



Investigation File No.: C-24-02-170

Hearing File No.: [H-24-10-005](#)

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:

Harris Kia

(DL# 11018)

(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 Harris Kia, and registered with the Vehicle Sales Authority of BC ("**VSA**") under Motor Dealer Licence No. 11018.
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. The Respondent has been the subject of an investigation launched by the VSA in response to a complaint made by a consumer, Agnes Carter ("**Carter**"). The complaint and investigation findings are outlined in VSA File No. C-24-02-170 and the investigation report of VSA Investigations Officer, Ross Cote ("**IO Cote**") dated August 20, 2024.

AND WHEREAS:

4. On October 23, 2023, Carter purchased a 2024 Kia Seltos ("the **Seltos**") from the Respondent for a price agreed upon by the parties.
5. The Respondent prepared a Motor Vehicle Purchase Agreement dated October 23, 2023 (the "**Purchase Agreement**"), and provided that to Carter. The Purchase Agreement included additional services totaling [REDACTED]. These additional services were included on the Purchase Agreement but were described using abbreviations, vague language and without being adequately itemized. **Withheld in accordance with s.22(3)(f) of FOIPPA**
6. Carter required financing for her purchase of the Seltos and the Respondent assisted her with the completion of a credit application. In the course of doing so, Carter advised the

Respondent that her monthly income was [REDACTED] which consisted solely of [REDACTED]. However, in completing the credit application, and without advising Carter, the Respondent indicated on the credit application that Carter's monthly income was instead \$3,850.00 and the financing was approved based on this false information.

Withheld in accordance with s.22(3)(f) of FOIPPA

7. The Registrar asserts that the Respondent contravened the following legislation:
 - a. Section 5(1) of the BPCPA by engaging in a deceptive act or practice in respect of a consumer transaction by misrepresenting Carter's monthly income in the credit application to the lender;;
 - b. Section 8(1) of the BPCPA for engaging in an unconscionable act or practice in respect of a consumer transaction by knowingly including false income information in Carter's credit application to ensure that her application for financing would be approved by the lender thereby allowing Carter's purchase of the Seltos to be completed; and
 - c. Section 21(1)(l) of the *Motor Dealer Act Regulation*, ("**MDAR**"), for failing to include in the Purchase Agreement an itemized list of the cost of any other charges for which Carter was responsible by using abbreviations and vague language to describe the additional services;

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 **\$30,000.00** 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. Will reimburse the Registrar a total of **\$2818.57** 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. 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:

Harris Kia
2575 Bowen Rd
Nanaimo, BC V9T 3L4

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

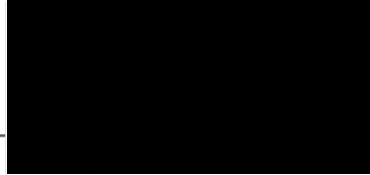
The Respondent acknowledges that it has had an opportunity to seek legal advice regarding this Undertaking.

Harris Kia (MOTOR DEALER #11018)

Per:

Dated this 9 day of Oct. 2024

Signature



TED BOYD, GENERAL MANAGER
Name of Authorized Signatory

) **ACCEPTED** by the Registrar of Motor Dealers this
) 17th day of October 2024.

) "Original signed"



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

Claire Hunter, K.C.
Acting Registrar of Motor Dealers

Withheld in accordance with s.22 of FOIPPA