



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 Feb 22 2021

between:

Applewood Motors Inc. dba Applewood Kia (DL#10659),

and:

The Registrar, Vehicle Sales Authority of BC ("VSA")

WHEREAS:

1. Applewood Motors Inc. dba Applewood Kia (DL#10659), (the "Dealer"), is a "registered motor dealer", as defined under the *Motor Dealer Act R.S.B.C. 1996 c. 316* ("MDA").
2. The "Registrar of Motor Dealers," as defined under the MDA, (the "Registrar") 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. The Registrar has received information about a complaint from Hannah Yager, a consumer who claims that:
 - a. She purchased a 2013 Toyota Sienna , (the "Vehicle") from the Dealer on December 31, 2018;
 - b. The Dealer failed to declare on the purchase agreement that the Vehicle was previously a lease vehicle and had also sustained damages in excess of \$2,000;
 - c. On July 15, 2020 she filed a formal complaint with the VSA.
4. Further review of this complaint and the Dealer compliance history has determined that:

- a. The Dealer did fail to declare to Hannah Yager on the purchase agreement that the Vehicle was previously leased and that it had sustained damages in the amount of \$5,028.90;
 - b. The Dealer has had 2 previous complaints where they failed to make the necessary statutory declarations on purchase agreements in the past.
5. The Registrar asserts that the Dealer has contravened the following legislation:
 - a. Section 23(b)(iii) and (c) of the Motor Dealer Act Regulation ("MDAR") – for failing to disclose the Vehicle was previously leased and had sustained damages in excess of \$2,000;
 - b. Section 4(3)(b)(vi) of the BPCPA – for engaging in deceptive acts or practices by failing to state a material fact;
 - c. Code of Conduct provisions at Section 33 (2)(a) of the MDAR – for failing to act with honesty and integrity;

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

6. To comply with the MDA, BPCPA, and the regulations made thereunder;
7. The Dealer to pay an Administrative Penalty in the amount of **\$3,000** in relation to the subject matter of this Undertaking within thirty (30) days of the signing of this Undertaking;
8. The Dealer to reimburse the Registrar a total of **\$1,400.75** representing 100% of the investigation costs incurred to date in relation to the subject matter of this Undertaking within thirty (30) days of the signing of this Undertaking;
9. That this Undertaking is binding on the Dealer 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 the Dealer 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; and
11. That the Registrar may, upon breach of any part of this Undertaking by the Dealer, 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 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 Dealer, to the following address:

Applewood Motors Inc. dba
Applewood Kia
16299 Fraser Highway
Surrey, BC V4N 0G1

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

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

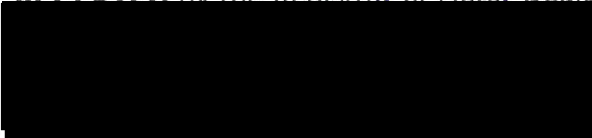
DATED this 22 day of Feb. 2021

Applewood Motors Inc. dba Applewood Kia (DL#10659),

Signature: 

Authorized signatory name: Jacqui Graham

ACCEPTED by the Registrar of Motor Dealers this 11 day of March 2021


Ian Christman
Registrar of Motor Dealers