

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:

David Wu

Claimant

INVOLVING:

**Trican Auto Sales
Dealer Licence 40613/Cancelled**

Motor Dealer

DECISION OF THE MOTOR DEALER CUSTOMER COMPENSATION FUND BOARD

By way of written submissions.

[1] On April 2, 2026, 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 allegations of the Claimant:

[4] On June 28, 2024, the claimant purchased a 2016 Ford Explorer (the "**Ford**") at Trican Auto Sales (the "**Motor Dealer**") for \$17,500.

[5] As a part of the deal, the Motor Dealer was to replace the water pump and timing chain before the Claimant took possession of the Ford.

[6] On March 19, 2025, the Claimant discovered that the Ford had an oil and coolant leak.

[7] The Claimant paid \$4,682.19 to have the water pump and timing chain replaced.

[8] The Claimant is seeking compensation of \$4,682.92 from the Fund.

Legislative Authority and the Board's Findings

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

- a) Demand to Motor Dealer
- b) Claim Application
- c) Compensation Fund Report

d) Investigation Cost Recovery Invoice

[10] When considering the eligibility of the Claimant's alleged loss, the Board applied Subsection 7(a) of the *Motor Dealer Customer Compensation Fund Regulation* (the "*Regulation*"), which sets the limitations for losses that may be compensable from the Fund:

"(7) An applicant is not eligible for compensation from the fund

(a) in respect of the purchase of a motor vehicle, if the claim is based on the cost, value or quality of the motor vehicle received,"

[11] The Board found that the claim is based on the cost, value or quality of the Ford received by the Claimant from the Motor Dealer.

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

Investigation Cost Recovery by the VSA

[13] 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.

[14] The Board reviewed the VSA Investigation Cost Recovery Invoice for this claim - Invoice #25319. The Board approved the invoiced investigation costs in the amount of \$353.71 for recovery by the VSA from the Fund.

Reimbursement to the Fund by the Motor Dealer

[15] 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.

[16] Since this claim is denied, the investigation costs will not be charged to Trican Auto Sales.

Reconsideration

[17] 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 15, 2026

Motor Dealer Customer Compensation Fund Board

Per:

/Original is signed/

Mary Childs, Board Chair

Attachment
MC/ds/ag/