



Investigation File: 18-04-011
Hearing File: 19-04-003

Neutral Citation: 2019-BCRMD-012

**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**

RE:

Imad Abdullah Rashid

and

Imad Abdullah Rashid *c.o.b.* as Imad Rashid

REGISTRAR'S DECISION - CORRIGENDUM

Date of Decision: June 20, 2019

Place of Decision: Langley, British Columbia

By way of written submissions

I. Introduction

[1] The Authority brings allegations that Imad Abdullah Rashid as an individual, and Imad Abdullah Rashid *c.o.b.* as Imad Rashid a sole proprietor of an auto repair store, (paraphrasing):

- (a) Sold 37 rebuilt motor vehicles in 2017 and sold 38 rebuilt motor vehicles in 2018 (75 total sales in two-years) to consumers while not registered as a motor dealer, contrary to section 3(1) of the *Motor Dealer Act*, R.S.B.C. 1996, c. 316 ("MDA");
- (b) Failed to provide consumers a purchase agreement with the required statutory declarations, contrary to sections 21(2) and (3), and section 23 of the *Motor Dealer Act Regulation*, B.C. Reg. 447/78 ("MDA-R"); and
- (c) The failure to make the required statutory declarations noted in (b) is a failure to state material facts. Such a failure to state material facts in a consumer transaction are termed deceptive acts or practices, contrary to section 5(1) of the *Business Practices and Consumer Protection Act*, S.B.C. 2004, c. 2 ("BPCPA"), as deemed by section 4(3)(b)(vi) of the BPCPA.

II. Procedural History

[2] On April 26, 2019, Godwin Tse, a Compliance Support Officer with the Authority, personally served Imad Rashid with:

(a) A letter from the Authority's Manager of Compliance, Norm Felix, detailing the above allegations, Mr. Rashid's right to be heard by way of written submissions, and advising Mr. Rashid that he had 30 days to provide those submissions ("Notice Letter"); and

(b) A copy of the sworn Investigation Report/Affidavit of Dan McGrath, Compliance Officer with the Authority (the "Investigation Report"), along with various exhibits, which are a part of the Investigation Report.

[3] Mr. Rashid had until May 27, 2019 to provide his written submissions. No written submissions were received before that date or by the date of this decision.

[4] I am satisfied that Mr. Rashid was properly served notice of this hearing and of his right to be heard in accordance with section 30 of the MDA. He has failed to respond. Under the circumstances, I may proceed with rendering a decision in the absence of Mr. Rashid's response.

III. The Issues

[5] The issues for consideration are:

(a) Whether Mr. Rashid acted as a motor dealer without being registered as one;

(b) Whether Mr. Rashid failed to make the required statutory declarations;

(c) Whether such a failure would constitute a deceptive act or practice; and

(d) Assuming that I find that Mr. Rashid breached the legislation, determining the appropriate response to obtain and maintain compliance with the legislation.

IV. Legal Principles

A. Registering as a Motor Dealer

[6] A motor dealer is defined in section 1(1) of the MDA. Generally, a person (individual or corporation) acts as a motor dealer if, in the course of business, they:

- (a) Sell, lease, or dispose of motor vehicles to consumers, whether the motor vehicle belongs to the person or belongs to another person (consignment);
- (b) Hold themselves out as doing any of the activities named in (a); or
- (c) Solicits, offers, advertises, or promotes in the activities named in (a).

[7] Section 1(2) of the MDA deems a person to be a motor dealer if they do anything noted in paragraphs [6](a) to (c), in relation to 5 vehicles within a 12-month period. This is a deeming provision, in aid of prosecution. It is not an exemption to sell 5 or less motor vehicles a year.

[8] If a person (individual or company) meets the definition of motor dealer, they must be registered with the Registrar. The failure to do so is a breach of section 3(1) of the MDA. Such a breach can be addressed by the Registrar administratively, through voluntary undertakings, compliance orders, and administrative penalties; or the violation may be prosecuted as an offence.

