

signals

September - October 2018



Sharing the story of BC's New Car Dealers with Government at UBCM

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ARE YOUR CARS LOCKED AT NIGHT?

Page 16





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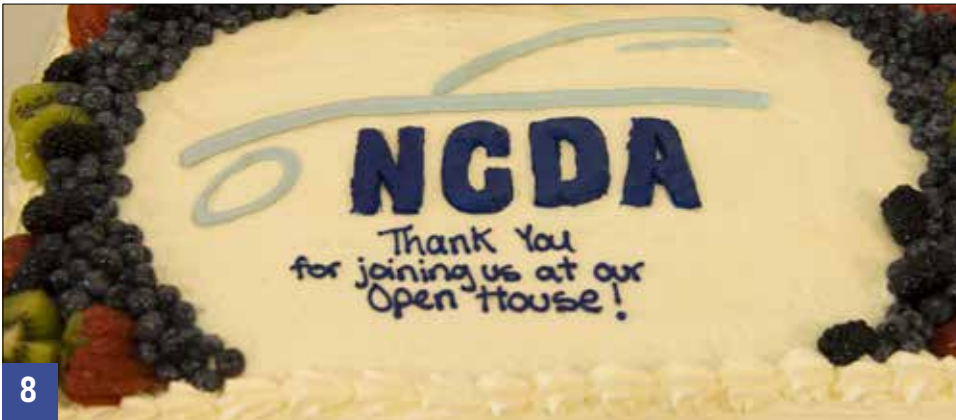
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Chairman
Hallmark Ford
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Chief Car Washer's Message



In mid-September, I was pleased to once again attend the Union of British Columbia Municipalities (UBCM) Convention – the annual gathering of local government councillors, mayors, MLAs and BC Government Ministers. This event is notable for our Association, as it allows us an opportunity to share the story of the powerful economic engine that BC's New Car Dealers are in driving local communities and local economies – along with providing information on the latest auto technology, including clean energy vehicles, with government leaders from around BC.

From conversations with Premier John Horgan, Green Party Leader Dr. Andrew Weaver and BC Liberal Leader Andrew Wilkinson, to BC Finance Minister Carol James, Environment Minister George Heyman and many others, UBCM provided a jam-packed opportunity to engage and discuss our issues with Government.

I shared our concerns about the layers of taxes and the impact of these measures on the sustainability of our member-dealers and affordability for their customers; BC businesses and consumers. From the Health Tax, Speculation Tax, School Tax, to a Luxury Vehicle Tax and Surtax to name a few, BC's small business new car dealers are feeling the weight of these many layers of taxation. Add to this the uncertainty of a potential change in the way we vote and elect government (from the current first past the post system to Proportional Representation) in addition to the uncertainty of relations with our US neighbour – and result is, business and consumer confidence quickly eroding in British Columbia.

On a lighter note, as part of the New Car Dealers Association (NCDA) sponsorship of the UBCM event, we hosted a Green Ride and Drive event for delegates, with over 50 ride and drives, made possible with our Electric Vehicle Experience Test Drive Partner - Emotive.

As this issue of SIGNALS arrives in the mail, a Chairman's Tour will be underway, visiting communities around the province. From Vancouver Island to the Caribou and the North, to the Kootenays and the Okanagan to the Lower Mainland, our new Chairman Jeff Hall and I will host our members for gatherings to discuss issues, what the NCDA has been doing to support members and what we should be doing to help them or advance their collective concerns.

In May, we held our AGM and welcomed several new Board Members who have brought new perspectives and an ardent desire for greater transparency around the activities and process at the Association. We look forward to engaging with our members to gather their thoughts on what they would like to see the NCDA establish as priorities and frankly, areas in which we should place less focus.

We are fortunate to have the strongest balance sheet and income statement in the history of the Association which is a long way from the situation when I was honoured to take on this role 10 years ago. As the environment in which our members conduct their businesses continues to evolve rapidly, with disruptive forces changing the game every day, the NCDA is well positioned to tackle the challenges ahead and take advantage of the opportunities that will present themselves for our members.

On September 6th, our Chairman and Board welcomed 150 guests for the Open House of the new NCDA offices in the Township of Langley. Guests included Township of Langley Mayor Jack Froese, City of Langley Mayor Ted Schaffer, various Councillors, local MLAs Rich Coleman and Mary Polak along with Federal MP John Aldag. Guests enjoyed a terrific networking opportunity, a tour of the new space, a fun photo booth thanks to MNP, along with terrific food and refreshments from our friends at S+L restaurant.

We are most grateful to Lawrence Green and Peter Rackow, owners of Spire Developments, along with their talented and hard-working team members, for building a beautiful and state of the art new office that will serve the needs of the Association and our members for many years to come. If you're looking for a development partner, check them out.

