



Motor  
Vehicle Sales Authority  
of British Columbia

Previously known as the Motor Dealer Council of British Columbia

**IN THE MATTER OF THE MOTOR DEALER ACT  
AND THE BUSINESS PRACTICES AND CONSUMER PROTECTION ACT**

**UNDERTAKING**

**(Section 154, Business Practices and Consumer Protection Act)**

**VSA File: 09-70627**

**WHEREAS** the undersigned Gold's Motor Cars Inc, Dealer # 30763 and Ernest Peter Flaming Salesperson #110386, are each a "supplier" within the meaning of subsection 1(1) of the *Business Practices and Consumer Protection Act*;

**AND WHEREAS** the Registrar of Motor Dealers (the "Registrar") has reason to believe that the suppliers are contravening, are about to contravene or have contravened the *Business Practices and Consumer Protection Act* or the regulations made hereunder, namely:

**ALLEGATIONS:** On or about November 11<sup>th</sup>, 2007 at or near the City of Abbotsford in the Province of British Columbia that the suppliers did commit or engage in a deceptive act or practice by representing in writing and by their conduct to the consumers, Dale and Valmae Ferguson the a motor vehicle, a 1999 Cadillac Deville VIN: 1G6KD54Y2XU77525240, left at Gold's Motor Cars Inc. to be sold on consignment had its registration transferred to Gold's Motor Cars Inc. without the consumer's consent and the suppliers failed to state a material fact that they were not authorized to sell on consignment contrary to section 5(1) of the *Business Practices and Consumer Protection Act* S.B.C.2004 c. 2 (BPCPA).

These alleged facts are deceptive acts or practices under the following sections of the BPCPA:

1. Section 4(1) – general deceptive act or practice; and
2. Sections 4(3)(b)(iv) and 4(3)(b)(vi) – deemed deceptive acts

**NOW THEREFORE** the undersigned:

1. Hereby undertakes:

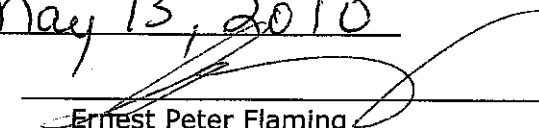
- (a) To comply with the *Business Practices and Consumer Protection Act* and the regulations made thereunder;
- (b) To refrain from engaging in the following deceptive acts or practices:
  - (i) Failing to provide consumers their full rights, remedies or obligations for consignment sales of motor vehicles by a dealer; and
  - (ii) Using exaggeration, innuendo or ambiguity about a material fact or that fails to state a material fact

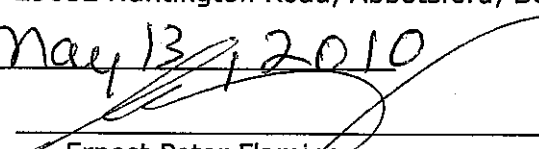
2. Furthermore, the undersigned hereby agree;

- (i) Transfer the vehicle ownership of the 1999 Cadillac Deville VIN: 1G6KD54Y2XU77525240 from Gold's Motor Cars Inc. to the consumers and return to vehicle to the consumers.
- (ii) To reimburse the consumers \$488.93 for the cost of a vehicle rental incurred by the consumers.
- (iii) To reimburse to the Registrar a total of \$750.00 for inspection/investigating costs relating the subject matter of this Undertaking.

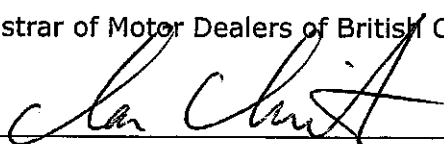
**THE UNDERSIGNED** hereby acknowledges, represents and declares that they have each read this Undertaking and have had a reasonably opportunity to obtain independent legal advice as to its terms.

**IN WITNESS WHEREOF** the undersigned has set his hand and seal (attested by the hands of its duly authorized officers, if applicable):

Name:	Gold's Motor Cars Inc, Dealer # 30763		
Address:	Suite 102 - 2121 Clearbrook Road, Abbotsford, V2T 4H6		
Date:	<u>May 13, 2010</u>		
Signature:		Title:	Dealer Principal
	<u>Ernest Peter Flaming</u>		

Name:	Ernest Peter Flaming Salesperson Licence #110386		
Address:	29652 Huntington Road, Abbotsford, BC V4X 2K6		
Date:	<u>May 13, 2010</u>		
Signature:			
	<u>Ernest Peter Flaming</u>		

*J.C.* **ACCEPTED** by the Registrar of Motor Dealers of British Columbia this 13 day of May 2010



Ian Christman - Registrar of Motor Dealers