- Sections 26.01, 26.02, 26.04 and 35 of the MDA
- See *Wild Grizzly Transport Ltd. et al* (May 10, 2018, File 18-04-003, Registrar)

B. Statutory declarations

[9] Sections 21(2) and (3) of the MDA-R require certain disclosures to be made to consumers on a purchase agreement and a copy of the agreement to be provided to the consumers. Section 23 of the MDA-R requires additional disclosures, such as if a vehicle has sustained damages requiring repairs over \$2,000. Applying my experience in this industry, a vehicle that has been in an accident, written-off by an insurer, branded as salvage, and then rebuilt will have damages requiring repairs over \$2,000.

[10] The statutory declarations are required representations about the motor vehicle being sold. They are deemed by legislation to be material facts for consumers to know and the BPCPA governs the way in which those representations are made. This includes a positive duty to state material facts, with a failure to state a material fact deemed to be a deceptive act or practice under the BPCPA.

- Sections 4(3)(b)(vi) and 5(1) of the BPCPA
- See *Best Import Auto Ltd. et. al* (November 28, 2017, File 17-08-002, Registrar) at paragraphs 29 to 31, varied but not on this point by *Best Import Auto Ltd. v Motor Dealer Council of British Columbia*, 2018 BCSC 834 (BC Supreme Court).

C. Burden of Proof

[11] On the allegation that Mr. Rashid acted as a motor dealer, while not registered, the Authority has the burden of proof.

[12] On the allegation that Mr. Rashid committed a deceptive act or practice, once the Authority presents some evidence to support it, the onus shifts to Mr. Rashid to show that the representations were not deceptive acts or practices.

- Section 5(2) of the BPCPA.
- *Knapp v. Crown Auto Body & Auto Sales Ltd.* (September 21, 2009, File 08-70578, Registrar) at paragraphs 24 to 26, affirmed by *Crown Auto Body and Auto Sales Ltd. v. Motor Vehicle Sales Authority of British Columbia*, 2014 BCSC 894 (BC Supreme Court).

[13] The burden is on a balance of probabilities which is often reframed as “it is more likely than not” that the alleged conduct occurred, based on “sufficiently clear, convincing and cogent” evidence.

- *F.H. v. McDougall*, [2008] 3 S.C.R. 41, 2008 SCC 53 (Supreme Court of Canada) at paragraphs 44 – 46

V. Discussion – findings of fact

A. Acting as a motor dealer

[14] The Investigation Report establishes that Mr. Rashid worked with a registered motor dealer to purchase salvage vehicles from the ICBC salvage yard. Mr. Rashid would then rebuild the vehicles and sell them under the name of the registered motor dealer. The registered motor dealer would get a fee for Mr. Rashid’s use of its motor dealer registration and access to the ICBC salvage yard.

[15] That registered motor dealer cooperated with the Authority’s investigation into Imad Rashid’s conduct.¹ The registered motor dealer provided affidavit evidence to show how Mr. Rashid was the one selling the subject motor vehicles, and not the registered motor dealer. I will not describe the scheme in detail to prevent it being copied by others. Suffice it to say that there is ample acceptable and sufficiently clear, convincing, and cogent evidence to establish that Imad Rashid was acting as a motor dealer in 2017 and 2018:

¹ The registered motor dealer entered into a voluntary undertaking with the Registrar to address its conduct, which included an administrative penalty and paying all investigation costs (February 14, 2019, Undertaking File 19-02-001).

- (a) Pictures of multiple motor vehicles on display at Mr. Rashid's auto repair center;
- (b) Purchase agreements, evidencing consumer sales;
- (c) ICBC transfer/tax forms (APV9T's) registering transfers of ownership;
- (d) Registration and insurance documents, showing ownership by individuals and the declared use of the motor vehicles to be for personal and family use and not a business use;
- (e) Online Craig's List advertisements for the vehicles being offered for sale, with a phone number linked to Mr. Rashid;
- (f) The Investigation Report generally; and
- (g) The affidavit of the registered motor dealer.

