



FILED

By the Office of the Registrar of Motor Dealers
on April 2, 2026

Investigation File No.: C-25-12-140
Hearing File No.: H-26-04-002

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:

Kelowna Hyundai
(DL #31166)

(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 under the name Kelowna Hyundai and registered with the Vehicle Sales Authority of B.C. ("**VSA**") under Motor Dealer License No.D31166.
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 is the subject of an investigation launched by the VSA in response to a complaint made by a consumer, Sydney Apfelbaum (the "**Complainant**"). The Consumer Complaint and investigation findings are outlined in VSA File No. C-25-12-140 and the investigation report of VSA Investigations Officer, Daryl Dunn ("**IO Dunn**") dated January 26, 2026.

AND WHEREAS:

4. On October 24, 2025, with the help of a co-signor, the Complainant purchased a 2025 Hyundai Tucson (the "**Tucson**") for a price agreed on by the parties, which included a trade-in and \$5,000.00 cashback.
5. The trade-in vehicle was a 2025 Jeep Compass (the "**Jeep**"), which carried an estimated lien of \$52,000.00.
6. A complaint was filed by the Complainant and was processed by the VSA on January 7, 2026, due to a disagreement between the parties on the particulars and transparency of the transaction.
7. The file was assigned to IO Dunn, and the following discrepancies were noted in the Purchase Agreement. Namely, that:

- a. The price of the Tucson was shown as \$50,995.00 when the actual selling price was \$37,995.00;
 - b. The estimated lien amount was shown as \$52,000.00 although the agreed upon trade-in value was \$37,000.00. The Respondent inflated the trade-in value in the Purchase Agreement by \$8,000.00 to show a trade-in value of \$45,000.00, which was done to offset the negative equity;
 - c. The remaining negative equity of \$7,000.00 was combined in the purchase price; and
 - d. There was also cashback of \$5,000.00, which was combined in the purchase price and not itemized in the Purchase Agreement.
8. In conclusion, the Respondent inflated the actual selling price of the Tucson in the Purchase Agreement and inaccurately itemized the value of the trade-in and the negative equity in the Purchase Agreement. Further the \$5,000.00 cashback was also not itemized in the Purchase Agreement nor was it disclosed to the lender.
9. The Registrar asserts that the Respondent has contravened the following legislation:
- a. Section 21(1)(h) of the *Motor Dealer Act Regulation*, BC Reg. 447/78 (“**MDAR**”) by failing to state the actual selling price of the motor vehicle in a Purchase Agreement respecting the motor dealer’s sale of a new motor vehicle, by representing the price of the Tucson as \$50,995.00 when the actual price was \$37,995.00.
 - b. Section 33(2)(e) of the MDAR by making false or misleading representations with respect to any amount charged in respect of a consumer transaction in the course of business, specifically by representing the inaccurate purchase price, trade-in value, and cashback on the Purchase Agreement.
 - c. Section 5(1) of the BPCPA by engaging in a deceptive act or practice during a consumer transaction by using exaggeration, innuendo, or ambiguity about a material fact or that fails to state a material fact, if the effect is misleading, specifically, by excluding details of the cashback amount in 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 **\$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. To reimburse the Registrar a total of **\$2,291.23** 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 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, B.C. V2Y 0E2

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

1638 Cary Road
 Kelowna, B.C. V1X 2B9

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

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

ACCEPTED by Kelowna Hyundai
 (MOTOR DEALER #31166) this 1 day of
APRIL 2026.

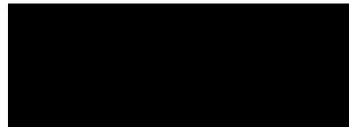
Per:



JURGAN KOT
 Name of Authorized Signatory

) **ACCEPTED** by the Registrar of Motor Dealers this
) 2nd day of April 2026.

) "Original signed"

) 

) _____
) Patrick Poyner
) Registrar of Motor Dealers

Withheld in accordance with s. 22 of FOIPPA