



Motor
Vehicle Sales Authority
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)

WHEREAS the undersigned

Eagle Ridge Pontiac Buick GMC Ltd.

is 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 supplier is contravening, is about to contravene or has contravened the *Business Practices and Consumer Protection Act* or the regulations made hereunder, namely:

1. On or about August 12, 2008 at or near the city of Coquitlam, BC did commit or engage in a deceptive act or practice wherein a representation by a supplier that uses exaggeration, innuendo, or ambiguity about a material fact or that fails to state a material fact, if the effect is misleading specifically claiming in an advertisement appearing in the The Province newspaper on pages C12 and C13
 - a. that Eagle Ridge was B.C.'s 1ST ALL-MAKE AUTO DEALER; LIQUIDATION CENTRE; THESE PRICES ARE EXCLUSIVE TO EAGLE RIDGE GM when in fact Eagle Ridge GM is not "B.C.'s 1ST ALL MAKE AUTO DEALER; nor a LIQUIDATION CENTRE; and THESE PRICES ARE not EXCLUSIVE TO EAGLE RIDGE GM
 - b. that the fine print is not readable by the naked eye
 - c. and the payments associated to the 04 CHEVY VENTURES identified by #0533 and a circled 10 for \$7,888 or \$39/PMT, 0 down and an 07 CHEVY TRAILBLAZER 4WD identified as #0533 and a circled 12 for \$18,888 or \$69/PMT leads one to believe that these payments are based on the 0 down, 0% APR, 72 months mentioned in the other individual ads on the same page C13 of The Province newspaper when in fact the fine print indicates these are weekly payments for 96 months at 7.99% APR,
 - d. that both vehicles the 04 CHEVY VENTURES and 07 CHEVY TRAILBLAZER 4WD bear the same #0533; and
 - e. that the fuel mileage noted for the vehicles on page C13 is recorded as fact yet there is a disclaimer contained in the fine print that is unreadable by the naked eyecontrary to section 5 of the *Business Practices and Consumer Protection Act*.
2. On or about August 12, 2008 at or near the city of Coquitlam, British Columbia, did commit or engage in a deceptive act or practice wherein a representation by a supplier about the total price of goods or services if a person could reasonably conclude that a price benefit or advantage exists but it does not – specifically that in the ad appearing on Page C13 of The Province newspaper suggests that there is a saving from MSRP \$42,215 to NOW \$33,988 on a NEW 08 BUICK ENCLAVE CX #86940A and a circled 8; a saving from \$100,000 to \$49,988 on an 06 CADILLAC XLR #0512 and a circled 9; a saving from ORIGINALLY OVER \$44,000 down to \$18,888 or \$69/PMT on an 07 CHEVY TRAILBLAZER 4WD

#0533 and a circled 12 and a saving from OVER \$100,000 NEW TO \$48, 888 on an 06 LEXUS LX470 #9154 and a circled 16 contrary to section 5 of the Business Practices and Consumer Protection Act.

NOW THEREFORE the undersigned:

1. Hereby undertakes:

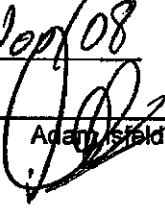
- (a) To comply with the *Business Practices and Consumer Protection Act* and the regulations made thereunder;
- (b) To refrain from engaging in the following acts or practices:
 - (i) deceptive acts or practices and more specifically engage in advertising a sale wherein the prices of the motor vehicles offered for sale were higher than prior to the advertised sale;
 - (ii) that uses exaggeration, innuendo or ambiguity about a material fact or fail to state a material fact;
 - (iii) mislead consumers into believing that a price benefit or advantage exists when it does not; and
 - (iv) ensure the fine print corresponds to the main advertisement, is readable and is distinguishable from its background.
- (c) To adhere to the advertising requirements listed in the Motor Dealer Advertising Guidelines - October 2007 as amended from time to time;
- (d) To reimburse to the Registrar for the costs of inspection, including actual legal costs, relating to the matters which are the subject matter of this Undertaking, namely: investigation costs amounting to \$695.04

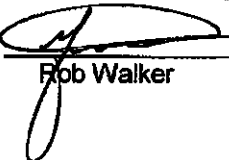
2. Hereby acknowledges, represents and declares:

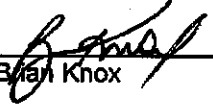
- (a) That Eagle Ridge Pontiac Buick GMC Ltd. has sought and obtained legal advice from Seema Lal, Shapiro Hankinson & Knutson Law Corporation, Suite 700, Two Bentall Centre, 555 Burrard Street, Vancouver, BC;
- (b) That on November 18, 2008 Adam Isfeld and Rob Walker, Eagle Ridge Pontiac Buick GMC Ltd. met with Denis Savidan, Bruce Forbes and Bill Jost of the VSA to discuss the Notice to Attend a Hearing Before the Registrar of Motor Dealers dated October 24, 2008 and the attached Affidavit of Christina Walker. As a result of this discussion, Adam Isfeld and Rob Walker acknowledge that they had an opportunity to be heard;
- (c) That Denis Savidan proposed that Eagle Ridge Pontiac Buick GMC Ltd. sign an Undertaking, to pay the investigation costs and to accept Administrative Penalty in the amount of \$2,000.00 instead of attending a Hearing Before the Registrar of Motor Dealers on November 26, 2008;
- (d) That this undertaking and the accompanying Notice of Penalty does not absolve Eagle Ridge Pontiac Buick GMC Ltd. from any complaints from any consumer who purchased a motor vehicle as advertised and noted in the various dates identified in the contraventions noted above;
- (e) If this Undertaking is given by two or more persons, all the persons named in the Undertaking are jointly and severally responsible for complying with the Undertaking and are jointly and severally liable for the payment of any amounts under the Undertaking and the Notice of Penalty; and

- (f) That the undersigned have each read this Undertaking and have had the opportunity to take independent legal advice as to its terms.

IN WITNESS WHEREOF the undersigned (and each of them, if more than one) has set his/her/its hand and seal (attested by the hands of its duly authorized officers, if applicable):

Name: Eagle Ridge Pontiac Buick GMC Ltd
Business Address: 2595 Barnet Hwy., Coquitlam, BC V3E 1K9
Date: 25 Nov 08
Signature:  Title: Operation Manager
Adam Sfeld

Name: Eagle Ridge Pontiac Buick GMC Ltd
Business Address: 2595 Barnet Hwy., Coquitlam, BC V3E 1K9
Date: 25 NOV 2008
Signature:  Title: Assistant General Sales Manager
Rob Walker

Name: Eagle Ridge Pontiac Buick GMC Ltd
Business Address: 2595 Barnet Hwy., Coquitlam, BC V3E 1K9
Date: 25 NOV 08
Signature:  Title: General Manager
Brian Knox

ACCEPTED by the Registrar this 28 day of November, 2008



Ian Christman - Registrar of Motor Dealers