

Claim No.: C-24-08-126
Neutral Citation: 2025-BCMDCCFB-034

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:

Habiba Djebil

Claimant

INVOLVING:

**TMT Auto Finance Ltd.
Dealer Licence 40328/Cancelled**

Motor Dealer

DECISION OF THE MOTOR DEALER CUSTOMER COMPENSATION FUND BOARD

By way of written submissions.

[1] On December 9, 2025, 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 Claimant alleges:

[4] The Claimant, who resides in Montréal, Quebec, responded to an online advertisement for a 2020 Chevrolet Corvette (the "Corvette") posted on the Motor Dealer's website.

[5] On March 18, 2024, the Claimant sent an electronic transfer of \$3,000.00 to the Owner of the Motor Dealer as a deposit.

[6] The Sales Manager of the Motor Dealer confirmed to the Claimant that the sale of the Corvette could be completed electronically. Relying on this, the Claimant made three additional electronic transfers in the amounts of \$12,050.00, \$15,000.00, and \$2,000.00 to agents of the Motor Dealer.

[7] The Claimant did not receive any paperwork related to the sale of the Corvette.

[8] After multiple unsuccessful attempts to contact the agents involved in the transaction, the Claimant reached out to the Motor Dealer directly and was promised a refund, which was never received.

[9] The Claimant is seeking \$32,000.00 from the Fund.

Legislative Authority and the Board's Findings

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

- (i) Demand to Motor Dealer;
- (ii) Claim Application;
- (iii) Summary; and
- (iv) Investigation Cost Recovery Invoice

[11] When considering the eligibility of the Claimant's alleged loss, the Board applied Subsection 4(1)(a) of the *Motor Dealer Customer Compensation Fund Regulation* (the "Regulation"), which lists who may apply for compensation:

"An individual who, on or after the day this regulation comes into force, (a) purchases from a registered motor dealer"

[12] The Board found that this claim does not meet the eligibility criteria as there is no proof of a purchase from the Motor Dealer.

[13] The Board can only deal with claims that fall within the specific terms of the *Regulation*. The Claimant 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*.

Investigation Cost Recovery by the VSA

[14] Pursuant to Section 22(b) of the *Motor Dealer Act* (the "MDA"), costs incurred in investigating claims against the Fund must be paid from the Fund.

[15] The Board reviewed the VSA Investigation Cost Recovery Invoice for this claim - Invoice #24126. The Board approved the invoiced investigation costs for \$956.61, for recovery by the VSA from the Fund.

Reimbursement to the Fund by the Motor Dealer

[16] According to Section 24 of the *MDA*, if a claim is paid out of the Fund, the motor dealer who caused the claim must reimburse the Fund for the amount paid out of the Fund for the claim and the investigation costs. The Registrar of Motor Dealers may cancel the dealer licence of the motor dealer who caused the claim if the Fund is not repaid.

[17] Since this claim is denied, the investigation costs will not be charged to the Motor Dealer.

Reconsideration

[18] 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.

Motor Dealer Customer Compensation Fund Board

Per:

/Original is signed/

Mary Childs, Board Chair

*Attachment
MC/ds/ag/jm*