repairs costing more than \$2000.
 2. Section 4(3)(b)(vi) of the BPCPA for engaging in a deceptive act or Practice by failing to state a material fact, the effect of which was misleading; and

3. Section 8(1) of the BPCPA for committing or engaging in an unconscionable act or practice by altering Carfax report # 25244194

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

1. To comply with the MDA, MDAR, BPCPA, and the sections thereunder.
2. That he will re-take and pass the VSA Salesperson Licensing Course at his own cost no later than December 15, 2022;
3. To reimburse the Registrar a total of **\$1489.38** representing 100% of the investigation costs incurred to date in relation to the subject matter of this Undertaking within thirty (30) days of the Registrar signing this Undertaking;
4. That this Undertaking is binding on the Respondent until such time as it is either terminated in writing by the Registrar or terminated by Order of the Supreme Court of British Columbia;
5. That in addition to rendering the Respondent 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;
6. That the Registrar may, upon breach of any part of this Undertaking by the Respondent, 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; and
7. 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 B.C.
#280 – 8029 199th Street
Langley, BC V2Y 0E2

And in the case of the Respondent, to the following address:



Withheld in accordance with
Section 22 of FOIPA

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

The Respondent acknowledges and warrants that they have had an opportunity to seek legal advice as to the terms of this Undertaking.

Withheld in accordance
with Section 22 of FOIPPA

Signature: 

Authorized signatory name: BRANDON LEONARDO

ACCEPTED by the Registrar of Motor Dealers this 18th day of November 2022

"Original signed"

Kenneth Affleck, K.C.
Registrar of Motor Dealers