

IN THE MATTER OF THE *REAL ESTATE SERVICES ACT*
SBC 2004, c 42 as amended

AND

IN THE MATTER OF

PAN PACIFIC PLATINUM REAL ESTATE SERVICES INC. DBA LEHOMES REALTY
(X034934)

AND

DEAN NICHOLAS DYMONT
(095522)

AMENDED NOTICE OF DISCIPLINE HEARING

To: Pan Pacific Platinum Real Estate Services Inc.
dba LeHomes Realty
XXXX Wxxx Bxxxxxxx,
Vancouver, BC, XXX XXX

And: Dean Nicholas Dymont
c/o Laboutique Realty Ltd. dba LeHomes Realty First
XXX-XXXX Wxxxxxxxxx Axxxxx,
Burnaby, BC, XXX XXX

TAKE NOTICE that a that the Superintendent of Real Estate (the "Superintendent") of the BC Financial Services Authority ("BCFSA") ~~discipline committee of the Real Estate Council of British Columbia (the "Council")~~ will hold a discipline hearing under Part 4 of the *Real Estate Services Act* ("RESA") on ~~September 22-23~~ **December 1-2, 2021 commencing at 9:30 am** in the Hearing Room at ~~the Council's~~ **BCFSA's** offices located at ~~900 600 – 750 West Pender Street, Vancouver, British Columbia~~ **or in such other (including virtual) Hearing Room of which the Council BCFSA informs you** to determine whether your conduct contravened the RESA, the regulation made under the RESA (the "Regulation"), or any rules made under the RESA (the "Rules") in effect at the relevant time.

AND TAKE NOTICE that the allegations against you are as follows:

1. Pan Pacific Platinum Real Estate Services Inc. dba LeHomes Realty (the "**Brokerage**") committed professional misconduct within the meaning of section 35(1)(a) of the RESA, when, as identified during Real Estate Council of BC (the "Council")'s ~~the Council's~~ inspection of the brokerage's books and records in March to August 2020:
 - a. the Brokerage's rental trust account showed trust shortages totaling \$4,872.50, as of around May 31, 2020, as a result of six individual client ledgers that were in

overdraft positions, which negative balances were not immediately eliminated and reported to the Council, contrary to sections 7-5(1), (2) and (3) of the Rules [*negative balances in trust accounts and trust records*] of the Rules;

- b. in or around April and May 2020, the Brokerage permitted XXXXXXX B.C. Ltd., an unlicensed company, to provide rental property management services on behalf of the Brokerage's rental property management clients, including by:
 - i. making payments to third parties for property expenditures on behalf of Brokerage's rental property management clients; and
 - ii. holding security deposits for some of the Brokerage's rental property management clients,

contrary to section 7(5)(a) of the RESA;

- c. in or around April and May 2020, the Brokerage made payments from the rental commission trust account to XXXXXXX B.C. Ltd., an unlicensed entity, contrary to section 6-1(1) of the Rules [*payment to persons who are not licensed*];
- d. the Brokerage's trust liability listings failed to identify the specific clients on whose behalf deposits were made and on whose behalf expenditures were incurred, contrary to section 8-1 [*prepare and retain financial records necessary to ensure the appropriate and timely accounting of all transactions*] of the Rules; and
- e. the Brokerage failed to prepare a trust liability listing for the month of May 2020 in a timely fashion and within 5 weeks of the end of the month, contrary to section 8-3(b) [*prepare a monthly trust liability and asset reconciliation*] of the Rules.

- 2. Dean Nicholas Dymont committed professional misconduct within the meaning of section 35(1)(a) of the RESA in that while the managing broker of the Brokerage:

- a. as of around May 31, 2020, the rental trust account showed trust shortages totaling \$4,872.50 as a result of six individual client ledgers that were in overdraft positions, which negative balances were not immediately eliminated and reported to the Council, contrary to sections 7-5(1), (2) and (3) [*negative balances in trust accounts and trust records*], 3-1(1)(b) [*ensure that business is carried out competently and in accordance with the Act, regulations, rules and bylaws*] and 3-1(3)(a) [*ensure that trust accounts and records are maintained in accordance with the Act, regulations, rules and bylaws*] of the Rules.
- b. in or around April and May 2020, the Brokerage permitted an unlicensed company, XXXXXXX B.C. Ltd., to provide rental property management services on behalf of the Brokerage's rental property management clients, including by:
 - i. making payments to third parties for property expenditures on behalf of Brokerage's rental property management clients; and

- ii. holding security deposits for some of the Brokerage's rental property management clients,

and as a result, Mr. Dymont failed to ensure that business of the Brokerage was carried on in accordance with the Act, regulations, rules and bylaws, contrary to section 3-1(1)(b) of the Rules [*ensure that business is carried out competently and in accordance with the Act, regulations, rules and bylaws*];

- c. In or around April and May 2020, Mr. Dymont permitted the Brokerage to make payments from the rental commission trust account to XXXXXXX B.C. Ltd., an unlicensed entity, contrary to section 6-1(1) of the Rules [*payment to persons who are not licensed*] and section 3-1(1)(b) of the Rules [*ensure that business is carried out competently and in accordance with the Act, regulations, rules and bylaws*];
- d. Mr. Dymont failed to ensure that the Brokerage prepared and maintained trust liability listings in accordance with the Rules, as set out in paragraphs 1(d) and 1(e) above, contrary to sections 3-1(1)(a) and (b) and sections 3-1(3)(a) and (b) of the Rules [*managing broker responsibilities*].

AND FURTHER TAKE NOTICE that if the Superintendent ~~discipline committee~~ finds you committed professional misconduct, the Superintendent ~~discipline committee~~ must make an order against you, and may also order you to pay enforcement expenses incurred by ~~the Council~~ BCFSa, under sections 43 and 44 of the RESA.

AND FURTHER TAKE NOTICE that if you do not attend the discipline hearing, the Superintendent ~~discipline committee~~ may proceed with the discipline hearing in your absence and may make findings and orders under sections 43 and 44 of the RESA without further notice to you.

AND FURTHER TAKE NOTICE that you are entitled, at your own expense, to be represented by legal counsel and to participate in the discipline hearing.

Dated this ~~11~~ 15th day of ~~June~~ September 2021 at the City of Vancouver, British Columbia.

BC Financial Services Authority ~~Real Estate council of British Columbia~~

"Charlene McLaughlin"

Per: Charlene McLaughlin
Director, Legal ~~Services~~ - Market Conduct