In early November, the BC, Alberta and Saskatchewan Associations are joining together in a must-attend industry event - the Western Dealers Summit at the Wynn Encore Las Vegas. Those attending the event will hear from industry experts about the latest automotive innovations. Dealer principals/owners, general managers, senior dealership managers and directors, sales leadership, Internet sales managers, business development managers, F&I directors, fixed-op directors, key dealership leaders, advertising and marketing consultants, controllers should attend!

Don't wait. Book today, as we only have a limited number of rooms remaining in the room block. Visit www.westerndealersummit.com for full details. We hope we can count on your attendance and look forward to seeing you in Vegas!

As I wrap up this message I want to give two tips of the hat. First, after ten years as the Economist for our national association, CADA, Michael Hatch has moved on to new opportunities. Michael has been a featured speaker over the years, at our conference in addition to the Vancouver Board of Trade. In doing so, Michael always managed to present the complexities of the economy and the auto sector in a clear and understandable fashion. His Newfoundland humour helped make the presentations more enjoyable. We wish him well and thank him for his excellent service to Canada's dealers.

While difficult to acknowledge any one particular act of giving, a recent event that was both heartfelt and tremendously moving - is one I feel the need to highlight.

Ron Jacobson passed away two years ago at the age of 82 - and for those who aren't aware, he owned and operated the Jacobsen Pontiac Buick GMC Cadillac car dealership in Kelowna for 42 years. Ron was a pillar of the community.

His family and hundreds of trades students and community and college dignitaries were on hand for a recent ceremony at the Kelowna campus of Okanagan College where the

"Ron Jacobsen Pathway to Excellence" was unveiled that campus' trades training complex - and with it, a \$1 million donation by the family - the largest-ever donation to support the Kelowna campus.

Three-quarters of the \$1-million donation will be used to develop two new trades programs. The first will be the two-year automotive service technician diploma, which includes both trades mechanical training and business instruction. The second will be a course on maintaining and repairing electric and other alternative-fuel vehicles. The donation also allows for the purchase of the latest training equipment to support the two new programs and a refresh of shops to resemble a new service facility. The remaining \$250,000 will go into scholarships and/or financial aid for students in automotive programs.

This recent event was a fitting tribute to a man whose name was synonymous with excellence - and his legacy will live on through the contribution that will allow young men and women to pursue their dreams.

We look forward to connecting with you throughout the Fall Tour and appreciate the work you do, as our Members, to grow and ensure a prosperous BC automotive industry!

Blair Qualey - President & CEO
New Car Dealers Association of BC (NCDA)
Member, Canadian Automobile Dealers Association (CADA)



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Email: justin.smith@canadianlinen.com



Union of BC Municipalities Convention

The UBCM Convention is the annual gathering of local government councillors, mayors, MLAs and BC Government Ministers.

For the New Car Dealers Association of BC (NCDA), UBCM is an important opportunity to advocate on behalf of dealers and consumers - and reinforce our collective concerns about the growing level of taxation that is impacting the bottom line of our member-businesses and the affordability of those who may be in the market for a vehicle.

The event provides an opportunity to discuss other successes and challenges, such as those associated with expanding the electric vehicle charging network into a more fulsome network.

UBCM allows us to share the story of the powerful economic engine that BC's New Car Dealers are in driving local communities and local economies, in addition to information on the latest auto technology, including clean energy vehicles.

As part of the NCDA sponsorship of UBCM event, we also host a Green Ride and Drive event for delegates, with over 50-ride and drives, made possible with our Electric Vehicle Experience Test Drive Partner - Emotive. This opportunity plays a key role in educating leaders who may not have experiences of EVs first hand.

Salesperson Certification Moves to Webinar Only

Format Streamlined to Four Sessions During One Week

In keeping with industry trends, the VSA Salesperson Certification Course moved to a webinar-only format as of July. With up to three webinar series offered each week, expanded access to the new format adds both flexibility and certainty for dealerships and new salespeople.

Webinar, homework and exam changes, made possible by updated technology and software, were also introduced. The course content is now provided in four 90-minute, fully-interactive webinars. With one daily webinar, Monday through Thursday, the locally supervised exam can usually be completed on Friday of the same week. Short, web-based self-study homework assignments must still be completed before each webinar session.

The course provides a foundation for professional and legal selling. It covers the recently amended Motor Dealer Act, the Business Practices and Consumer Protection Act, the Sale of Goods Act, contract law and related legislation. The course outlines the responsibilities of a sales professional through the entire selling process, from advertising to presenting vehicles, negotiating sales to documenting transactions. The responsibilities and limitations of broker agents and broker agent representatives are covered, in addition to the requirements and restrictions of wholesale sellers.

Webinar success depends on dealer support

- Access to a computer (not a tablet or a cell phone) with speakers and a high-speed data connection plus a land line speaker phone or hands-free headset to call the 800 conference line are essential
- A quiet place to work, such as an office with a door, or undisturbed time at home is needed
- Your new salespeople need email access and must read all course emails as they arrive
- If a salesperson is having difficulty with any part of the course or the technology, they need to contact the VSA immediately so the problem can be solved without delay.

