



Investigation File No.: C-24-12-111
Hearing File No.: H-25-07-002

**IN THE MATTER OF *THE MOTOR DEALER ACT*, R.S.B.C. 1998, c.316 and
THE BUSINESS PRACTICES AND CONSUMER PROTECTION ACT, S.B.C. 2004, c.2**

BETWEEN:

THE VEHICLE SALES AUTHORITY OF BRITISH COLUMBIA

THE AUTHORITY

AND:

SIAVASH MEHRPOUYA

COMPLAINANT

AND:

SUPER CHOICE AUTO LTD. dba LUCKY STARS AUTO

RESPONDENT/MOTOR DEALER

AND:

AMIR (SAM) GHAMARY

RESPONDENT/SALESPERSON

AND:

ARIA EBRAHIMI

RESPONDENT/SALESPERSON

**DECISION OF THE REGISTRAR OF MOTOR DEALERS
RE: APPLICATION FOR RECONSIDERATION AND STAY OF DECISION**

Date and location of decision: December 9, 2025, at Langley, British Columbia

By way of written submissions

I. Introduction

1. Following a written hearing in this matter I issued a decision dated November 7, 2025 (“the Decision”) in which I made the following orders concerning the Respondents Super Choice Auto Ltd. dba Lucky Stars Auto (“Lucky Stars”) and Amir Ghamary (together “the Respondents”):
 - (a) Lucky Stars’ motor dealer registration is suspended for a period of four months effective December 15, 2025;
 - (b) Amir Ghamary’s salesperson license is suspended for a period of 30 days effective upon receipt of this decision;
 - (c) Lucky Stars is to pay an administrative penalty in the amount of \$35,000;
 - (d) Amir Ghamary is to pay an administrative penalty in the amount of \$1,250;
 - (e) A Compliance Order is issued pursuant to section 26.02 of the *Motor Dealer Act* (“MDA”) and section 155 of the *Business Practices and Consumer Protection Act* (“BPCPA”) which provides that Lucky Stars and Mr. Ghamary shall comply with the MDA, the BPCPA and the regulations made thereunder; and
 - (f) A Compliance Order is issued that orders Lucky Stars to reimburse 75% of the Authority’s actual costs, including legal costs, with the quantum to be agreed upon by the parties or assessed.
2. The allegations against Mr. Ebrahimi were dismissed.
3. By application dated December 3, 2025 the Respondents request that I reconsider the Decision pursuant to sections 26.11 and 26.12 of the MDA and sections 181 and 182 of the BPCPA. The Authority opposes the Respondents’ request.
4. In addition to its reconsideration request, Mr. Ghamary requests in a letter also dated December 3, 2025 that the Decision be stayed pending the outcome of the reconsideration.

II. Procedural background

5. Following the issuance of the Decision, the only outstanding matter is the assessment of the quantum of costs to be reimbursed by Lucky Stars to the Authority.

III. Respondents position

6. In its request for reconsideration, the Respondents raise the following arguments:
 - a. The Decision is based on an error of fact and misapplication of the BPCPA in respect of a finding of a deceptive act;
 - b. The Decision was based on an error of fact in that Lucky Stars was found to have failed to affix a “Not Suitable for Transportation” sign to the subject vehicle;
 - c. The Decision was based on an error in finding a lack of honesty and integrity;
 - d. The Decision was based on an error of fact and mischaracterization in finding that the Respondents aided and abetted the consumer in contravening other legislation; and
 - e. The Decision includes a penalty that is disproportionate and punitive, inconsistent with precedent and which fails to account for mitigating factors.

7. The Respondents summarize their position at paragraph 4 of their submissions as follows:

The Decision contains reviewable errors of fact that materially affect the findings of liability. Furthermore, the penalties imposed are disproportionate, overlook key mitigating circumstances, and would cause undue hardship to a small business and its employees.

IV. Authority position

8. The Authority submits that the Respondents have not met the requirements of the MDA and BPCPA, namely, that there is no new evidence that has become available, or that has been discovered that is substantial and material to the Decision, and that did not exist at the time of the Decision or did exist but was not discovered and could not through the exercise of reasonable diligence have been discovered.

9. Further, the Authority says that the Respondents' arguments are an attempt to re-litigate the merits of the Decision and are akin to appellate submissions suitable for judicial review and impermissible in a reconsideration application.
10. Finally, the Authority submits that no stay should be granted on the basis that the reconsideration application will be concluded prior to the suspension of Lucky Stars' registration commencing on December 15, 2025.