That evidence has not been refuted. I find that Mr. Rashid is in contravention of section 3(1) of the MDA – acting as a motor dealer while not licensed, also known in the industry as a “curber.”

[16] The Investigation Report notes that Dan McGrath spoke with Mr. Rashid, who admitted to selling the noted vehicles: see paragraph 16 of the Investigation Report. This is both hearsay evidence and an apparent admission of his involvement. While I may accept hearsay evidence as an administrative tribunal, I must be cautious on the weight I give it, especially when it is offered as proof of a central allegation. Given the documentary evidence and the other direct evidence, I do not find it necessary to rely on that hearsay evidence.

B. Failure to make statutory declarations

[17] I have reviewed the available purchase agreements related to the 2017 and 2018 sales. Of the 75 sales, there are 12 complete purchase agreements and one incomplete (missing pages) purchase agreement. Of those 12 complete agreements, one indicates the vehicle was sold to a limited (LTD) company (agreement date of 2018-01-21). That would be a business transaction, not covered by the legislation cited here. Of the remaining 11 purchase agreements covering consumer purchases, none have all the required statutory declarations. The dealer name on the 11 purchase agreements is not Imad Rashid. However, there is acceptable evidence as noted at paragraph [15], to link these 11 purchase agreements to consumer sales completed by Mr. Rashid.

[18] Legally, the cited regulations impose a statutory duty on a “motor dealer” to make the required declarations. The fact that the regulations do not impose that

statutory duty on a “registered motor dealer” is important. The legislative intent is that, if a person acts as a motor dealer, they must comply with all the legislation, which includes being registered and making the required statutory declarations. This is consistent with the consumer protection purposes of the legislation and a reading of the whole legislation. See for example:

- (a) Definitions of “registered” and “motor dealer” in section 1(1) of the MDA;
- (b) The wording of section 3(1) of the MDA;
- (c) The wording of section 5 of the MDA; and
- (d) The wording of section 7 of the MDA-R.

[19] Mr. Rashid acted as a motor dealer. He was legally required to make the declarations/representations about each motor vehicle on the corresponding purchase agreements. Mr. Rashid did not make those required declarations and is in violation of sections 21(2) and 23 of the MDA-R.

[20] There is insufficient evidence to say that Imad Rashid failed to provide a purchase agreement to the remaining 59 consumers, contrary to section 21(3) of the MDA-R. The fact that purchase agreements were not located during the investigation for the remaining 59 sales does not mean consumers were not given copies of their purchase agreements. That would have to be confirmed with the consumers.

C. Did Imad Rashid commit deceptive acts or practices?

[21] I have found that Imad Rashid failed to make all the required statutory declarations on the 11 consumer purchase agreements. This is a failure to state material facts and is deemed to be deceptive acts or practices by section 4(3)(b)(vi) of the BPCPA in violation of section 5(1) of the BPCPA.

- *Best Import* (Registrar) at paragraphs 29-31.
- *Scott v. Lake Country Motor Sports Ltd.* (August 10, 2018, Hearing File 18-01-004, Registrar) at paragraph 15.

VI. Compliance Action

A. Legal considerations

[22] As noted above, there are a total of 75 sales brought to my attention. Of those sales, 37 occurred in 2017 and 38 in 2018. One sale in 2018 appears to have been to a business and so I will not consider it here. Of the remaining 74 sales, there are 11 with purchase agreements dated in 2018, which do not have the statutory

declarations required by sections 21(2) and 23 of the MDAR and so constitute deceptive acts or practices, contrary to section 5(1) of the BPCPA.