Every course element is mandatory in the streamlined format

- The Orientation Assignment must be completed before automated access to the assignments and webinar sessions will be granted. If this critical introduction is not completed as required a participant will have to pay to be transferred to a future course week.
- Attendance in all four webinar sessions is also mandatory. If a salesperson misses a webinar they will have to pay to be transferred to a future course week.
- Delays could affect their conditional licence and their ability to work.
- A helper for the online Orientation, the first homework assignment and the first webinar is encouraged for those who are unsure of their computer skills.



Vehicle Sales Authority
of British Columbia



Doug Longhurst
Director of Learning and Communications
Vehicle Sales Authority of British Columbia (VSA)

OPEN HOUSE!



From Left to Right: Peter Fassbender, Candidate for Mayor, City of Langley; Jim Inkster, Immediate Past Chairman, NCDA; Councillor Rudy Storteboom, City of Langley; Jeff Hall, Chairman, NCDA; Mary Polak, MLA Langley; Mayor Ted Schaffer, City of Langley; Marvin Hunt, MLA Surrey-Cloverdale; MLA Rich Coleman, Langley East; John Aldag, MP Cloverdale-Langley City; Mayor Jack Froese, Township of Langley; and Blair Qualey, President & CEO, NCDA.

Thank You to the following Sponsors for making this Event possible:

Presenting Sponsors

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- NCDA Premier Partner (Gold Level): COX AUTOMOTIVE

Supporting Sponsors

- Legal Services Partner: SHK LAW CORPORATION
- Audio Visual Partner: Heard Productions (HPI)
- Government Relations Partner: BLUESTONE
- Public Relations Partner: L9MG
- Accounting/Cooking Partner: MNP

On September 6th, it was our honour to welcome 150 guests to the Open House of our new NCDA offices in the Township of Langley. Among our guests were Township of Langley Mayor Jack Froese, City of Langley Mayor Ted Schaffer, various Councillors, local MLAs Rich Coleman and Mary Polak along with Federal MP John Aldag. Attendees were treated to a tour of our new space, a photo booth thanks to MNP and terrific food and refreshments from S+L restaurant.

We would like to thank Lawrence Green and Peter Rackow and the team at Spire Developments for building such a state of the art office that will serve the needs of our Association and members for many years to come.



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Western Canadian Dealer Summit

2018

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The New Car Dealers Association of BC (NCDA), the Motor Dealers' Association of Alberta (MDA) and the Saskatchewan Auto Dealers' Association (SADA) are joining forces to host the **2018 Western Canadian Dealer Summit**.

We are excited about the 2018 Convention which will include energizing speakers, including Dave Kindig - owner and chief designer of Kindig-It Design, along with a series of challenging workshops and presentations on topical issues facing the industry, such as: the future and your own digital destiny, and; Technology, cars & insurance: a look inside the future.

To view our full schedule of events and register, please visit:
www.westerndealersummit.com

WHERE: Wynn Encore in Las Vegas

WHEN: November 1-3

The 2018 Western Canadian Dealer Summit is a perfect opportunity for all who contribute to our industry, including: Dealer principals/owners, general managers, senior dealership managers and directors, sales leadership, Internet sales managers, business development managers, F&I directors, fixed-op directors, key dealership leaders, advertising and marketing consultants, controllers and other key decision makers.

We look forward to seeing you in Vegas!

MEET THE SPEAKERS



Ian Beavis
Chief Strategy Officer
AMCI Global



Larry Edwards CMC, CSP
Founder & President
Edwards & Associates Consulting



Sherif Gemayel
Founder & President
Sharp Group of Companies



Shaun Raines
Founder
Dealer Superhero



Jane Webb
Director of Marketing
DealerMine CRM



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EVENT SCHEDULE:

Thursday, November 1

7:00pm - 9:00pm - Registration and Cocktail Reception

Friday, November 2

9:00am - 4:00pm - SEMA Day

For those not attending SEMA on Friday, November 2, an alternative option is available from 2pm to 4pm: UnWorkshop. Each UnWorkshop pulls back the curtain to reveal the full step-by-step truth of what it takes to achieve success. No sales agenda, just transparent learning.

