
**IN THE MATTER OF THE *MORTGAGE BROKERS ACT*,
RSBC 1996, c. 313 as amended**

-AND-

IN THE MATTER OF SARBJIT BAINS

NOTICE OF HEARING

(Pursuant to sections 8 and 8(1.4) of the *Mortgage Brokers Act*)

NOTICES OF HEARING issued by the Registrar of Mortgage Brokers include allegations that will be considered at a hearing. The allegations contained in a Notice of Hearing are unproven until the Registrar of Mortgage Brokers, or their appointee, has determined their validity.

To: Sarbjit Bains

[REDACTED]
[REDACTED]

TAKE NOTICE that the Registrar of Mortgage Brokers ("Registrar") will hold a hearing pursuant to section 8 of the *Mortgage Brokers Act* ("MBA") at the offices of the Registrar, BC Financial Services Authority, located at 2800 - 555 West Hastings Street in Vancouver, British Columbia, to provide you with an opportunity to be heard prior to the Registrar making any order under the MBA should it be determined that your conduct contravened the MBA, or regulations made under the MBA ("Regulations"). The hearing will commence at a date to be determined by the parties, and if no agreement is reached within one month of the date of this Notice, the hearing date will be determined by the Registrar.

AND TAKE NOTICE that the allegations against SARBJIT BAINS, also known as SARB BAINS ("Ms. Bains") are as follows:

1. Contrary to s. 8(1.4) of the MBA, Ms. Bains carried on business as a mortgage broker or submortgage broker without being registered to do so as required by section 21(1)(a) of the MBA, and without being exempt from registration pursuant to section 11 of the MBA, by undertaking the following activities that were outside the scope of her employment with a financial institution:
 - a. directing the course of 10 mortgage applications on behalf of borrowers including giving instructions or directions to [REDACTED] ("D.A."), a mobile mortgage specialist with [REDACTED] (the "Credit Union"), as to the employment, income, and banking information (collectively, "supporting documents") of the 10 mortgage applications listed in Schedule "A".

- b. conducting one or more of the following activities on behalf of the 10 borrowers listed in Schedule "A" when she:
- i. solicited borrowers for the purpose of mortgage referrals;
 - ii. met with borrowers to collect borrowers' personal information for their mortgage applications;
 - iii. provided mortgage advice or information to borrowers, including advice or information relating to some or all of mortgage rates, terms, conditions, fees or qualifications, and determined what supporting documents were required from borrowers in their mortgage applications;
 - iv. communicated with D.A., in D.A.'s capacity as a lender, about the merits of mortgage applications;
 - v. accepted supporting documents from borrowers for the purpose of obtaining mortgages;
 - vi. accepted borrowers' mortgage supporting documents from a third party, and provided those documents to D.A. for inclusion in the borrower's mortgage applications without vetting the documents; and
 - vii. referred borrowers to D.A. and acted as a liaison between the borrowers and D.A. by providing borrowers' supporting documents to D.A. for inclusion in the borrowers' mortgage applications.
- c. receiving remuneration in excess of \$1,000 in 2019 for arranging mortgages.
2. Some of the supporting documents provided to D.A. by Ms. Bains and relied on by the Credit Union to make lending decisions were altered and contained false information. Ms. Bains knew or ought to have known that these documents were not genuine.

AND TAKE NOTICE that in the event the Registrar determines that any of your conduct, as set out above, contravened the MBA or the Regulations, the Registrar may make any of the orders set out in section 8 of the MBA, including the remedies permitted pursuant to sections 8(1.4) of the MBA. In addition, the Registrar may make an order against you for payment of the investigation and costs of the hearing, pursuant to section 6 (9) of the MBA and may make any further orders under the MBA as deemed appropriate by the Registrar.

AND TAKE FURTHER NOTICE that in the event of your non-attendance at the hearing, the Registrar may proceed with the hearing in your absence. The Registrar may hear evidence and make findings regarding your conduct and may make orders described above, all without further notice to you.

AND TAKE FURTHER NOTICE that you are entitled, at your own expense, to be represented by legal counsel at the hearing and you and your counsel will have the full right to cross-examine all witnesses called and to call evidence in your defence and reply in answer to the allegations.

Dated at Vancouver, British Columbia, this 17 day of March, 2021.

Registrar of Mortgage Brokers



Per : Chris Carter
Deputy Registrar of Mortgage Brokers
Province of British Columbia

SCHEDULE "A"

Borrower	Properties