V. Legal Principles

11. The common law principle of *functus officio* applies to statutory decision makers and provides that once a decision is made, it is considered final and conclusive and may not be revisited, re-opened or reconsidered except by a review or appeal established by law.
12. Section 26.11 of the MDA provides that a person may request the registrar to reconsider a determination which includes the following:
 - a. A decision to cancel or suspend registration (s.26.11(1)(a)(ii));
 - b. A decision to suspend or revoke a license (s.26.11(1)(b)(ii));
 - c. A compliance order (s.26.11(1)(d)); and
 - d. A notice imposing an administrative penalty (s.26.11(1)(e))
13. Section 26.12(2) of the MDA provides that:
 - (2) The registrar may vary or cancel a determination only if the registrar is satisfied that new evidence has become available or has been discovered that
 - (a) is substantial and material to the determination, and
 - (b) did not exist at the time of the review or did exist at the time but was not discovered and could not through the exercise of reasonable diligence have been discovered.

14. Sections 180, 181 and 182 of the BPCPA include similar language to that of the MDA in respect of a request for reconsideration. More specifically, the language in section 182(2) of the BPCPA is identical to that in section 26.12(2) of the MDA.
15. Registrar Christman considered the process to be followed in a reconsideration request application in *Re: Salame* (20-11-012), August 25, 2021 as follows:

[10] Therefore, the process adopted has been for the Registrar to review submissions and the evidence provided to see if they meet this statutory requirement for new evidence. If it does not, then proceeding with a reconsideration hearing is moot as the Registrar would be without legal authority to cancel or vary the original decision.
16. In other words, my task on this application is to determine whether there is new or newly discovered evidence that is substantial and material to the Decision as provided for in section 26.12(2) of the MDA and section 182(2) of the BPCPA. If there is, then the next stage requires a full reconsideration hearing to proceed. If there is not, the request for reconsideration will be denied.
17. As to the Respondents' request for a stay, section 26.11(4) of the MDA and section 181(3)(b) provides for a stay of the determination in the event that the Registrar decides to reconsider it unless the Registrar orders otherwise.
18. In the event that a reconsideration hearing proceeds, the evidence that is adduced by the requesting party must meet the common law requirements for admissibility. In other words, the evidence must be relevant and reliable.

VI. Discussion

19. As noted above, the Respondents have raised five distinct arguments as part of their reconsideration request. However, as indicated by the Authority, these arguments are akin to an appeal as they suggest errors of fact and law have occurred, not only in relation to the statutory contraventions but also to penalty.
20. A reconsideration of a decision of the Registrar is not an appeal in the traditional sense. Section 26.12 of the MDA and section 182(2) of the BPCPA restrict the authority of the Registrar to vary or cancel a determination as defined, only if satisfied that new evidence has become available or has been discovered that is substantial and material to the

determination, and did not exist at the time of the review or did exist at that time but was not discovered and could not through the exercise of reasonable diligence have been discovered.

21. Where a party to a decision issued by the Registrar is of the view that errors of fact, law or both have occurred, they may seek relief from the courts pursuant to the *Judicial Review Procedure Act* and the parties were provided with that information in the Decision. As such, I am unable to consider the legal arguments set out at paragraph 1.3 of the Respondents' submissions in this matter.

22. Despite my decision that I cannot consider the Respondents' legal arguments in support of its reconsideration request, I am able to review any evidence that is advanced as new or newly discovered evidence and I will address that evidence individually.

a. Restoration of commercial relationship with Global Warranty

23. The Respondents say that Global Warranty "has recently proactively reached out to Lucky Stars to reopen an account and resume business" and that this is "a significant mitigating factor that the Decision did not consider."

24. I first note that contrary to the Respondents' submission, any suggestion that the business relationship between Lucky Stars and Global Warranty has resumed was not evidence at the hearing of this matter. Further, the Respondents have provided no evidence to support this having occurred. They also speculate that Global Warranty considers the deceptive act as "a resolvable error."

25. Where new evidence is advanced by a party, it must be substantial and material to the determination. I find that the purported resumption of a business relationship between Global Warranty and Lucky Stars is neither substantial nor material to the determination. The consumer transaction and the statutory contraventions that form the basis of this matter occurred in December 2023. That the business relationship between Lucky Stars and Global Warranty was somehow resumed two years later would not be material to any of the determinations set out in the Decision. On that basis I do not find that the evidence of the renewed business relationship between Lucky Stars and Global Warranty constitutes new or newly discovered evidence that is substantial and material to the determination as described by section 26.12(2) and 182(2) of the BPCPA.