This UnWorkshop will include the following presenters and trusted sources:

- Deepak Anand - Google Canada Auto Team Lead
- Brian Sencich - Facebook Canada Auto Team
- Adam Thrasher - Digital Marketing Strategist w/ Data Science and Video Focus (UnWorkshop #4 presenter)
- Shaun Raines - DealerSuperHero.com
- Michael Cirillo - Host/Moderator
- Jay Radke - Host/Moderator

6:00pm - 8:00pm - Keynote Speaker: Dave Kindig, Owner & Chief Designer, Kindig-It Design

Saturday, November 3

Time TBC - Breakfast

9:00am - Workshops Begin, moderated by Jay Radke

- Larry Edwards, CMC, CSP, Founder & President, Edwards & Associates Consulting Inc. | Presentation: Questions Dealers Must be Asking Fixed Operations Managers
- Shaun Raines, Founder, Dealer Superhero | Presentation: Know the Past, See The Future And Own Your Digital Destiny
- Sherif Gemayel, Founder & President, The Sharp Group of Companies | Presentation: Technology, Cars & Insurance: A look into the future
- Perry Itzcovitch, Chairman, CADA | Presentation: Perry will provide an overview of activities related to the Government Affairs and Industry Relations files that are top of mind for Canadian Dealers. Update on the status and progression of the Auto Career Start initiative.
- John White, President & CEO, CADA | Presentation: John will discuss the status and direction of the Canadian automobile market and provide an update on CADA member benefits initiatives.

12:00pm - Luncheon

1:00pm - Workshops Resume

- Ian Beavis, Chief Strategy Officer, AMCI Global | Presentation: How to "Futureproof" Your Dealership in the Mobility Economy

- Jane Webb, Director of Marketing, Dealermine CRM | Presentation: Overcome the Biggest Hurdles to Running a Powerhouse BDC

Time TBC - Cocktails

Time TBC - Gala Dinner, including a Live Auction by Manheim (proceeds from the Live Auction will go to the Education Foundations in BC, Alberta, and Saskatchewan).

Sunday, November 4 (OPTIONAL - ADD ON)

The Recreation Vehicle Dealers Association of Alberta have invited the Western Canadian Dealer Summit attendees to join them for Golf on Sunday, November 4th. Click for details.

ACCOMMODATION:

Wynn Resorts holds more Forbes Travel Guide Five-Star Awards than any other independent hotel company in the world. Their resort offers award-winning restaurants, exciting entertainment and nightlife, two award-winning spas, salons and luxury shopping.

Dealer Accommodations may be booked only after registration is complete. Contact Denise Desmarais at ddesmarais@mdaalberta.com

HOTEL GROUP RATE DEADLINE:

October 8, 2018 @ 5:00pm PST

Room Rates:

- EK or Resort King - \$259 / night + taxes
- EQ or Resort Double (2 beds) - \$329 on weekends / \$309 on weekdays + taxes
- ESALN or Salon Suite - \$950 / night + taxes
- EPARL or Parlor Suite - \$750 / night + taxes
- ESDK or Tower Suite Deluxe - \$409 / night + taxes

REGISTRATION:

- Dealer Members register online
Registration is \$625 + taxes for dealer members, and includes all workshops, meals, cocktail receptions, and your SEMA pass.
- SEMA DEADLINE: October 5, 2018 - After this date, you may purchase SEMA tickets online here:
<https://www.semashow.com/the-sema-show>
- Associate members may contact Denis Ducharme at dducharme@mdaalberta.com for sponsorship options (which includes Associate registration).

Go online now to save your spot at the Fall's must attend dealer event. Visit www.westerndealersummit.com for more information.





TREAT YOUR KEYS LIKE CASH

When did you last review the security precautions for your key control system?

New cars are filled with technology to prevent theft. So why are new car dealers victims of auto crime?

Keys!

IMPACT – B.C.'s Auto Crime Police see theft from dealerships in B.C. on a regular basis. Typically the thief makes their way into a dealership and steals a set of keys. They return during the quiet hours, locate the vehicle and they are gone. It may be some time before the theft is known. The vehicle is then used to commit other crimes.

There are a number of ways to reduce theft from your dealership. Electronic key control systems provide a method to secure keys, some even send an email reminder to return the keys to the lock box, making the vehicles available for other sales opportunities. Perhaps you have a lower tech system such as a locked strong box. Where is it located? Could it be moved to a location that

requires key access before reaching the box itself? It may not be as convenient but neither is losing a car!

Lost sales opportunities, damage to reputation and increased costs are just a few of the outcomes from auto theft. A couple of recent deaths in a stolen car drives home the reality of the threat to your community from auto theft. Our friends and family drive the same streets where thieves drive their purloined rides at high speeds. We all have a social responsibility to protect our neighbours.

While you are at it have a look at your after-hour key drop boxes. Are they secure? Can you improve the system and protect your customer's cars? Theft from drop boxes is common in British Columbia.

Your local police agencies would be glad to provide information on securing your fleet. You can also get information on protecting your personal vehicles at **Baitcar.com**, Twitter **@officialbaitcar** or Instagram **IMPACT BC**.



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CEVforBC™ in your Community!

As the colder weather signalled the end of local farmers markets and family summer events for British Columbians, CEVforBC™ doubled its efforts in order to visit as many communities as possible to bring electric vehicles to locals and answer any questions relating to charging infrastructure and EV driving.

