

April 11, 2023

Investigation file numbers: 23-02-175, 23-02-177, 23-02-178, 23-02-179, 23-02-180, 23-02-181, 23-02-182, 23-02-183, 23-02-184, 23-02-185, 23-02-188, 23-02-189, 23-02-190, 23-02-191 and 23-02-192.

DIRECTOR'S ORDER UNDER SECTION 157 OF THE *CONSUMER PROTECTION ACT*

TO

Sufyan Iqbal

OF

Kash Automotive Group Ltd.

D/b/a Kash Auto Gallery

AND

ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF THE ABOVE

This Director's Order was issued under Section 157(1) of the *Consumer Protection Act* (CPA) in response to, in the opinion of the Director, contraventions of the CPA. As mandated by Section 157(3) a person or publisher who is subject to an order under this section may appeal under Section 179.

Pursuant to Section 179, to appeal the order, the person must serve the Minister of Service Alberta and Red Tape Reduction with a notice of appeal within **thirty (30) days** after receiving the order. Please include your name, your address for service, details of the order being appealed and your reasons for appealing.

DIRECTOR'S ORDER UNDER SECTION 157 OF *THE CONSUMER PROTECTION ACT***TO****Sufyan Iqbal****OF****Kash Automotive Group****D/b/a Kash Auto Gallery****AND****AND ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF THE ABOVE****ISSUE(S)**

The Alberta Motor Vehicle Industry Council (AMVIC) has identified the following issue during the course of an investigation.

Between May and December 2022, Kash Auto Gallery sold vehicles to consumers and charged them between \$599 and \$2,999 for extended warranties through [REDACTED] and [REDACTED]. [REDACTED] Kash Auto Gallery allegedly failed to make payments to the extended warranty companies allegedly leaving the consumers with no warranty coverage.

On Feb. 15, 2023, Kash Auto Gallery was asked to provide records relating to 18 consumer complaint files and was given a timeline of two weeks to provide the AMVIC investigator with the documents requested. Kash Auto Gallery sent the investigator documents relating to six of the 18 files on the due date which were also missing information. In a followup email to Kash Auto Gallery, the investigator was advised by the Supplier that they would submit the remaining documents by March 10, 2023. Kash Auto Gallery has failed to provide AMVIC with the requested documents.

The investigation has further identified that Kash Auto Gallery is allegedly engaging in business activity outside of their business licence activity. It is alleged that Kash Auto Gallery is repairing check engine lights, turbo chargers and transmissions which are all outside of the AMVIC licence requirements they applied for. Kash Auto Gallery is only licensed for service station, which only allows them to perform minor services and an automotive service technician or heavy equipment service technician is not required. Kash Auto Gallery is required to have a garage licence according to the type of repairs they are conducting.

DIRECTOR'S ORDER

That Sufyan Iqbal of Kash Automotive Group d/b/a Kash Auto Gallery and any other employee, representative or agent:

1. Provide the remaining documents for 12 of the 18 consumer complaint files as well as any other documents that were previously requested on Feb. 15, 2023 but have yet to be provided to date as well as financial bank statements from May 1, 2022 to April 12, 2023 both dates inclusive pursuant to Section 132(2) of the *Consumer Protection Act* and Section 9 of the Automotive Business Regulation to **Peace Officer [REDACTED]** by Friday, April 28, 2023

You may provide copies of the records in the following manner:

1. Electronically by way of a USB or common data storage device.
 2. Electronically as scanned copies emailed to [REDACTED]
 3. In paper form to the Calgary AMVIC office located at #205, 10655 Southport Road SW, Calgary; Monday to Friday between 8:30 a.m. and 4:30 p.m.
2. Cease all unlicensed, designated garage automotive repair activity while unlicensed to do so under Section 104(1) of the *Consumer Protection Act*.

NON COMPLIANCE WITH ORDER

ANY PERSON WHO FAILS TO COMPLY WITH AN ORDER OF THE DIRECTOR UNDER SECTION 157 OF THE CONSUMER PROTECTION ACT CONTRAVENES THIS ACT AND IS GUILTY OF AN OFFENCE AND MAY BE PROSECUTED PURSUANT TO SECTION 163 OF THE CONSUMER PROTECTION ACT.

REFUSAL, SUSPENSION AND CANCELLATION TERMS

SECTION 127(b)(i) CONSUMER PROTECTION ACT STATES:

THE DIRECTOR MAY REFUSE TO ISSUE OR RENEW A LICENCE, MAY CANCEL OR SUSPEND A LICENCE AND MAY IMPOSE TERMS AND CONDITIONS ON A LICENCE FOR THE FOLLOWING REASONS:

- (i) **FAILS TO COMPLY WITH AN ORDER OF THE DIRECTOR UNDER SECTION 129 OR 157, UNLESS, IN THE CASE OF AN ORDER UNDER SECTION 129 OR 157, THE ORDER HAS BEEN STAYED.**

"original signed by"

Gerald Gervais, Registrar
Alberta Motor Vehicle Industry Council (AMVIC)
Director of Fair Trading (as delegated)
April 13, 2023