



FILED

By the Office of the Registrar of Motor Dealers
on October 1, 2024

Investigation File No.: C-23-09-113

Hearing File No.: H-24-10-003

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:

CoCo Auto Group

(DL# D50245)

(the "Respondent")

AND:

The Registrar of Motor Dealers

WHEREAS:

1. The Respondent 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, CoCo Auto Group, ("**CoCo Auto**"), formerly GoGo Auto Group, and registered with the Vehicle Sales Authority of B.C. ("**VSA**") under Motor Dealer Licence No.D50245.
- 2.
3. 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**").
4. The Respondent has been the subject of an investigation launched by the VSA, in response to a complaint made by a consumer, Dan Brown ("**Mr. Brown**"). The complaint and investigation findings are outlined in VSA File No. C-23-09-113 and the investigation report of VSA investigations officer, Sean Plecas ("**IO Plecas**") dated March 4, 2024.

AND WHEREAS:

5. On July 20th, 2023, Mr. Brown purchased a 2005 Aston Martin D89 ("the **D89**") from CoCo Auto for a price agreed upon by the parties.
6. Prior to this, on July 15th, 2023, LZ Auto Group conducted a vehicle inspection of the D89 for CoCo Auto. They found that items which may require attention included wipers, engine oil, air filter, and exhaust system, commenting "muffler delete, oil leaking found under cover, and wiper not back in position."
7. The Respondent prepared a purchase agreement for Mr. Brown but failed to make the required statutory declarations on the purchase agreement, specifically failing to identify that the vehicle either complied with the requirements of the *Motor Vehicle Act*, RSBC 1996, c 318 ("**MVA**") or

7. On July 27th, 2023, Mr. Brown took the D89 to be serviced/inspected at Turn 3 Autosports Inc. (“**Turn 3**”). The inspection found there was no muffler, the windshield wipers were not operational, the front hood struts were weak, the rear tires were worn, the front right brake caliper cap was off, the emergency brake was not functioning, there was an engine oil leak, and “cat delete”.
8. The Registrar has concluded that CoCo Auto has contravened the following legislation:
 - a. Section 33(2)(i)(iii) of the *Motor Dealer Act Regulation*, BC Reg 447/78 (“**MDAR**”) for aiding, abetting or causing a person to contravene any other law of British Columbia, specifically, section 219 of the MVA which prohibits operation of motor vehicle unless it is equipped in all respects in compliance with that *Act* and its regulations, by allowing Mr. Brown to drive the D89 from its business premises when it was not suitable for transportation.
 - b. Section 21(2)(f) of the MDAR for failing to include on the purchase agreement a statement to the effect that the D89e was not suitable for transportation.
 - c. Section 23(c) of the MDAR, for failing to state in the purchase agreement whether the D89 was used as a lease or rental vehicle

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 **\$35,000.00** 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. That it will reimburse the Registrar a total of **\$458.16** 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 this undertaking;
4. That this undertaking is binding on the Respondent until such a 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 MDA, MDAR, or BPCPA, 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:

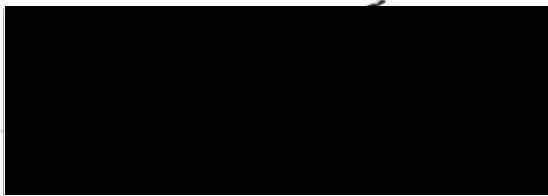
CoCo Auto Group
1010-4380 No. 3 Rd.
Richmond, BC V6X 3V7

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

The Respondent acknowledges that it has had an opportunity to seek legal advice regarding this Undertaking.

Coco Auto Group (Motor Dealer # D50245)

Per:

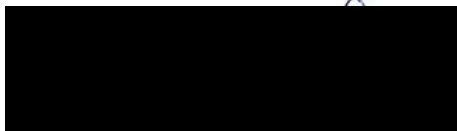


Niko Zhang

Name of Authorized Signatory

) **ACCEPTED** by the Registrar of Motor Dealers this
) 1st day of October 2024.
)

) "Original signed"
)



) _____
) Kenneth Affleck, K.C.
) Registrar of Motor Dealer

Withheld in accordance with s. 22 of FOIPPA