

DEC 18 2008



L080556

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 Massive Truck Sales Ltd., 3746 Nanaimo Crescent, Abbotsford, B.C. V2T 4Z7 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. On or about March 13, 2008 at or near the city of Abbotsford, British Columbia, did commit or engage in a deceptive act or practice wherein a representation by a supplier that goods or service are of a particular standard, quality, grade, style or model if they are not, specifically that a 1998 Dodge Durango VIN 1B4H28ZWF158186 sold to Denise Hurtubise failed a British Columbia Private Vehicle Inspection (contrary to section 4(3)(a)(ii) of the Business Practices and Consumer Protection Act.
2. On or about March 13, 2008 at or near the city of Abbotsford, British Columbia, did commit or engage in a deceptive act or practice wherein a representation by a supplier that goods or services have a particular prior history or usage that they do not have including a representation that they are new if they were not specifically that a 1998 Dodge Durango VIN 1B4H28ZWF158186 sold to Denise Hurtubise was represented as previously belonging to an old man and was well maintained, contrary to section 4(3)(a)(iii) of the Business Practices and Consumer Protection Act.
3. Between May 9, 2008 and June 4, 2008 at or near the City of Abbotsford, British Columbia, did supply false or misleading information to Bruce Forde acting under this act to wit: a statement that a 1998 Dodge Durango VIN 1B4H28ZWF158186 sold to Denise Hurtubise was delivered on a Native Reserve when it was not contrary to section 35(3)(a) of the Motor Dealer Act.

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):

- (a) Massive Truck, Gurtej Sidhu and Jastej Singh Sidhu are to abide by the *Business Practices and Consumer Protection Act*, and specifically to refrain from deceptive acts and practices;
- (b) Massive Truck, Gurtej Sidhu and Jastej Singh Sidhu are to properly and fully disclose the nature and condition of any motor vehicle they offer for sale – a material fact;
- (c) Within 45 days of this decision, Massive Truck, Gurtej Sidhu and Jastej Singh Sidhu are to take back the Dodge and refund the entire purchase price of \$4780.00 to Ms. Hurtubise. Massive Truck, Gurtej Sidhu and Jastej Singh Sidhu will be responsible for the cost of retrieving the Dodge from Ms. Hurtubise. Ms. Hurtubise will be required to sign over ownership of the Dodge at the time she receives the refund;
- (d) Massive Truck, Gurtej Sidhu and Jastej Singh Sidhu are to refund the cost of repairs to Ms. Hurtubise which I set at \$650.00 based on the evidence at the hearing and the invoice from Bob's Automotive; and
- (e) Massive Truck, Gurtej Sidhu and Jastej Singh Sidhu are responsible to reimburse the VSA \$1149.58 for its investigation and hearing costs. An invoice detailing this amount will be supplied.
- (f) Place a condition on the Registration of Massive Truck requiring all vehicles sold by them to pass the Provincial Private Vehicle Inspection prior to sale. That inspection may not be conducted by Massive Truck or anyone who is associated with Massive Truck, its directors, officers or employees. A copy of the inspection must be provided to the consumer prior to any purchase. This condition may be reviewed in one year's time from the date of this decision.

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

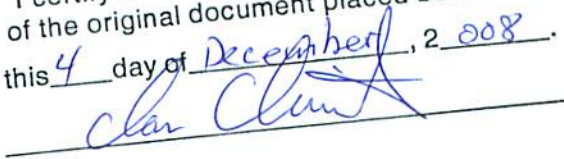


Ian Christman

Registrar of Motor Dealers of British Columbia

On **18th** day of **August, 2008** at Burnaby, British Columbia

I certify this document to be a true copy
of the original document placed before me
this 4 day of December, 2008.



Ian Christman
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