[23] On January 1, 2018, the MDA was amended to empower the Registrar to issue compliance orders and administrative penalties for breaches of that Act or its regulations. Some of the conduct in this case occurred in 2017 and some in 2018. Caselaw notes that a tribunal may issue a protective forward-looking compliance order for conduct that occurred prior to the legal authority to issue the compliance order. This is because the compliance order aims to protect against future harm and not to punish the past conduct or impose a pecuniary burden for past conduct.

[24] That same caselaw also establishes that a tribunal may not issue administrative penalties for conduct that occurred prior to the legal authority to issue administrative penalties. While administrative penalties are also forward looking and used to deter future misconduct, the courts have rationalized that such penalties impose a pecuniary burden on someone associated with past conduct. As such, the common law presumption that all laws are forward looking and not addressing past conduct applies. For a law imposing a pecuniary burden on someone to be retroactive/retrospective, the Legislature must expressly state so in the legislation.²

- *Thow v. B.C. (Securities Commission)* 2009 BCCA 46 (BC Court of Appeal)
- Applied in *Re: Wild Grizzly Transport Ltd. et. al.* (May 31, 2018, 18-04-003, Registrar) decision on costs.

[25] In this case, I am confined to issuing a protective compliance order for the breaches of the MDA and the MDA-R that occurred in 2017. I may not issue administrative penalties for those breaches. For the 2018 breaches of the MDA and MDA-R, I may issue compliance orders and an administrative penalty.

[26] In 2005, the Registrar was empowered to issue a compliance order and administrative penalties for violations of the BPCPA. Thus, I may issue compliance orders and administrative penalties for any breaches of the BPCPA that occurred in 2017 or 2018.

B. Compliance Order - MDA

[27] Based on the forgoing findings, I find it to be in the public interest to issue a Compliance Order under section 26.02 of the MDA on the following terms:

Imad Abdullah Rashid and Imad Abdullah Rashid *c.o.b.* as Imad Rashid and each of them are to cease and desist from acting as a motor dealer

² Note that this retroactivity only applies to civil law matters. The Canadian Constitution prohibits retroactive criminal sanctions: section 11(g) of the *Charter of Rights and Freedoms*.

unless and until they are registered as a motor dealer in compliance with the *Motor Dealer Act*, R.S.B.C. 1996, c. 316.

C. Compliance Order - BPCPA

[28] Based on the forgoing findings, I find it in the public interest to issue a Compliance Order under section 155 of the BPCPA on the following terms:

Imad Abdullah Rashid, and Imad Abdullah Rashid *c.o.b.* as Imad Rashid and each of them are to:

- (a) Abide by the *Business Practices and Consumer Protection Act*, S.B.C. 2004, c. 2;
- (b) Refrain from committing 'deceptive acts or practices' as that term is defined in the *Business Practices and Consumer Protection Act*, S.B.C. 2004, c. 2; and (specifically)
- (c) Refrain from failing to state material facts to consumers, before, during, or after a consumer transaction.

D. Administrative Penalty

[29] The Notice Letter notes the Registrar could impose an administrative penalty of up to \$50,000 for breaches of the legislation. From this, I find the Authority gave proper notice that an administrative penalty may be imposed, and Imad Abdullah Rashid, and Imad Abdullah Rashid *c.o.b.* as Imad Rashid were given an opportunity to be heard as to this possibility.

[30] The fact the Authority noted a maximum penalty of \$50,000 is of significance.

[31] Under section 165 of the BPCPA, the maximum penalty amounts for contraventions of that Act or its regulations are:

- (a) \$50,000 for a company; and
- (b) \$5,000 for an individual.

[32] Under section 26.05 of the MDA, the maximum penalty amounts for contraventions of that Act or its regulations are:

- (a) \$100,000 for an individual operating a business as a sole proprietorship;
- (b) \$100,000 for a company; and

(c) \$50,000 for an individual not acting as a sole proprietor.

