

IN THE MATTER OF THE REAL ESTATE SERVICES ACT
SBC 2004, C. 42 as amended
AND IN THE MATTER OF
WEI QING (WENDY) YANG (159561) and
WENDY YANG PERSONAL REAL ESTATE CORPORATION (159561PC)

SUPPLEMENTAL REASONS FOR DECISION REGARDING SANCTION

Date of Hearing:	August 13, 2021 (in writing only)
Discipline Hearing Committee:	S. Heath (chairperson) M. Chan (member) Y. Amlani (member)
Counsel for RECBC:	D. McKnight
Counsel for Respondent:	J. Scouten
Court Reporter:	Not applicable.

A. AN APPLICATION TO DELAY COMMENCEMENT OF THE RESPONDENT'S SUSPENSION

1. The Respondent applied via legal counsel to delay the commencement of her suspension for two months from the date of the sanction decision in this discipline matter. This Panel distributed the substance of its decision and its reasons to the parties, through independent legal counsel, by letter dated August 15, 2021.
2. The Discipline Committee continues to have jurisdiction over this matter, despite the dissolution of the Council, pursuant to O.I.C. No. 483, approved and ordered July 19, 2021, which amends the *Real Estate Services Regulation*, B.C. Reg. 506/2004, to add the following section 11.4:

Discipline Committee

11.4 If, immediately before August 1, 2021, a discipline committee is seized of a matter under Division 2 of Part 4 of the Act, as it read immediately before that day, the members of the discipline committee remain seized of the matter on and after that day as if the superintendent had delegated to those members the superintendent's powers and duties under Division 2 of Part 4 of the Act.

The Discipline Committee also has a continuing jurisdiction to complete the statutory task it is obliged to perform, which in this case involves its specifying a date on which a suspension is to commence.

3. This Panel made a sanction decision dated July 29, 2021 (the “Sanction Decision”). The BC Financial Services Authority (“BCFSA”), formally the Real Estate Council of British Columbia (“RECBC”), delivered the Sanction Decision to the Respondent’s counsel on August 9, 2021, and advised that the Respondent’s suspension would commence on August 16, 2021.

4. The Respondent, in a letter dated August 13, 2021, applied to this Panel for a delay of the commencement of the suspension for two months from the date of the Sanction Decision. The Respondent’s submissions included advice of their understanding that RECBC’s practice prior to August 1 was to delay the commencement of suspensions for 30 days, to accommodate a right to file an appeal to the Financial Services Tribunal. If an appeal was filed, a stay of the sanction provisions would automatically come into effect under s. 55 of the *Real Estate Services Act* (“RESA”). This section was repealed as of August 1, 2021. The Respondent appears to argue she has an accrued right to a stay upon filing an appeal pursuant to s. 55 of RESA, given that the Sanction Decision is dated July 29, 2021.

THE PANEL’S DECISION

5. This Panel has decided to complete its Sanction Decision by setting out a date for the commencement of the suspension. This Panel heard sufficient evidence and submissions about the Respondent’s realty practice during the discipline hearing to make this decision without further evidence or submissions from either party. This Panel amends its decision to add that Ms. Wang’s suspension commences on the thirtieth (30th) day from August 9, 2021, the date on which the BCFSA delivered its letter enclosing the Sanction Decision. In our view, thirty (30) days is more than sufficient for Ms. Wang to cease her practice and meet the closure and transfer requirements set out in the BCFSA’s letter dated August 9, 2021.

6. In making this amendment, this Panel does not agree that RECBC had a prior standard practice of commencing suspensions thirty days after the date of a discipline sanction decision, although such a delay may have been appropriate in some cases. This Panel also makes no decision on the legal effect of the date of its decision, regarding the appeal or stay provisions under former s. 55 of the RESA, other than that it does not have jurisdiction to make any decisions on such issues.

B. DISCIPLINE ORDER

7. The Committee orders that the suspension it previously ordered commences on the thirtieth (30th) day after August 9, 2021.
8. This supplemental decision is part of the Sanction Decision.

Dated at VANCOUVER, BRITISH COLUMBIA this 19th day of August 2021.

FOR THE DISCIPLINE HEARING COMMITTEE

“SANDRA HEATH”

S. Heath
Discipline Hearing Committee
Chairperson

“MAGGIE CHAN”

M. Chan
Discipline Hearing Committee Member

“YASIN AMLANI”

Y. Amlani
Discipline Hearing Committee Member