IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

PARKWOOD AUTO SALES LTD.

PETITIONER

AND:

KEN SMITH, REGISTRAR OF MOTOR DEALERS and MOTOR DEALER COUNCIL OF BRITISH COLUMBIA

RESPONDENTS

ORDER

ON THE APPLICATION of the Respondents, Ken Smith and Motor Dealer Council of British Columbia, without a hearing and by consent:

THIS COURT ORDERS that:

- The following decisions of the Respondent, Ken Smith, Registrar of Motor Dealers, be set aside and remitted back to Registrar of Motor Dealers for rehearing:
 - (a) Final Decision dated April 23, 2008, determining that Parkwood Auto Sales Ltd. ("Parkwood") committed a deceptive act under sections 4 and 5 of the Business Practices and Consumer Protection Act with respect to the sale of a 1999 BMW 323i automobile to Satinder and Balwinder Gill and with respect to the sale of a 2004 Ford Lincoln LS to Monica Pirvulescu;

- (b) Compliance Order dated May 7, 2008:
 - (i) Directing Parkwood to reimburse Satinder and Balwinder Gill \$6,000;
 - (ii) Directing Parkwood to reimburse Monica Pirvulescu \$7,000;
 - (iii) Directing Parkwood to reimburse the Vehicle Sales Authority \$2,328.07 for investigation costs;
 - (iv) Prohibiting Parkwood from engaging in consignment sales;
 - (v) Requiring Mark Beune, the principal of Parkwood, to take the Salesperson Certification Program at his own expense within 3 months of the date of the decision;
- (c) Notice of Penalty dated May 7, 2008, imposing a \$5,000.00 administrative penalty on Parkwood.
- 2. Each party is to bear their own costs.

Consented To:

Solicitor for the Respondents

Solicitor for the Petitioner

By the Court

Digitally signed by White, Patricia

Registrar