



Investigation File No.: C-24-11-323  
Hearing File No.: H-25-10-002

**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:

**CHELSEA COUVRETTE and GRAHAM MARSHALL**

CONSUMER COMPLAINANTS

AND:

**640353 BC LTD dba CHILLIWACK MITSUBISHI**

RESPONDENT/MOTOR DEALER

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**DECISION OF THE REGISTRAR OF MOTOR DEALERS  
RE: RESPONDENT APPLICATION FOR ORAL HEARING**

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**Date and location of decision: February 6, 2026, at Langley, British Columbia**

**I. Introduction**

1. This is an application by 640353 BC Ltd dba Chilliwack Mitsubishi (“the Respondent”) in which it seeks an oral hearing in this matter.
2. In its written response dated December 18, 2025, the Authority takes no position with respect to the Respondent’s application. Ms. Couvrette and Mr. Marshall have both provided responses and have both indicated that they have concerns regarding their ability to meaningfully participate in an oral hearing.

## **II. Procedural History**

3. The Hearing Notice in this matter was issued by the Authority on September 29, 2025 and it was subsequently amended on October 3, 2025. The Respondent filed its Response to the Hearing Notice on December 4, 2025. Included in the Response is the application to have this matter proceed by way of an oral hearing pursuant to Rule 30 of the Registrar's Rules of Process and Procedure ("the Rules").

## **III. The Application**

4. The Authority alleges in the Amended Hearing Notice that Ms. Couvrette purchased a vehicle from the Respondent in September 2023. It further alleges that Mr. Marshall was added as the sole purchaser of the same vehicle in a second purchase agreement and that Mr. Marshall's signature was forged by the Respondent for that purpose. The Authority says that any purchase related documents that Mr. Marshall did sign occurred elsewhere than at or from the Respondent's business location. The Respondent denies the allegations.
5. The Authority submits that the circumstances as alleged support a finding that the Respondent carried on business as a motor dealer elsewhere than at or from its business premises contrary to section 3(1)(c) of the *Motor Dealer Act* ("MDA"), that it failed to act with honesty and integrity in the course of business contrary to section 33(2)(a) of the *Motor Dealer Act Regulations* ("MDAR") and that it engaged in a deceptive act or practice in respect of a consumer transaction contrary to section 5(1) of the *Business Practices and Consumer Protection Act* ("BPCPA").
6. The Authority further submits that the alleged contraventions, if proven, warrant the suspension of the Respondent's motor dealer registration or alternatively, the issuance of an administrative penalty as well as reimbursement of the Authority's costs.

## **IV. The Law**

7. There is no absolute right to an oral hearing before an administrative tribunal. Section 7.1 of the *Motor Dealer Act* ("MDA") confers on the Registrar certain authority that is derived

from the *Administrative Tribunals Act* (“ATA”), including section 11 which provides that a tribunal has the power to control its own processes and make rules respecting practice and procedure to facilitate the just and timely resolution of the matters before it. Section 36 of the ATA, which also applies to the Registrar, allows for the holding of any combination of written, electronic and oral hearings at its discretion.

8. Rule 30 provides that hearings will be by way of written submissions unless otherwise ordered by the Registrar under Rule 30.4 which permits the Registrar to order an oral hearing after consideration of the following factors:
  - a. whether there is a disagreement in the evidence that requires examination and cross-examination of the parties or any witnesses under oath or affirmation,
  - b. whether the allegations are such that a licensee may be in jeopardy of having their licence revoked,
  - c. whether an oral hearing is preferable to ensure fairness in the process,
  - d. the balance of convenience and the cost to the parties and the VSA in having an oral hearing,
  - e. any factor that will affect the fair, timely and cost-effective resolution, and
  - f. the circumstances of the particular issues.
9. As the application is brought by the Respondent, it carries the burden of proof in meeting the requirements set out above.

## **V. Analysis**

### **i. Disagreement in the evidence**

10. The Respondent submits that the evidence in support of the Hearing Notice contains internal inconsistencies that warrant cross-examination and constitutes a disagreement between the parties. Specifically, the Respondent argues that in separate statements provided by Ms. Couvrette and Mr. Marshall on July 31, 2025, they provide evidence as to the location of where certain documents were signed that contradicts Ms. Couvrette’s previous statement of November 21, 2024 which is included in the Consumer Complaint

Form ("the Complaint") she submitted to the Authority. No other specific examples of disagreements in the evidence are provided by the Respondent.

11. Whether the evidence in these two sets of statements is contradictory or inconsistent is a matter to be determined following receipt of all of the submissions in this matter. As such, I make no finding in that respect. I note however that the suggested disagreement refers to only one of the three allegations included in the Amended Hearing Notice, that being the alleged contravention of section 3(1)(c) of the MDA.
12. A disagreement between the parties as to the evidence in a tribunal setting does not in and of itself justify an oral hearing. Disagreements are common and can be resolved through written submissions. Where written submissions do not assist the decision maker in resolving the burden of proof, then oral evidence may become necessary.
13. Turning to the purported disagreement as described by the Respondent, I do not find that this factor militates in favour of an oral hearing. The disagreement in the evidence relates to only one of the alleged contraventions and it remains open to the Respondent to address the suggested inconsistencies and any other aspects of the Authority's evidence in written argument in addition to countering it with evidence of its own.