[33] “Company” and “corporation” are defined terms in the *Business Corporations Act*, S.B.C. 2002, c. 57 (“BCA”). A combined reading of both indicates that a “company” is a corporation, an association, or a society incorporated under the BCA. It does not cover an individual carrying on business in their own name. The business licence in evidence shows that Imad Rashid was carrying on business under his own name as an individual, not as a company.

[34] Therefore, the \$50,000 noted in the Notice Letter is not an administrative penalty under the BPCPA, as the maximum that could be imposed on an individual is \$5,000. The Authority has recognized that Mr. Rashid was acting as an individual and its Notice Letter cites the \$50,000 maximum that can be imposed on an individual under section 26.05 of the MDA for breaches of that Act or its regulations.

[35] Fairness requires that I not consider a separate administrative penalty for breaches of the BPCPA, as no notice was given on that point. I would also note that confining the penalty to one piece of legislation was appropriate. While both the MDA and the BPCPA were breached, it was the same conduct that led to both being violated (i.e. the failure to disclose material facts on the purchase agreements) which generally, but not always, results in one penalty for the purposes of deterring that one type of misconduct: *Thow* (BC Court of Appeal) at paragraph 58, citing *B.C. Securities Commission v. Biller*, 2001 BCCA 208 (BC Court of Appeal).

[36] In considering imposing an administrative penalty under the MDA, I must consider the individual factors in section 26.04(2) and the whole case. The goals of specific deterrence on the individual and general deterrence on the industry are also factors to be considered: *Cartaway Resources Corp. (Re)*, [2004] 1 SCR 672, 2004 SCC 26 (Supreme Court of Canada) at paras. 52 to 62 and see *Hogan v. British Columbia Securities Commission*, 2005 BCCA 53 (BC Court of Appeal) at paragraphs 15 to 17. The focus here is on deterring future violations of section 3(1) of the MDA (unregistered dealer), for the 2018 vehicle sales to consumers and failing to make the declarations on the 11 purchase agreements in 2018, as required by sections 21(2) and 23 of the MDA-R.

1. Previous enforcement actions for contraventions of a similar nature by the person.

[37] There is no evidence of any prior enforcement actions taken against Imad Rashid for contraventions of a similar nature. This suggests an administrative penalty on the lower end of the range.

2. The gravity and magnitude of the contravention.

[38] The gravity of the contravention in this case is serious. Mr. Rashid is disregarding the MDA, which gives him an unfair competitive advantage over other registered motor dealers, who follow that Act's licensing and regulatory framework. Mr. Rashid has not been vetted by the Authority for suitability to be a motor dealer, which could put consumers at unreasonable risk. This is exemplified by the 11 consumers, who did not receive the information they were legally entitled to on the purchase agreements, before making their buying choice.

[39] The magnitude of the breach is also significant. Mr. Rashid has been identified as having sold some 37³ motor vehicles to consumers in 2018. Of those, I know of 11 that did not receive all the required declarations. This level of activity is not fleeting or trivial. Further, Mr. Rashid's conduct resulted in a total of three violations of the MDA's legal and regulatory scheme.

[40] The gravity and magnitude of the violations suggest an administrative penalty on the higher end of the range to reflect the potential risk of harm and the breadth of that risk.

3. The extent of the harm to others resulting from the contravention.

[41] No consumer complaints were brought to my attention. There is no direct, quantifiable evidence of financial harm to anyone. What is known is that 11 consumers did not receive the information that they were legally entitled to receive, and which may have affected their decision to purchase. There is also the general harm on the registered motor dealers, who should otherwise have conducted these sales. Society is impacted, when laws are not obeyed. If laws are not obeyed within a regulatory framework, then that framework becomes ineffectual at achieving its goal of risk mitigation/reduction. On this point, I would say that the impact on others is significant suggesting an administrative penalty at the higher end of the range.

4. Whether the contravention was repeated or continuous

[42] This was a repeated and continuous violation of section 3(1) of the MDA - at least 37 times. It was also a repeated and continuous violation of sections 21(2) and 23 of the MDA-R - at least 11 times.

