

**IN THE MATTER OF THE REAL ESTATE SERVICES ACT,
S.B.C. 2004, c. 42 as amended**

AND

**IN THE MATTER OF
WEI QING (WENDY) YANG
(159561)**

AND

**WENDY YANG PERSONAL REAL ESTATE CORPORATION
(159561PC)**

FURTHER AMENDED NOTICE OF DISCIPLINE HEARING

TO:

Wei Qing (Wendy) Yang
Wendy Yang Personal Real Estate Corporation
c/o Metro Edge Holdings Ltd. dba Metro Edge Realty
345 - 3150 East 54th Avenue
Vancouver, B.C., V5S 1Z1

TAKE NOTICE that a Discipline Committee of the Real Estate Council of British Columbia (the "Council") will hold a virtual discipline hearing under Part 4 of the *Real Estate Services Act* ("RESA") on October 26, 2020 to November 6, 2020 commencing at **9:30 am** ~~at the office of the British Columbia Securities Commission at 701 West Georgia Street, in Vancouver B.C.~~ to determine whether your conduct while licensed with Pan Pacific Platinum Real Estate Services Inc. dba New Coast Realty, contravened the RESA, regulations made under the RESA ("Regulations"), or rules made under the RESA ("Rules") in effect at the relevant time.

AND TAKE NOTICE the allegations against you are as follows:

1. You committed professional misconduct within the meaning of section 35(1)(a) of the RESA, while licensed with Pan Pacific Platinum Real Estate Services Inc. dba New Coast Realty (until February 3, 2016), and when acting as a listing agent, and you acted contrary to section 7(3)(a) [providing real estate services outside the brokerage] of the RESA, and sections 3-2(1)(b) and 3-2(2)(a) [duty to promptly provide records to managing broker and keep managing broker informed] and 3-4 [duty to act with reasonable care and skill] of the Rules, when:
 - (a) With respect to property located at xxxx Wxxxxxxx Rxxx, Richmond, B.C. ("Wxxxxxxx Property"), you failed to promptly provide New Coast Realty with a copy of the offer that had been accepted by the buyer on January 27, 2016, (not doing so until February 6, 2016 which was 3 days after you had transferred your licence to Metro Edge Realty);

- (b) With respect to property located at xxxx Sxxxxxx Dxxxx, Richmond, BC ("Sxxxxxx Property"), you failed to promptly provide New Coast Realty with a copy of the offer that had been accepted by the buyer on January 28, 2016, (not doing so until February 16, 2016, which was 13 days after you had transferred your licence to Metro Edge Realty);
- (c) With respect to the properties listed below, on January 27, 2016, without the knowledge and/or consent of your managing broker, and contrary to the brokerage's policy manual which expressly prohibited the practice of changing the expiry date of a listing so as to effectively cancel the listing early, you prepared an amendment to the multiple listing contract form and used a photocopy of the managing broker's signature on that form, or alternatively, used a blank amendment form that had been pre-signed by the managing broker (which form was to be used for the sole purpose of expediting price changes), photocopied it for each property, and made the following changes:
- xxx-xxxxx Lxxxxxxxx Rxxx, Richmond, B.C. - changed the listing expiry date to an earlier expiry date of January 31, 2016;
 - xxxxx Sxxxxxx Cxxxxxx, Richmond, B.C. - changed the listing expiry date to an earlier expiry date of January 31, 2016;
 - xxx-xxxxx Lxxxxx Dxxxx, Richmond, B.C. - changed the listing expiry date to an earlier expiry date of February 1, 2016; and
 - xxxxx Fxxxxxx Rxxx, Richmond, B.C. - changed the listing expiry date to an earlier expiry date of January 31, 2016, and changed the listing price from \$2,688,000.00 to \$2,768,000.00.
- (d) With respect to the properties listed below, on January 28, 2016 without the knowledge and/or consent of your managing broker, and contrary to the brokerage's policy manual which expressly prohibited the practice of changing the expiry date of a listing so as to effectively cancel the listing early, you prepared an amendment to the multiple listing contract form and used a photocopy of the managing broker's signature on that form, or alternatively, used a blank amendment form that had been pre-signed by the managing broker (which form was to be used for the sole purpose of expediting price changes) and photocopied it for each property, and made the following changes:

- xxxx Dxxxxxx Rxxxx, Richmond, B.C. - changed the listing expiry date to an earlier expiry date of January 29, 2016; and
 - xxxx Txxxxxx Pxxxx, Richmond, B.C. - changed the listing expiry date to an earlier expiry date January 30, 2016, and changed the listing price from \$1,799,000.00 - \$1,798,000.00.
- (e) With respect to the properties listed below, on January 29, 2016 without the knowledge and/or consent of your managing broker, and contrary to the brokerage's policy manual which expressly prohibited the practice of changing the expiry date of a listing as to effectively cancel the listing early, you prepared an amendment to the multiple listing contract form, and used a photocopy of the managing broker's signature on that form, or alternatively, used a blank amendment form that had been pre-signed by the managing broker (which form was to be used for the sole purpose of expediting price changes) and photocopied it for each property, and made the following changes:
- xxxx Gxxxxxxxx Rxxxx, Richmond, B.C. - changed the listing expiry date to an earlier expiry date of January 31, 2016 and changed the listing price from \$1,988,000.00 to \$2,100,000.00;
 - xx - xxxxx Rxxxx Dxxxx, Richmond, B.C. - changed the listing expiry date to an earlier expiry date of January 31, 2016; and
 - xxxx-xxxx Kxxxxxxxx Sxxxx, Richmond, B.C. - changed the listing expiry date to an earlier expiry date of January 31, 2016.
- (f) On or about February 3, 2016, you submitted each of the amendments forms (as set out in paragraphs 1(c), (d) and (e) above) to the Greater Vancouver Real Estate Board ("GVREB") after the respective seller had signed it, without providing the brokerage with a copy for processing or for the brokerage's listing file.
2. Further, or in the alternative, you committed professional misconduct within the meaning of section 35(1)(a) of the RESA and acted contrary to sections 35(1)(d) [demonstrates incompetence] of the RESA, when you engaged in the conduct set out in paragraphs 1(a) through (e) above.
3. Further, or in the alternative, you committed conduct unbecoming a licensee within the meaning of section 35(2)(b) and (c) [undermined the public confidence in the real estate industry and brought the real estate industry into

disrepute] of the RESA, when you engaged in the conduct set out in paragraphs 1(a) through (f) above.

