

Motor
Vehicle Sales Authority
of British Columbia

L080464 -

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

COMPLIANCE ORDER

(Section 155, Business Practices and Consumer Protection Act)

WHEREAS Shahram Moghaddam, 1315 E. Hastings, Vancouver, B.C. V6B 4A1 are a "supplier" within the meaning of subsection 1(1) of the Business Practices and Consumer Protection Act, (BPCP) Act.

AND WHEREAS the Registrar of Motor Dealers ("the Registrar") pursuant to section 29 (2) Motor Dealer Act - Regulation and section 155 of the Business Practices and Consumer Protection (BPCP) Act has provided the supplier with an opportunity to be heard and is satisfied that the supplier (and each of them if more than one) is contravening, is about to contravene or has contravened the BPCP Act or the regulations made there-under, namely:

1. Between November 15, 2007 and November 19, 2007, both dates inclusive at or near the city of Vancouver, 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 did not declare that the vehicle sustained damage requiring repairs in excess of \$26,000.00, contrary to section 4(3)(b)(vi) of the Business Practices and Consumer Protection Act S.B.C.2004 c.4 .

NOW THEREFORE the Registrar directs the supplier (and each of them, if more than one):

1. To comply with the *Business Practices and Consumer Protection Act* and the regulations made there-under;
2. To refrain from engaging in the following acts or practices:
Any deceptive act or practice that has the capability, tendency or effect of deceiving or misleading a consumer or guarantor, contrary to Section 4 Business Practices and Consumer Protection Act.

FURTHERMORE the Registrar directs the supplier (and each of them, if more than one) to:

- (i) Vancouver Auto Leasing Ltd. and Shahram Moghaddam are to abide by the *Business Practices and Consumer Protection Act*, and specifically from committing deceptive acts or practices;
- (ii) Vancouver Auto Leasing Ltd. and Shahram Moghaddam are to properly and fully disclose the nature and condition of any motor vehicle they offer for sale – a material fact;
- (iii) Within 30 days of this decision, Vancouver Auto Leasing Ltd. and Shahram Moghaddam, jointly or individually, are to take back the Toyota Tacoma VIN 5TEUU42N76Z160827 and refund Mr. Car the full purchase price of \$28,473.74 – which includes the \$568.74 paid by VISA. Upon receiving his refund, Mr. Car will have to sign over ownership to either Vancouver Auto Leasing Ltd. or Shahram Moghaddam.
- (iv) Within 30 days of this decision, Vancouver Auto Leasing Ltd. and Shahram Moghaddam, jointly or individually, are to refund Mr. Car \$3,800.00 for his trade-in, in lieu of returning the actual trade-in.
- (v) Vancouver Auto Leasing Ltd. and Shahram Moghaddam, jointly or individually, are to reimburse the Motor Vehicle Sales Authority of British Columbia \$946.19 for its investigation and hearing costs. An invoice detailing this amount will be provided.


AND FURTHERMORE section 157 of the BPCP Act permits the Registrar to file this Compliance Order in Supreme Court and the filed order is deemed to be an order of the Supreme Court and is enforceable as such.

Pursuant to section 155(7) of the BPCP Act, this Compliance Order may be reconsidered in accordance with sections 180 (c), 181 and 182 (1) & (2) of the BPCP Act within 30 days of receiving this document. The reconsideration request must be in writing, must identify new evidence that has become available or been discovered and must be substantial and material to the determination. The decision made with respect to the reconsideration is final and may not be reconsidered.

All correspondence, including a request for reconsideration should be addressed to:

Motor Vehicle Sales Authority of BC
 Attention: Registrar of Motor Dealers
 208-5455 152 Street
 Surrey, B.C. V3S 5A5

By Order of



Ian Christman
 Registrar of Motor Dealers of British Columbia
 On 22nd day of October 2008 at Surrey, British Columbia

I certify this document to be a true copy of the original document placed before me this 31 day of October, 2008

Ian Christman
 Barrister & Solicitor
 #208 - 5455 152nd Street
 Surrey, British Columbia V3S 5A5
 T: 604-574-5050 F: 604-574-5886

Page 2 of 3
 Original was only 2 pages. J.C.