[43] The number of repeated and continuous violations was significant. These were not "one-off" errors, but a concerted scheme in violation of the legislation. This suggests an administrative penalty at the higher end of the range.

³ I am not counting one transaction where the purchase agreement indicates the purchaser was a limited company.

5. Whether the contravention was deliberate

[44] The evidence is very clear that the contraventions were deliberate. Imad Rashid devised a scheme to obtain motor vehicle inventory and sell them. Mr. Rashid knew that he needed a motor dealer's registration number to access the ICBC salvage yard. Mr. Rashid also used the registered motor dealer's purchase agreements to hide, at least on paper, his involvement with these sales. That was deliberate. Leaving out the declarations on the purchase agreement can only be deliberate. It was repeated so many times that it cannot be a simple error or forgetfulness in completing those purchase agreements.

[45] Deliberate violations of the law suggest an administrative penalty on the higher end of the range as compared to violations because of negligence or violations due to a lack of knowledge.

6. Any economic benefit derived by the person from the contravention

[46] There is some evidence in the Investigation Report to indicate Mr. Rashid made \$29,612.34 in relation to 15 of the 2018 sales. This is an average of \$1974.16 per vehicle: Exhibit A to the Affidavit of Sayed Saddat, sworn January 28, 2019, which forms part of the Investigation Report. Applying that average to the 37 consumer sales in 2018, suggests the economic benefit was around \$73,043.77 for those sales. I recognize that there would have been costs to repair and recondition those vehicles, however Mr. Rashid elected not to provide that type of evidence. Even assuming that reconditioning costs amounted to 50% of the money received, Mr. Rashid made a profit of about \$36,521.89.

[47] The potential profit of \$73,043.77 exceeds the maximum administrative penalty of \$50,000. Even the discounted potential profit of \$36,521.89 is high when compared to the maximum penalty. To be a true deterrent, an administrative penalty must not be merely the cost of doing business: *Guindon*, (Supreme Court of Canada). The ability of the person to pay the penalty amount is not determinative of the amount of the penalty, especially when general deterrence is of importance: *Hogan* (BC Court of Appeal).

7. The person's efforts to correct the contravention

[48] There is no evidence that Mr. Rashid has stopped these contraventions or has done anything to correct them. There was no offer to enter into a voluntary undertaking even though it was mentioned as an option in the Notice Letter. This suggests an unwillingness to comply with the law, which suggests an administrative penalty on the higher end of the range.

8. Specific and general deterrence

[49] Both specific and general deterrence are important in this case. Imad Rashid must be discouraged from continuing this practice. Others in the industry must be discouraged from taking up this practice to protect consumers and consumer confidence in the regulatory scheme and the motor dealer industry: see *Re: Cartaway Resources* (Supreme Court of Canada) at paragraphs 60 and 65. Therefore, an administrative penalty must be meaningful and proportionate to the economic benefit that can be obtained by undertaking the same or similar conduct. An administrative penalty in the upper range for specific and general deterrence is indicated here, to deter future similar misconduct.

9. Past precedents

[50] Reviewing past precedents can be helpful to provide consistency. Even so, I am not bound to apply the same administrative penalty as in the past: *Hogan* (BC Court of Appeal). Various factors can require increasing penalty amounts to act as true deterrents. For instance, experience may show the need to increase penalty amounts as past amounts have not had their desired effect of specific and general deterrence. Importantly, the individual circumstances of the case must be considered.

[51] There have been no administrative penalties for acting as a motor dealer while unregistered imposed by the registrar after a full hearing.