4. You committed professional misconduct within the meaning of section 35(1)(a) of the RESA when, while licensed with New Coast Realty, and while acting as the listing agent for the seller of the Wxxxxxxx Property, you acted contrary to sections 3-4 [duty to act honestly and with reasonable care and skill], 5-10 (a) [disclosure of representation] and 3-3(i) and (j) [conflict of interest] of the Rules, when you:

(a) did not disclose the buyer or to the seller of the Wxxxxxxx Property that:

- (i) Kxxx Kxxx (Hxxxx) Kxxx (“Hxxx Kxxx”), who was acting as the designated agent to the buyer, was licensed with New Coast Realty and was a member of the Wendy Yang Team;
- (ii) because Hxxxx Kxxx was a member of the Wendy Yang Team, you (and the team) were also acting as the designated agent for the buyer;
- (iii) all members the Wendy Yang Team were deemed to share confidential information of their clients; and
- (iv) because you and the Wendy Yang Team were acting as designated agents for the buyer and the seller, you were acting in a potential conflict of interest.

(b) failed to obtain or ensure the Wendy Yang Team members obtained the consent of the buyer and the seller to act as limited dual agents.

5. You committed professional misconduct within the meaning of section 35(1)(a) of the RESA when, while licensed with Metro Edge Realty (commencing on February 3, 2016), and in your capacity as a listing agent you acted contrary to section 7(3)(a) [providing real estate services outside the brokerage] of the RESA, and section 3-2(1)(b) and 3-2(2)(a) [duty to promptly provide records to managing broker and keep managing broker informed] and 3-4 [act honestly and with reasonable care and skill] of the Rules, when you:

(a) advertised using New Coast Realty “For Sale” signs;

(b) on or about February 3, 2016, re-listed with Metro Edge Realty, the properties set out in 1(c), (d) and (e) above;

(c) with respect to the Williams Property:

- (i) on or about February 4, 2016, prepared an amendment to the multiple listing contract form and used a

photocopy of the managing broker's signature on that form, or alternatively, used a blank amendment form that had been pre-signed by the managing broker (which form was to be used for the sole purpose of expediting price changes) photocopied it, and changed the listing expiration date from July 11, 2016 to February 4, 2016; increased the listing price; and reduced the real estate commission fee to zero;

- (ii) on or about February 4, 2016, submitted the amendment form directly to the GVREB, without providing New Coast Realty with a copy for processing or for the brokerage's listing file;
 - (iii) on or about February 4, 2016, re-listed the property with Metro Edge Realty;
 - (iv) on or about February 4, 2016, prepared an addendum to the contract of purchase and sale (with New Coast Realty logo noted at the top), which indicated that the subject conditions were removed on February 4, 2016; and
 - (v) on or about February 6, 2016, after several requests from New Coast Realty's managing broker, provided a copy of the accepted offer to him;
- (d) with respect to the Seafair Property:
- (i) on or about February 4, 2016, prepared an amendment to the listing contract form you prepared an amendment to the multiple listing contract form and used a photocopy of the managing broker's signature on that form, or alternatively, used a blank amendment form that had been pre-signed by the managing broker (which form was to be used for the sole purpose of expediting price changes), photocopied it and changed the expiration date of the listing from April 30, 2016 to February 4, 2016;
 - (ii) on or about February 4, 2016, submitted the amendment form directly to the GVREB, without providing New Coast Realty with a copy for processing or for the brokerage's listing file;
 - (iii) on or about February 4, 2016, re-listed the property with Metro Edge Realty; and

- (iv) on February 16, 2016, after several requests from New Coast Realty's managing broker delivered a copy of the accepted offer to him.
- 6. Further, or in the alternative, you committed professional misconduct within the meaning of section 35(1)(a) of the RESA and acted contrary to sections 35(1)(d) [demonstrates incompetence] of the RESA, when you engaged in the conduct set out in paragraphs 5(a) through (d) above.
- 7. Further, or in the alternative, you committed conduct unbecoming a licensee within the meaning of section 35(2)(b) and (c) [undermined the public confidence in the real estate industry and brought the real estate industry into disrepute] of the RESA, when you engaged in the conduct set out in paragraphs 5(a) through (d) above.

AND TAKE FURTHER NOTICE that if you are found by the Discipline Committee to have committed professional misconduct, the Discipline Committee will make discipline orders against you and may also order you to pay enforcement expenses incurred by the Council under sections 43 and 44 of the RESA.

AND FURTHER TAKE NOTICE that if you do not attend the hearing, the Discipline Committee may proceed with the hearing in your absence upon proof of service of this Notice of Discipline Hearing. The Discipline Committee may hear evidence and make findings regarding your conduct and may make orders under sections 43 and 44 of RESA, 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 to cross-examine witnesses called by the Council and call evidence in your defence and reply to the allegations.

Dated at the City of Vancouver, B.C. this 25th day of August, 2020.

Real Estate Council of British Columbia

"Charlene McLaughlin"

Per: Charlene McLaughlin
Director, Legal Services