#### **ii. Revocation of the Respondent's registration**

14. The second factor that I must consider is whether the allegations are such that the Respondent may be in jeopardy of having its license revoked. As noted above, no such relief is sought by the Authority. The penalties sought include suspension of the Respondent's motor dealer license or in the alternative an administrative penalty and reimbursement of the Authority's costs.

#### **iii. Ensuring fairness in the process**

15. The Respondent argues that the credibility and reliability of Ms. Couvrette's and Mr. Marshall's evidence is in issue and that the corresponding duty of procedural fairness favours an oral hearing and the opportunity to cross examine them, citing the Supreme Court of Canada's decisions in *Baker v. Canada (Minister of Citizenship and Immigration)*,

[1999] S SCR 817 and *R. v. Lyttle*, 2004 SCC 5. I note however that in *Baker*, the Court at paragraph 33 found that an oral hearing was not always necessary so long as the parties are afforded the opportunity to participate meaningfully in the matter:

[33] However, it also cannot be said that an oral hearing is always necessary to ensure a fair hearing and consideration of the issues involved. The flexible nature of the duty of fairness recognizes that meaningful participation can occur in different ways in different situations. The Federal Court has held that procedural fairness does not require an oral hearing in these circumstances: see for example, *Said, supra*, at p.30.

16. The British Columbia Supreme Court has further commented on this issue in *Pion v. British Columbia (Workers' Compensation Appeal Tribunal)*, 2022 BCSC 1112:

[89] An oral hearing is not invariably required to ensure a fair hearing and fair consideration of the issues, even where issues of credibility arise. There is no requirement that a decision-maker hold an oral hearing in every case where credibility is in issue or where a party's case might conceivably benefit from an oral hearing: *Bhullar* at para. 76.

[90] Rather, the issue is whether the petitioner was given an adequate opportunity to know the case against him and to respond to it: *Bhullar* at para. 75; *Petro-Canada v. British Columbia (Workers' Compensation Board)*, 2009 BCCA 396 at para. 65. I find that this requirement was met here: the petitioner was given the opportunity to know the case against him and ample opportunity to respond to it. As the Tribunal noted:

The [petitioner] was provided with the opportunity to provide additional submissions before I undertook the further investigation noted above and again after the investigation results had been disclosed. However, he provided only a final submission after receiving the submission [CIMS] filed in response to the investigation results.

17. The Respondent has been provided and will continue to be provided with a meaningful opportunity to participate in this matter. The Amended Hearing Notice clearly sets out the case that the Respondent must meet and it has provided its Response. No issue with respect to disclosure of evidence has been raised. The Respondent will have an opportunity to lead its own affidavit evidence and it retains a right under the Rules to respond to any reply filed by the Authority.
18. Having considered the evidence and the applicable caselaw, I do not find that an oral hearing is necessary to ensure fairness in the process.

**iv. Balance of convenience and cost to parties**

19. While it is difficult to approximate the cost to the parties of continuing with written hearing as opposed to an oral hearing, there are factors that must be considered in respect of the balance of convenience.
20. Ms. Couvrette has indicated that her work schedule would impact her ability to participate in an oral hearing and that she would require that it occur by way of video conference which can be accommodated. Of greater concern however is that Mr. Marshall confirmed during a Pre-Hearing Conference on February 5, 2026 that [REDACTED]  
[REDACTED]  
[REDACTED]
21. I note further that the Amended Hearing Notice indicates that the Authority intends to rely only on the evidence of Mr. Jordan. There is no consumer claim being advanced and no affidavit evidence from either Ms. Couvrette or Mr. Marshall has been provided. Their evidence is included in Mr. Jordan's affidavit. Given each of these circumstances, the balance of convenience weighs in favour of a written hearing.

**v. Any factor that will affect the fair, timely and cost-effective resolution**

22. The Respondent has not identified any additional factors that will affect the fair, timely and cost-effective resolution of the matter.

**vi. The circumstances of the particular issues**

23. The Respondent says that the allegations of forgery, combined with issues of credibility and reliability, militate in favour of an oral hearing. Forgery is a serious allegation and here, it goes to the heart of the allegations that the Respondent failed to act with honesty and integrity and committed a deceptive act or practice. However, the burden of proof lies with the Authority, subject to the reverse onus provisions in the BPCPA, to prove the allegations in the Amended Hearing Notice and counsel for the Respondent has indicated that it intends to rely on the evidence of three individuals who were at all material times employed by the Respondent and who interacted with Ms. Couvrette and Mr. Marshall in response to the allegations.

**VI. Conclusion**

24. After considering each of the factors in Rule 30.4 as well as the submissions of the parties, I am of the view that the application for an oral hearing in this matter should be denied and that this matter should continue as a written hearing as provided by Rule 30.2.

25. To facilitate the continuation of this matter, I order that the time for the Respondents to amend their Response to the Amended Hearing Notice and provide any evidence that they intend to rely on is extended under Rule 30.3 to March 2, 2026. The Authority's right of reply and any sur-reply will follow pursuant to Rule 30.2.

26. 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*. There is no right of reconsideration of this decision under the *Motor Dealer Act* or the *Business Practices and Consumer Protection Act*.

Signed this 6th day of February 2026

"Original signed"



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Patrick Poyner  
Registrar of Motor Dealers