CEVforBC™ joined Kamloop's Hot Nite in the City Show and Shine on August 11 as part of its Electric Avenue. Historically featuring only Street Rods, Customs, American Muscle, Sport-compact, Collector, Vintage and Race competition vehicles, a new Electric Avenue for the show was a welcome addition to the community of Kamloops car lovers.

On August 18th, CEVforBC™ was also happy to participate in ElectraFest 2018, presented by the Vancouver Electric Vehicle Association. Bringing together EV owners, vendors, dealers and manufacturers, ElectraFest truly brought out all EV fans for a celebration of all things electric.

Heading into the fall season, we were happy to bring EVs to the forefront at the annual Union of BC Municipalities Convention (UBCM) in Whistler. As part of the New Car Dealers Association sponsorship of the event, we hosted a Green Ride and Drive for our delegates alongside our Electric Vehicle Experience

Test Drive Partner – Emotive. Over 50 delegates found themselves behind the wheel of an EV and experiencing clean energy vehicles first-hand.

The fourth annual Sechelt Electric Vehicle Festival on September 15 attracted over 1,000 people from the Sunshine Coast looking to learn more about EVs. Organizers were able to showcase a total of 45 vehicles – all for the sole purpose of educating attendees about what EVs have to offer.



Special Olympics

Snapshot

Celebrating 50 years of inclusion and inspiration

B.C.'s New Car Dealers are among the longest-standing supporters of Special Olympics BC. In this issue of Signals we continue the series demonstrating all that your support helps to bring to life through the world of Special Olympics – all the experiences of joy, friendship, empowerment, and acceptance for more than 4,600 athletes with intellectual disabilities around the province.

Fifty years ago, the world began to change for the better for millions of people with intellectual disabilities – and for all those who love them.

In the 1960s, children and adults with intellectual disabilities lived in the shadows of society. They were hidden away in homes or institutions.

They didn't have the chance to go to school, to work or to play. No one encouraged them to become a part of the community.

Intellectual disabilities were tragically misunderstood. Children and adults were trapped in a cycle of neglect and suffering; their families burdened by societal shame.

No one imagined that this segment of society could acquire athletic and social skills or possibly benefit from the therapeutic value of sports and exercise. Few people conceived of the notion that sports could further their intellectual and adaptive development in the world.

Then, one day in July 1968 the world began to change. The forerunner of Special Olympics, a day-long citywide track meet held in Chicago's Soldier Field for people with special needs, put a bright – and very public – spotlight on ability, not disability.

The 1968 event is described as “daybreak” – the early stirring of a global movement for people with intellectual disabilities. No longer trapped in the shadows, the Chicago games made it possible for the athletes to compete and have fun – not to be stigmatized.

In the months and years that followed, centuries of prejudice and misunderstanding slowly began to melt away. When people saw the passion, skill, and dedication of Special Olympics athletes at competition, windows of understanding opened. Their eyes were widened and their attitudes changed, not just about what those with intellectual disabilities can do, but also about what they themselves can do to help build a better world.

On July 21, Special Olympics BC celebrated the Global Day of Inclusion, marking 50 years since that momentous event on Soldier Field that changed the lives of so many. To honour the historic occasion, landmarks across the globe lit up in red to symbolize inclusion and the Special Olympics movement.

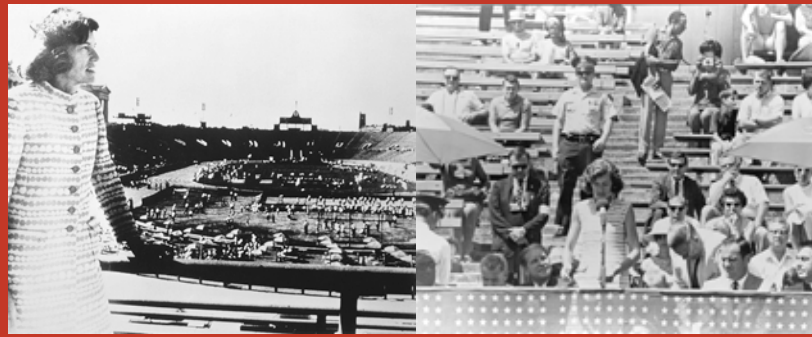
Another key contributor to the success of Special Olympics BC has been the New Car Dealers Association of BC. Through the New Car Dealers Foundation / Special Olympics BC Auction, the group has raised more than \$4.9 million over the past three-plus decades, including \$182,000 in 2018.



This year's fundraising total will help SOBC support both its 18 summer and winter sports programs for people with intellectual disabilities. The funds are also vital to helping SOBC's year-round fitness program, and its Healthy Athletes' initiatives.

Over the next year, Special Olympics BC will be highlighting the people and the moments that have built the Special Olympics movement here in British Columbia and throughout the world through our #50moments campaign. Please join us in celebrating the last half century of inclusion and looking forward to the next 50 years.

