

Investigation File No.: C-22-10-168
Hearing File No.: [H-23-06-002](#)

UNDERTAKING

**IN THE MATTER OF THE *MOTOR DEALER ACT*, RSBC 1996, c 316 and the
BUSINESS PRACTICES AND CONSUMER PROTECTION ACT, SBC 2004, c 2**

BETWEEN:

Volkswagen of Richmond
(DL# D50110)

(the "Respondent")

AND:

The Registrar of Motor Dealers

WHEREAS:

1. The Respondent, Volkswagen of Richmond, ("**Volkswagen**"), is a Motor Dealer as defined in the *Motor Dealer Act* ("the **MDA**"), incorporated in accordance with the laws of British Columbia operating under the name, Volkswagen of Richmond, and registered with the Vehicle Sales Authority of BC ("**VSA**") under Motor Dealer Licence No. D50110.
2. The Registrar of Motor Dealers is the Registrar as defined in the MDA, ("the **Registrar**"), and is responsible for the administration and enforcement of the MDA, its regulations, and the prescribed provisions of the *Business Practices and Consumer Protection Act* ("the **BPCPA**").
3. Volkswagen is the subject of an investigation launched by the VSA in response to a complaint made by Gagandeep Kaur and Antarpreet Singh, (collectively "the **Complainants**"). The complaint and investigation findings are outlined in VSA File No. C-22-10-168 and the investigation report of VSA investigations officer, Daryl Dunn ("**IO Dunn**") dated March 16, 2023.

AND WHEREAS:

4. On October 8, 2022, the Complainants purchased a used 2021 Toyota Highlander ("the **Highlander**") from Volkswagen for a price agreed upon by the parties.
5. In the course of negotiating the purchase of the Highlander, Volkswagen asked the Complainants if they wished to purchase additional services at an additional cost.
6. Volkswagen added five additional services to the agreement with a total cost to the consumer of \$[REDACTED]. These additional services were listed on the purchase agreement using abbreviations rather than being itemized, detailed and clearly outlined by the full written name of the item purchased. [Withheld in accordance with Section 22\(3\)\(f\) of FOIPPA](#)

7. The Registrar asserts that the Respondent has contravened the following legislation:
 - a. Section 4(3)(b)(vi) of the BPCPA for using exaggeration, innuendo or ambiguity about a material fact or failing to state a material fact, the effect of which was misleading to the Complainants, by charging them for additional items which Volkswagen failed to properly disclose to the Complainants per the legislation by using ambiguous abbreviations.
 - b. Section 21(1)(l) of the MDAR for failing to include an itemized list of the cost of any other charges for which the purchaser is responsible, including insurance and license fees if they are to be added to the contract price, by using abbreviations for additional services on the purchase agreement.

NOW THEREFORE the Respondent undertakes, acknowledges, and agrees with the Registrar:

1. To comply with the MDA, MDAR, BPCPA, and the sections thereunder.
2. To pay an Administrative Penalty in the amount of **\$20,000.0** in relation to the subject matter of this Undertaking as per the Notice of Administrative Penalty which will be provided to the Respondent upon receipt of the fully executed and filed Undertaking.
3. To reimburse the Registrar a total of **\$1276.78** representing 100% of the investigation costs incurred to date in relation to the subject matter of this Undertaking within thirty (30) days of the Registrar signing of this Undertaking.
4. That this Undertaking is binding on the Respondent until such time as it is either terminated in writing by the Registrar or terminated by Order of the Supreme Court of British Columbia.
5. That in addition to rendering the Respondent liable to further penalties and proceedings as provided for under the BPCPA, it is an offense under the BPCPA to fail to comply with any part of this Undertaking that has not been previously terminated.
6. That the Registrar may, upon breach of any part of this Undertaking by the Respondent, declare the Undertaking to be at an end and may institute such proceedings and take such action under the BPCPA, or the Act as considered necessary; and
7. That any communication with the Registrar in connection with this Undertaking shall be made to the following address:

Registrar of Motor Dealers
Vehicle Sales Authority of B.C.
#280 – 8029 199th Street
Langley, BC V2Y 0E2

And in the case of the Respondent Motor Dealer, to the following address:

Volkswagen of Richmond
13611 Smallwood Place
Richmond BC V6V 1W8

unless another address for delivery is given to the other party, in writing, by either the Registrar or the Motor Dealer.

The Respondent acknowledges and warrants that they have had an opportunity to seek legal advice as to the terms of this Undertaking.

**VOLKSWAGEN OF RICHMOND (MOTOR
DEALER# D50110)** Withheld in accordance with
Per: Section 22(3)(b)



Signature

Latha Thomas-Boch

Name of Authorized Signatory

) **ACCEPTED** by the Registrar of Motor Dealers this
) 13th day of June 2023
)
)
)
)
) "Original signed"
)
)
) _____
) Kenneth Affleck, K.C.
) Registrar of Motor Dealer