

JUL 20 2015



L-150219



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 WEN LI XU *dba* GOLDEN YEAR AUTO BROKER (Dealer #30468) of 329 12th Street, Surrey, B.C. V3M 4H5, and Bo (Bill) Pan (salesperson # 107597) are each 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 (the "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 October 23, 2014, at or near New Westminster in the Province of British Columbia, Wen Li Xu *dba* Golden Year Auto Broker (Dealer #30468) did in relation to a consumer transaction contravene sections 4 and 5 of the Business Practices and Consumer Protection Act by making an oral, written, visual, descriptive or other representation or conduct by the Suppliers that had the capability, tendency or effect of misleading a consumer in the advertising and displaying of a 2014 Mazda VIN JM3KE2BE5E0364640 (the "Mazda"). Specifically:
 - Deliberately advertised the Mazda on canadatrader.com by representing it as in "new car condition" and it was displayed on the dealer lot for sale.
 - The Mazda was in fact a rebuilt from salvage vehicle with extensive repairs and the Dealer failed to properly qualify its representation of the Mazda being in "new car condition;" which had the tendency or capability of misleading consumers to believe the Mazda was of greater quality than it actually was and the representation was to induce consumers to come to the Dealer's location.
2. On or about October 23, 2014, at or near New Westminster in the Province of British Columbia, Wen Li Xu *dba* Golden Year Auto Broker (Dealer #30468) did in relation to a consumer transaction contravene sections 4 and 5 of the Business Practices and Consumer Protection Act by making an oral, written, visual, descriptive or other representation or conduct by the Supplier that had the capability, tendency or effect of misleading a consumer in the advertising and displaying of a 2012 Toyota Camry VIN 4T1BD1FK8CU028021 (the "Toyota"). Specifically:
 - Deliberately advertised the Toyota on canadatrader.com by representing it as "like new" and it was displayed on the dealer lot for sale.
 - The Toyota was in fact a rebuilt from salvage vehicle with extensive repairs and the Dealer failed to properly qualify its representation of the Toyota being "like new"; which had the tendency or capability of misleading consumers to believe the Toyota was of greater quality than it actually was and the representation was to induce consumers to come to the Dealer's location.

NOW THEREFORE the Registrar directs Wen Li Xu dba Golden Year Auto Broker and Bill (Bo) Pan to:

- a) Abide by the *Business Practices and Consumer Protection Act*; so long as that Act is applicable to them;
- b) Refrain from making misleading statements in advertisements, including failing to state material facts or failing to properly give qualifying representations, including in advertisements; and
- c) Pay to the Vehicle Sales Authority \$1,018.29 for the registrar's Investigation and hearing costs.

Any words in this Compliance Order that are defined in the *Motor Dealer Act* or the *Business Practices and Consumer Protection Act*, have the same meaning as described in those Acts.

All the persons against whom this Compliance Order is made are jointly and severally responsible for complying with this Compliance Order and are jointly and severally liable for the payment of any amounts the persons are required to pay under this Compliance Order.

AND FURTHERMORE section 157 of the BPCP Act permits the Registrar to file this Compliance Order in Supreme Court and once filed 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:

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

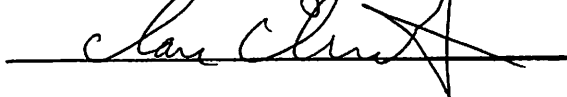
By Order of



Ian Christman

Registrar of Motor Dealers of British Columbia
On 28 day of April, 2015 at Surrey, British Columbia

I certify this document to be a true copy
of the original document placed before me
this 10 day of July, 2015.



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