



Motor
Vehicle Sales Authority
of British Columbia

L090182-

**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 Applewood Motors Inc., dba Applewood Kia, 16299 Fraser Hwy., Surrey B.C. V4N 0G1 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:

S. 4(3)(b)(vi) of the Business Practices and Consumer Protection Act - dealership used exaggeration, innuendo, or ambiguity about a material fact or that fails to state a material fact, if the effect is misleading, .

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:

- (a) Applewood is to abide by the *Business Practices and Consumer Protection Act* S.B.C. 2004 c.2;

- (b) Applewood is to refrain from engaging in deceptive acts or practices, and is to ensure it discloses all material facts to consumers regarding its consumer transactions – especially damage to vehicles;
- (c) Applewood is to reimburse the VSA for its investigation and hearing costs in the amount of \$869.37, an invoice will be provided in due course; and
- (d) Applewood is to take back the Dodge and refund all monies paid by Thompson for the purchase of the Dodge ensuring Thompson has no more legal obligations to the Dodge. There will be no deduction for the kilometers used by Thompson, as the use of the Dodge is directly related to the conduct of Applewood. Thompson will be required to sign-over ownership of the Dodge to Applewood upon receiving his refund.

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:

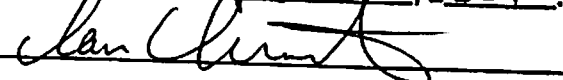
Motor Vehicle Sales Authority of BC
Attention: Registrar of Motor Dealers
150-6400 Roberts Street
Burnaby, BC V5G 4C9

By Order of



Ian Christman
Registrar of Motor Dealers of British Columbia
On 28th day of July, 2008 at Burnaby, British Columbia

I certify this document to be a true copy
of the original document placed before me
this 20 day of April, 2009.



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