[52] There are examples of such administrative penalties imposed after a person has agreed to a voluntary undertaking. Of course, the penalty amount involving a voluntary undertaking is usually less than after a full hearing. This aids in obtaining early compliance and a reduced penalty amount reflects on the person's willingness to correct the contravention and their behaviour: section 26.04(2)(g) MDA. I have considered the following past undertakings:

- (a) Shtyrin, File 19-04-001, April 15, 2019, \$2,000 administrative penalty, for acting as a motor dealer while unregistered on multiple occasions with no violations of the MDA-R noted;
- (b) Marshall, File 18-11-002, November 22, 2018, \$2,000 administrative penalty for acting as a motor dealer while unregistered on multiple occasions with no violations of the MDA-R noted;
- (c) Xing, File 18-10-003, October 23, 2018, \$2,000 administrative penalty for acting as a motor dealer while unregistered on multiple occasions with no violations of the MDA-R noted; and

(d)Asiamah and Digital Automotive Sales, File 18-10-002, October 19, 2018, \$2,000 administrative penalty for acting as a motor dealer while unregistered on multiple occasions with no violations of the MDA-R noted.

10. Discussion and decision on administrative penalty

[53] Overall, this case suggests an administrative penalty at the higher end of the range. Imad Rashid must be deterred; and the potential \$36,000 to \$73,000 in profits in one year's sales also indicates a higher penalty is needed for specific deterrence. Finally, the public and the industry must know that this sort of conduct (acting as unregistered motor dealer and failing to make the statutory declarations on purchase agreements) cannot be condoned and must be deterred.

[54] I find the administrative penalties in the above noted undertakings are both distinguishable and have proven inadequate to serve their general deterrent purpose. They are distinguishable because the undertakings were voluntary agreements by the individuals to comply with the law. Imad Rashid has not voluntarily agreed to abide by the law. The above undertakings are also distinguishable as none of the undertakings indicate a failure to make statutory declarations on purchase agreements.

[55] The \$2,000 administrative penalties have proven inadequate as general deterrence. This case shows that curber activity continues in the industry. The depth and breadth of this case and the potential for approximately \$36,000 to \$73,000 profit in one year strongly suggests that a \$2,000 administrative penalty is simply viewed as the cost of doing business.

[56] Overall, I believe an administrative penalty of \$35,000 is appropriate to act as a necessary specific and general deterrent and is so ordered against Imad Rashid. I note this amount approximates the potential economic benefit received for the violations of the legislation. For this and similar cases, \$35,000 is a more appropriate deterrent than \$2,000 and a proportionate response to the unique facts of this case.

VII. Costs

[57] Under section 26.02(4)(d) I may order Mr. Rashid to pay investigation costs. The Authority did not note this possibility in the Notice Letter. The Authority did not make submissions or provide evidence regarding costs. Of course, it is hard to know what the actual costs are until the conclusion of the hearing process.

[58] The Authority may provide written submissions on costs to me within 21 days of receiving a copy of this decision; with a copy provided to Imad Rashid. Once Mr. Rashid has received the Authority's submissions, he will have 21 days to provide a

response to me with a copy to the Authority. Those submissions can be sent to my Legal Assistant, Charles List, J.D.:

Charles@mvsabc.com

VIII. Review

[59] If there is disagreement with my compliance orders or notice of administrative penalty, an application to reconsider those may be made in writing within 30 days of receiving the compliance order and notice of administrative penalty. The application for reconsideration must identify the ground or reason for requesting reconsideration and must be accompanied with the "new evidence" as that term is defined in the legislation: sections 26.12(2) of the MDA and 182(2) of the BPCPA. Such an application can be sent to my Legal Assistant, Charles List, J.D.:

Charles@mvsabc.com

[60] Alternatively, a person may petition the B.C. Supreme Court to conduct a judicial review, pursuant to the *Judicial Review Procedure Act*, R.S.B.C. 1996, c, 241. Such a petition must be filed with that court within 60 days of this decision's date: section 7.1(t) MDA.

Original Signed
Ian Christman, J.D.
Registrar of Motor Vehicles

This decision has been altered to correct the spelling of Mr. Imad Rashid's first name. In the original decision, he was referred to in several places as "Iman" Rashid.