

IN THE MATTER OF THE MOTOR DEALER ACT, RSBC 1996 C 316 and the MOTOR DEALER CUSTOMER COMPENSATION FUND REGULATION, BC REG 102/95, OC 271/95

FILED BY:

Ivanco Keremelevski

Claimant

INVOLVING:

**Willowbrook Motors Ltd.
Dealer Licence 40479/Issued**

Motor Dealer

DECISION OF THE MOTOR DEALER CUSTOMER COMPENSATION FUND BOARD

By way of written submissions.

[1] On April 24, 2024, the claim for compensation from the Motor Dealer Customer Compensation Fund (the "Fund") filed by the Claimant was presented to the Motor Dealer Customer Compensation Fund Board (the "Board") for hearing.

Decision

[2] This claim has been denied.

Claim Summary

[3] The following are the Claimant's allegations:

[4] This claim is about a transaction on May 11, 2022, between the Claimant and Willowbrook Motors Ltd. ("Willowbrook Motors"). The Claimant purchased a 2022 Jeep Wagoneer (the "Jeep") from Willowbrook Motors. The Claimant also purchased an extended warranty for the Jeep in the amount of \$6,460.00 plus the cost of GST (the "Warranty").

[5] The Claimant alleges that Willowbrook Motors wrongfully advertised the gas consumption of the Jeep; failed to disclose that the Warranty was only transferable to private buyers; tricked the Claimant into purchasing the Warranty and protective packages amounting to \$15,000.00, and did not fulfill a promise to provide rubber floor mats for the Jeep.

[6] This claim is for \$150,000.00 for losses and damages caused by Willowbrook Motors' misinformation and mistreatment.

Legislative Authority and the Board's Findings

[7] When considering the eligibility of the Claimant's alleged loss, the Board applied Section 5(1) of the *Motor Dealer Customer Compensation Fund Regulation* which says which losses are eligible for compensation from the Fund. Section 5(1)(b) of the *Regulation* states:

"5 (1) *The following losses are eligible for compensation from the fund:*

(b) with respect to the purchase of an extended warranty or service plan, the loss of the unexpired portion of the warranty or plan resulting from the bankruptcy, insolvency, receivership or other failure of the motor dealer".

[8] The Board reviewed the documents on file, copies of which were provided to the Claimant and Willowbrook Motors at the pre-hearing stage. Both parties had an opportunity to respond to those documents. The documents under review included:

- a. Claimant's Demand to Motor Dealer;
- b. Claimant's Motor Dealer Customer Compensation Fund Claim Application ("Claim Application);
- c. Willowbrook Motors' response to Claim Application;
- d. Consumer Complaint Application;
- e. Willowbrook Motors' response to Consumer Complaint Application;
- f. Outcome of Investigation for Consumer Complaint; and
- g. Claimant's Response to the Outcome of the Investigation for Consumer Complaint

[9] The Board found that there was not enough evidence that the claim fit the eligibility criteria in Section 5(1) of the *Regulation* and denied the claim. There is no evidence of any bankruptcy, insolvency receivership, or other failure of Willowbrook Motors causing loss to the Claimant.

[10] The Board can only deal with claims that fall within the specific terms of the *Regulation*. Claimants may have other legal remedies available to them and are encouraged to do their own investigations into other possible remedies. Attached is the Vehicle Sales Authority of BC (the "VSA") Fact Sheet *Where to go for help*.

Reconsideration

[11] According to Sections 16(2), 18.1 and 18.2 of the *MDA*, the Board may, at its discretion, reconsider its decision. The Board will consider a request for reconsideration from a party to a claim, provided that the request is made in writing and includes relevant evidence that was not previously considered by the Board and was not known or available to the party before the hearing. All parties to a claim will be notified if the Board decides to reconsider its decision. An application for reconsideration must be made in writing within 30 days of the decision.

Date: May 22, 2024

Motor Dealer Customer Compensation Fund Board

Per:

/Original is signed/

Mary Childs, Board Chair

Enclosure
MC/ds/ag/jm