Look for our **#50moments** article every Tuesday at www.specialolympics.bc.ca or like us on Facebook at www.facebook.com/specialolympicsbc, on Twitter [@sobcsociety](https://twitter.com/sobcsociety) and on Instagram [@specialolympicsbc](https://www.instagram.com/specialolympicsbc).



50 moments: The incredible work of Dr. Frank Hayden

The incredible work of Dr. Frank Hayden has fundamentally changed the sport landscape in Canada and around the world.

Hayden is a pioneer of the Special Olympics movement, whose research was nothing short of ground breaking. As a faculty member at the University of Toronto in the early 1960s, his study of children with intellectual disabilities revealed they were half as physically fit as their peers who did not have intellectual disabilities.

It was assumed that their low fitness levels were directly connected to their disabilities. Hayden's body of work challenged that mindset – one that claimed it was the disability itself that prevented people from fully participating in play and recreation.

Through rigorous scientific study, Hayden proved that given the opportunity, people with intellectual disabilities could acquire the necessary skills to participate in sport and become physically fit.

In other words: Sport could have a transformative effect on the lives of people with intellectual disabilities.

Hayden's initial research proved to be the springboard for Special Olympics. Inspired by his initial discoveries, Hayden began exploring how to develop a national sport program for people with intellectual disabilities.

In 1964, he presented his research at the first International Congress on the Psychology of Sport in Rome and published a testing and training manual, which was widely circulated across Canada and the United States. He was convinced that sport was the answer and designed and proposed a national program of sport training and competition in Canada.

As his research became more widely known, it caught the attention of the Kennedy Foundation in Washington, D.C. In 1965, Hayden moved to Washington to work alongside Eunice Kennedy Shriver, the founder of Special Olympics.

On July 20, 1968, he was integral to the first Special Olympics Games, held at Chicago's Soldier Field. Just more than 1,000 athletes from 26 states and Canada competed at the inaugural Games. The first Special Olympics Games in Canada were held in 1969 in Toronto with 1,400 athletes from across the country. By the early 1970s – in just a few short years – Special Olympics had a presence in all 50 American states.



Hayden's work also spread across Canada. In 1981, Hayden started Special Olympics International's Office of International Development and served as its first director, establishing Special Olympics organizations and programs throughout the world.

He moved to Paris in 1988 to establish and direct the Office of European Affairs for Special Olympics International. Hayden was made an Honorary and Permanent Member of the Canadian Olympic Association in 1997, an Officer of the Order of Canada in 2000, and a Member of the Order of Ontario in 2010.

In 2016, Canada's Sports Hall of Fame inducted Hayden. In his acceptance speech, Hayden said the inspiration for his work with people with intellectual disabilities was rooted in the role that sport plays in Canadian culture and the Canadian experience.

"My mission became to bring them into the Canadian sports family," Hayden said. "I have to thank you, all of you, literally thousands of you, for accepting Special Olympics athletes, the coaches, the great volunteers we have, and their families into your sports family. You can't imagine the marvellous things it does for their lives."

A half-century after the first Games in Chicago, Special Olympics has made an immeasurable difference to the lives of people with intellectual disabilities in Canada and around the world.

Today, more than 4.9 million athletes from more than 170 countries participate in Special Olympics. The growth of the Special Olympics movement has had a broader societal impact – the realization that people with an intellectual disability have capabilities that extend beyond the field of play and into the workplace, schools, and communities.

ARE YOUR CARS LOCKED AT NIGHT?

We do not usually comment on decisions of the Supreme Court of Canada because they are often lengthy and, frankly, pretty dry reading. This cannot be said, however, for the recent Supreme Court of Canada decision in *Rankin's Garage & Sales v. JJ* (or at least the dry part). Rankin's Garage may well prove important to many business owners and their insurers.

The facts of the case are straight forward. One evening in July 2006, in Paisley, Ontario, the Plaintiff, JJ, and his friend, CC (then 15 and 16 years old), were at CC's mother's house. CC's mother, DC, had been supplying the teenagers with alcohol and, when DC went to bed, the boys continued to drink and smoke marijuana. Thereafter, the boys left the house to walk around the town and steal valuables from unlocked cars. They ended up at Rankin's Garage, which services and sells cars and trucks. The garage property was not secured and the two found an unlocked car with its keys in the ashtray. Although he did not have a driver's licence and had not driven on the road before, CC decided to steal the car and told JJ to get in. While they were on the highway, the car crashed, and JJ suffered a catastrophic brain injury. Rankin's Garage, CC, and DC were sued for negligence.

At the end of the trial in the Ontario Superior Court, the jury found Rankin's Garage 37% responsible, CC 23% responsible, DC 30% responsible, and JJ himself 10% responsible for his injuries. The trial judge had found that the owner of Rankin's Garage should have known that leaving an unlocked vehicle with the keys in it could result in intoxicated teenagers like JJ getting hurt. Therefore, the Court found that Rankin's Garage owed JJ a duty of care. (In law, a duty of care is a requirement to act responsibly to avoid harm to others. The harm must be reasonably foreseeable, or the duty will not exist.) Rankin's Garage appealed this decision.

