



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: COSTS

Date and location of decision: December 10, 2025, at Langley, British Columbia

By way of written submissions

1. In written reasons dated November 7, 2025 (“the Decision”), I found that Super Choice Auto Ltd. dba Lucky Stars Auto (“Lucky Stars”) contravened the *Motor Dealer Act Regulations*, (the “MDA”) and the *Business Practices and Consumer Protection Act*, (the

“BPCPA”). In assessing the appropriate penalty, I ordered 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 as assessed by the Registrar.

2. I directed the Authority, Lucky Stars and Mr. Ghamary to resolve the matter of the quantum of costs, failing which the matter could be brought back to me by way of written submissions within 30 days and thereafter I would prepare a decision.
3. On November 25, 2025, Mr. Hrabinsky for the Authority wrote to the VSA Hearings Office and advised that an agreement had not been reached with the Lucky Stars and Mr. Ghamary as to the quantum of costs. As such, he provided further written submissions and an affidavit sworn on November 13, 2025 by the Authority’s Director of Investigations and Licensing Alan Mullen. Mr. Ghamary was copied with that correspondence.
4. On November 27, 2025, I directed that Lucky Stars and Mr. Ghamary provide their submissions in response by 5pm on Wednesday December 3, 2025. No submissions were received by that deadline. However, on that day Mr. Ghamary applied for reconsideration of the Decision. In written reasons dated December 9, 2025 I dismissed that application.
5. With the apportionment of costs having been decided, the only remaining issue is quantum. The decision in *Re: Wild Grizzly Transport Ltd.*, 2018-BCRMD-022 provides guidance in determining the quantum of costs as follows:

[12] The request for costs must be reasonable. The legislative authority to recover actual costs is not a blank cheque to incur any costs. The requested costs should reflect the work necessary to prove the allegations in the case and bring it forward. Considerations would include but are not limited to:

(a) The complexity of the case and the need for outside expert assistance such as a forensic accountant.

(b) The depth of the case. Was the investigation over a one-time breach or multiple breaches of the legislation. Did the investigation involve one or multiple consumers/complainants? Did the investigation require reviewing several months or years of transaction/documentary records?

- (c) The number of witnesses interviewed or who testified.
 - (d) The amount of documentary evidence necessary to bring the case forward.
 - (e) The need to create explanatory material to make sense of and to present the evidence; such as charges, diagrams, and accounting spreadsheets.
 - (f) The need for the Registrar to issue interim orders to compel the disclosure of evidence
6. The factors discussed in *Wild Grizzly*, supra, are not exhaustive. Every case must be decided based on its own unique circumstances. Here, the Authority argues that the subject matter of this case was of moderate complexity, involving seven separate allegations of statutory contraventions. The Authority relied on an 8-page Affidavit of Joel Jordan, which was accompanied by 21 exhibits consisting of 41 pages. I also note that the matter included a consumer claim and multiple sets of written submissions that addressed not only the statutory contraventions but other legal issues as well.
 7. Mr. Mullen deposes that the Authority's actual costs in this matter, including actual legal costs, total \$13,169.68. The Authority submits that 75% of that amount is \$9,869.76. Having considered all the circumstances, including the 75% apportionment, I am of the view that the quantum of costs as presented by the Authority is reasonable.
 8. A Compliance Order ordering Lucky Stars to reimburse 75% of the Authority's actual costs, including legal costs, in the amount of \$9,869.76 will be issued.
 9. Lucky Stars and Mr. Ghamary are jointly and severally liable to pay the costs of the Authority: section 155(6) BPCPA and section 26.02(6) MDA.
 10. This decision may be reconsidered pursuant to sections 26.11 and 26.12 of the MDA and sections 181 and 182 of the BPCPA. A Request for Reconsideration must be submitted in writing within 30 days of receiving the compliance order and notice of administrative penalty. The request may be filed electronically to hearings@vsabc.ca or by mail to the Authority.

11. This decision may also 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 11th day of December 2025

"Original signed"



Patrick Poyner
Registrar of Motor Dealers