

**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, when acting as the seller's agent for Jxxx Bxxxxxx Lxxxxx and Cxxxxxxxx Vxxxxx Lxxxxx (the "Sellers") of residential property located at xxxxx Hxxxxxxxx Axxxxx, Richmond, B.C. (the "Property"), and as the leader of the Wendy Yang Team.
2. You failed to disclose the nature of the representation that you and your team were providing to the Sellers, by not identifying all members of the Wendy Yang Team as designated agents for the Sellers, on the multiple listing contract and on the contract of purchase and sale for the Property (the "Contract"), contrary to section 3-4 [duty to act with reasonable care and skill] and 5-10(a) [disclosure of representation] of the Rules.

3. You failed to act with reasonable care and skill and in the best interests of your clients and you acted without your clients' consent or knowledge, when you instructed your team member, Xxxxxx (Sxxxxx) Zxxx ("Ms. Zxxx"), to inform the buyer's agent that the buyer's offer would only be presented to and accepted by the Sellers, if the buyer agreed to place a New Coast Realty Sold Sign on the Property for a period of one year from the possession date, contrary to sections 3-3(a) [act in the best interests of the client], 3-3(c) [acting outside the scope of client's authority] and 3-4 [act with reasonable care and skill] of the Rules.
4. You failed to act with reasonable care and skill, contrary to section 3-4 [act with reasonable care and skill] of the Rules, when:
 - (a) despite receiving direction from your managing broker previously not to do so, you instructed Ms. Zxxx to prepare an addendum (between the buyer and the Sellers) to the Contract in an effort to document what should have been a separate agreement between you, Ms. Zxxx and the buyers; which addendum stated that the buyer agreed to have the New Coast Realty Sign placed on the Property for a period of one year from the possession date; and
 - (b) irrespective of this being an improper way of documenting the agreement between you, Ms. Zxxx and the buyer, you obtained (or alternatively instructed Ms. Zxxx to obtain) the signature of the buyer only on the addendum, despite it forming part of the Contract.
5. Further, or in the alternative, you committed professional misconduct within the meaning of section 35(1)(a) of the RESA, and acted contrary to section 35(1)(d) [demonstrates incompetence] of the RESA, when you engaged in the conduct set out in paragraphs 4(a) and 4(b) 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