The Ontario Court of Appeal held that, as the property that housed Rankin's Garage was easily accessible by anyone, the risk of theft was clear and it was foreseeable that minors might take a car from Rankin's Garage. In these circumstances, it was "a matter of common sense" that minors might harm themselves while joyriding, especially if impaired by alcohol or drugs. Rankin's Garage appealed this decision as well.

To determine whether Rankin's Garage owed JJ a duty of care, the Supreme Court of Canada looked at whether the garage owner should have known that his failure to take care could cause harm to someone like JJ. While the garage owner should have known that leaving a car unlocked with the keys inside could result in it being stolen, the evidence did not show that he should have known someone could be injured by a stolen car. This is because there was no evidence suggesting that a stolen vehicle would be driven unsafely. In its decision, the majority (7-2) of the Supreme Court noted that, just because something is possible does not mean that it is reasonably foreseeable under the law. It therefore held that Rankin's Garage did not owe a duty of care to JJ.

In reaching its finding, the Supreme Court noted that JJ's criminal conduct was irrelevant in analyzing whether a duty of care existed. As the Supreme



Court has held in previous decisions, the fact that JJ had engaged in immoral or illegal conduct did not preclude him from claiming for damages against a party claimed to have acted in a negligent manner. Such behaviour can, however, form part of the Court's analysis with respect to the wrongdoer's percentage of fault.

While the Supreme Court of Canada dismissed the claim against Rankin's Garage, the key take-away from this decision is to be aware that, if someone trespasses in your store with the intention of stealing something, you are not completely sheltered from liability if a condition exists on your property that may, foreseeably, cause harm. Simply put, the illegal conduct involving the theft of a vehicle or anything else, does not bar the bad guy's recovery from you if something goes terribly wrong. The illegal conduct will only factor into a contributory negligence analysis, which may reduce your liability exposure.



By: **Matthew Wansink**,
Associate



& **Christopher Bakker**,
Associate

SHK

LAW CORPORATION



NCDA Presents Julia Blockberger Award to BCIT Student

The endowment was established in 1996 by the New Car Dealers Association of BC in honour of Julia Blockberger's 28 years of support of their organization, including 12 years as show manager of the International Auto Show. It funds an annual Graduating Achievement Award for students in the BCIT Marketing Tourism program.



Recipients are selected by faculty based on a combination of high academic achievement, leadership, service and best all-round performance in their final year of studies. This year, Kelsey Acres was selected as the award recipient. Good luck to Kelsey on her future career plans!

Photo: Joshua Peters, Member Services Manager, NCDA (left), and Ben Lovie, General Manager, OpenRoad VW & Director, NCDA (right) present the award to Kelsey Acres, 2018 Award Recipient (centre).

CADA Launches Career and Job Portal – Exciting Opportunity for All Dealerships!

Please share this information with your HR Team, or staff responsible for posting job opportunities.

On June 1, 2018 the Canadian Automobile Dealers Association (CADA) launched Auto Career Start, an exciting initiative that aims to attract job seekers to work in new car and truck dealerships.

Many of you have already logged into the Cars and Jobs platform, which is part of Auto Career Start, to post your open positions.

For easy reference, you can go directly to **www.carsandjobs.com** and log in to post jobs.

If you need a refresher on how to log in, reset your password, buy credits, or post a job, CADA has created a series of short videos for you. The videos are posted in the FAQ section of **www.carsandjobs.com** and also linked below:

How do I log on?

<https://www.youtube.com/embed/0566UH8Pi9k>

How do I reset my password?

<https://www.youtube.com/embed/rEaNgpas5mE>

How-to videos

How do I purchase more job credits?

<https://www.youtube.com/embed/mpWp6qHekVY>

How do I post a job?

<https://www.youtube.com/embed/NWDIei5f2nE>

Boosting job postings to Indeed

When you create a new job posting on the carsandjobs.com platform, you'll have the opportunity to boost the posting to Indeed. No need to make a second post! The video on posting a job covers how to use this feature.

Free job posting credits

As part of the Auto Career Start launch, each individual dealership/rooftop will receive 5 free job posting credits the first time you log on to **www.carsandjobs.com**.

This exclusive offer ends on December 31, 2018. After December 31, each job posting credit will cost \$25.00 + tax.



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CAUTION: Potholes Ahead! B.C.'s New Employer Health Tax

As part of the 2018 provincial budget, the B.C. government announced that it will be abolishing the system of collecting Medical Service Plan (MSP) premiums and replacing it with a new Employer Health Tax (EHT) which will become effective January 1, 2019.

The new EHT is a payroll tax that comes at a time when many other costs are increasing for car dealerships in B.C., including salaries/wages, property taxes, carbon taxes and corporate income taxes (B.C.'s general corporate income tax rate increased by 1% effective January 1, 2018).