b. Statement of Hooshang Didehbani

26. The Respondents rely on an unsworn and undated statement from an individual named Hooshang Didehbani. In the letter, Mr. Didehbani states that he has been employed by Lucky Stars since 2019 but he does not say in what role. He says that he worked at a desk next to “Danny” and while he was not aware of the details of or involved with the sale of the subject vehicle in any way, he says that he recalls that it was sold without a test drive. Mr. Didehbani also refers to Lucky Stars’ dealership policy which he says prohibits vehicles that are sold as “not suitable for transportation” from being test driven “to comply with VSA requirements.”
27. Despite the suggestion that Mr. Didehbani has been employed by Lucky Stars since 2019, there is no explanation by Lucky Stars as to how his statement is new evidence. As Mr. Didehbani was employed by Lucky Stars at the time of the sale of the subject vehicle, it is incumbent on Lucky Stars to explain how it came to be that this evidence became available or was discovered, or that it did not exist at the time of the Decision or did exist but was not discovered and why it could not through the exercise of reasonable diligence have been discovered.
28. I do not find that the evidence of Mr. Didehbani is new evidence that is substantial and material to the determination and did not exist at the time of the review or did exist at the time but was not discovered and could not through the exercise of reasonable diligence have been discovered as described by section 26.12(2) and 182(2) of the BPCPA.

c. Lucky Stars sales policy

29. Coupled with the letter from Mr. Didehbani is an undated document which purports to be the “Lucky Stars Auto Sales Policy”. As noted at paragraph 81 of the Decision, Mr. Ghamary referred to a policy prohibiting test drives of vehicles offered for sale that were deemed unsuitable for transportation but he did not provide a copy of that policy in his submissions. There is no evidence here that this policy is new or different from the policy referenced by Mr. Ghamary previously.
30. Given that this policy appears to have been available to the Respondents at the time of the hearing, it is not new evidence within the meaning of the MDA and BPCPA.

d. *Text message exchange (original and translated versions)*

31. The Respondents rely on pages of a text message exchange between the consumer complainant and Lucky Stars. These documents were included in the Respondents' written submissions at the hearing of this matter and as such it is not new evidence within the meaning of the MDA and BPCPA.
32. Having considered the Respondents' submissions, I am not satisfied that new evidence has become available or has been discovered that is substantial and material to the determination and did not exist at the time of the Decision or did exist at the time but was not discovered and could not through the exercise of reasonable diligence have been discovered. On this basis, I dismiss the Respondents' request for reconsideration of the Decision.

VII. Application for a stay

33. As provided by section 26.11(4)(b) of the MDA and section 181(3)(b) of the BPCPA, a stay is only available where the Registrar decides to reconsider a determination. As I have dismissed the Respondents' request, there can be no stay under the MDA and BPCPA.
34. The Authority refers me to section 15 of the *Administrative Tribunals Act* ("ATA"), which is adopted by the MDA, as authority for issuance of a stay as an interim order. The Authority argues however that the Respondents have not met the requirements of *RJR-MacDonald Inc. v. Canada (Attorney General)*, [1994] 1 SCR 311 and that therefore, there should be no stay.
35. In my view, an interim order is an order that is temporary in nature and used during a hearing as part of the management of a tribunal's hearing process until a final decision is reached. This was discussed in *GFL Environmental Inc. v. District Director, Environmental Management Act*, 2020 BCEAB 3 (CanLII) at paragraph 40 as follows:

[40] The purpose of an interim order has been described by the Supreme Court of Canada¹ as providing "temporary relief". Interim orders, by definition, are meant to provide relief prior to the conclusion of the proceedings and the tribunal issuing a decision on the

¹ *Bell Canada v. Canada (Canadian Radio-Television and Telecommunications Commission)*, [1989 CanLII 67 \(SCC\)](#), [1989] 1 SCR 1722 at para. 46

merits. In other words, they are intended to provide relief either prior to or during proceedings, and prior to a final decision being rendered by the tribunal or court.

36. In the present case, the hearing is at an end and it is therefore not available to the Respondent to seek a stay under section 15 of the ATA.

VIII. Conclusion

37. The Respondents' request for reconsideration does not meet the requirements of section 26.12 of the MDA and section 182 of the BPCPA and as such it is denied. I am without legal justification to order a reconsideration hearing in relation to the Decision.

38. As the request for reconsideration has been denied, there can be no stay ordered under the MDA or BPCPA and that request is similarly denied. No stay is available under section 15 of the ATA.

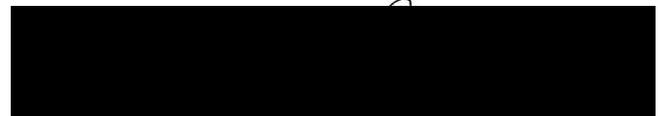
IX. Right of Review of Decision

39. No further reconsideration of this decision is available as provided by section 26.12(4) of the MDA and section 182(6) of the BPCPA.

40. This decision may be reviewed by petition to the BC Supreme Court pursuant to the *Judicial Review Procedure Act* within 60 days of receiving this decision: section 7.1 of the MDA and section 57 of the *Administrative Tribunals Act*.

Signed this 9th day of December 2025

"Original signed"



Patrick Poyner
Registrar of Motor Dealers