

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

**PARKWOOD AUTO SALES LTD.**

**PETITIONER**

AND:

**KEN SMITH, REGISTRAR OF MOTOR DEALERS and  
MOTOR DEALER COUNCIL OF BRITISH COLUMBIA**

**RESPONDENTS**

**ORDER**

**BEFORE** ) A MASTER OF THE COURT )  
) ) MONDAY, THE 16TH  
) ) DAY OF FEBRUARY, 2009  
) )

**ON THE APPLICATION** of the Respondents, Ken Smith and Motor Dealer Council of British Columbia, without a hearing and by consent:

**THIS COURT ORDERS** that:

- 1. The following decisions of the Respondent, Ken Smith, Registrar of Motor Dealers, be set aside and remitted back to Registrar of Motor Dealers for re-hearing:
  - (a) Final Decision dated April 23, 2008, determining that Parkwood Auto Sales Ltd. ("Parkwood") committed a deceptive act under sections 4 and 5 of the *Business Practices and Consumer Protection Act* with respect to the sale of a 1999 BMW 323i automobile to Satinder and Balwinder Gill and with respect to the sale of a 2004 Ford Lincoln LS to Monica Pirvulescu;

- (b) Compliance Order dated May 7, 2008:
- (i) Directing Parkwood to reimburse Satinder and Balwinder Gill \$6,000;
  - (ii) Directing Parkwood to reimburse Monica Pirvulescu \$7,000;
  - (iii) Directing Parkwood to reimburse the Vehicle Sales Authority \$2,328.07 for investigation costs;
  - (iv) Prohibiting Parkwood from engaging in consignment sales;
  - (v) Requiring Mark Beune, the principal of Parkwood, to take the Salesperson Certification Program at his own expense within 3 months of the date of the decision;
- (c) Notice of Penalty dated May 7, 2008, imposing a \$5,000.00 administrative penalty on Parkwood.

2. Each party is to bear their own costs.

Consented To:

A handwritten signature in black ink, appearing to be "R. K. ...", is written over a horizontal line.

Solicitor for the Respondents

A handwritten signature in black ink is written over a horizontal line.

Solicitor for the Petitioner

By the Court

Digitally signed by  
White, Patricia

\_\_\_\_\_  
Registrar

W. McCallum