The impact of the new payroll tax will be significant for car dealerships.

Although complete details will not be provided until legislation is enacted in the fall of 2018, the government recently released an Employer Health Tax Notice outlining general implementation details relating to the new EHT. Some highlights of the notice are provided below.

Tax Rates and Considerations

Large companies will be hardest hit as they will pay a 1.95 per cent of tax on payrolls over \$1.5 million. Any businesses with payrolls between \$500,000 and \$1.5 million will pay a reduced rate ranging from .98 per cent to 1.76 per cent.

As currently proposed, as soon as a business exceeds a threshold the higher tax rate applies to all payroll; the tax is not graduated. The lack of graduated tax rates is fundamentally different than how many other taxes function. Also, there is currently no mechanism to ensure that the threshold increases over time along with payroll costs. Thus, there is nothing that ensures that the tax does not become more costly for business owners over time.

While the new EHT is effective in 2019, employers that pay for MSP premiums will still be charged MSP premiums until 2020, a "double whammy" during the 2019 transition period as they continue paying MSP premiums (albeit at 50% of the previous rate) and the new EHT. During the transition period, employers wishing to reduce or eliminate their coverage of MSP premiums to offset the new employer health tax will need to carefully balance the tax savings with the risk of upsetting employees.

Which payroll is subject to EHT?

The tax will be applied to all employment income (also known as remuneration) and taxable benefits under the Income Tax Act, which includes the following:

- Salary and wages
- Advances of salary and wages
- Payments for casual labour
- Bonuses, commissions and other similar payments
- Vacation payments
- Taxable allowances and benefits
- Directors' fees paid to directors of corporations
- Amounts paid by an employer to top up benefits (e.g. top-up for maternity or paternity leave)
- Stock option benefits
- Employer-paid contributions to an employee's Registered Retirement Savings Plan
- Employer-paid group life insurance premiums

Employer-paid contributions or premiums that are not subject to the EHT:

- Registered pension plan contributions
- Private health services plan (i.e., extended health) contributions
- Supplementary unemployment benefit plan contributions
- Deferred profit sharing plan contributions
- Retirement compensation arrangement contributions

EHT Installment

Employers with B.C. payroll of over \$600,000, will have to make quarterly installment payments.

More details on the EHT are expected after the legislation is enacted this fall. If the B.C. government does move ahead with the proposed EHT, we hope that current concerns and unintended impacts are appropriately addressed. We will closely monitor the proposed legislation and the impact that it may have on car dealerships in B.C.



Chris Schaufele, CPA, CA is a Partner in Automotive Services, at MNP, a national accounting, tax and consulting firm. He can be reached at **604-536-7614** or chris.schaufele@mnp.ca

Who's Who at the NCDA

OUR VISION:

For member dealers and the dealer franchise system to be seen by the public as the best choice to fulfill all their automotive needs.

We are a small, but dedicated and hardworking team of seven individuals working to serve all Members of the New Car Dealers Association of BC. Should any questions, concerns, issues or ideas arise, the Association staff will be available to listen and help.

Get in touch via phone, email, fax or in person at our new Langley office!**

** New NCDA office location. Please note that we've re-located to Langley and our new address is 380 - 8029 199th St., Langley, BC**



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CORPORATE PARTNERS



The NCDA is a proud member of the Canadian Automobile Dealers Association (CADA). CADA is the national association for franchised automobile and truck dealerships that sell new cars and trucks. www.cada.ca



The Vancouver International Auto Show (VIAS) is Western North America's best attended consumer show, and one of its premier automotive exhibition events.

VIAS is owned and operated by the New Car Dealers Association of BC and set a new attendance record for 2018, at more than 120,000 attendees. The 2019 VIAS returns March 19-24 at the Vancouver Convention Centre. Learn more: www.VancouverInternationalAutoShow.com



The Clean Energy Vehicle for BC (CEVforBC™) Point of Sale Incentive Program is administered on behalf of the Province of BC by the New Car Dealers Association of BC. CEVforBC™ provides purchase incentives for plug-in hybrid and electric vehicles to BC residents. www.cevforbc.ca



BC Scrap-It is a voluntary early retirement vehicle program that provides incentives to help British Columbians replace higher polluting vehicles with cleaner forms of transportation. www.scrapit.ca

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The New Car Dealers Association of B.C. would like to acknowledge these fine companies for their support of your association's activities:



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Western Dealers Co-Auto	Mike Reid	mreid@wdcoauto.com	(780) 468-9552	http://www.wdcoauto.com
Wolrige Mahon Chartered Professional Accountants	Masato Oki	moki@wm.ca	(604) 684-6212	http://www.wm.ca
Xtime Inc. (Cox Automotive Canada)	Jack Sulymka	jack.sulymka@coxautoinc.com	(888) 463-3888	http://xtime.ca/
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