

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

- **AND -**

KITSILANO MANAGEMENT LTD.

- **AND -**

YIU KEUNG (ANTHONY) NG

AMENDED NOTICE OF HEARING
(Pursuant to section 48(2) of the Real Estate Services Act)

To: Kitsilano Management Ltd.
XXX – XXXX Wxxx Xth Axxxxx
Vancouver, BC XXX XXX

To: Yiu Keung (Anthony) Ng
XXX – XXXX Wxxx Xth Axxxxxx
Vancouver, BC XXX XXX

TAKE NOTICE that the Superintendent of Real Estate ("Superintendent") will hold a hearing pursuant to section 48(2) of the *Real Estate Services Act* (the "Act") at the offices of the Superintendent, located at the BC Financial Services Authority, 600 – 750 West Pender Street, Vancouver, British Columbia V6C 2T8 to provide Kitsilano Management Ltd. and Yiu Keung (Anthony) Ng, an opportunity to be heard prior to the Superintendent making any order under the Act should it be determined that their conduct contravened the Act. The hearing will commence at 9:00 am on December 6, 2021 and will conclude on December 9, 2021.

AND TAKE NOTICE that the allegations against one or both Kitsilano Management Ltd. and Yiu Keung (Anthony) Ng are as follows:

1. Kitsilano Management Ltd. and Yiu Keung (Anthony) Ng provided rental property management services in British Columbia without being licensed to do so under the provisions of the Act and without being otherwise exempt from licensing under the Act, contrary to s. 3(1) of the Act, when, in relation to one or more of up to 23 properties, they:

- a. provided trading services in relation to the rental property including advertising that made representations about the rental property, and finding a party to acquire a leasehold interest in the property,
 - b. collected rents or security deposits for the use of the real estate, and
 - c. managed the real estate on behalf of the owners by:
 1. making payments to third parties,
 2. negotiating or entering into tenancy agreements, and
 3. managing landlord and tenant matters including arranging repairs to the rental property on behalf of the owners; and
2. Yiu Keung (Anthony) Ng refused to provide information that was reasonably required for the purposes of the investigation, contrary to section 37(4) of the Act, in that Mr. Ng:
- a. stated in a telephone conversation on October 25, 2016 with staff of the Superintendent that he did not manage any rental properties at that time when that statement was not true, and
 - b. sent an email to staff of the Superintendent dated October 31, 2016 advising that "The company [Kitsilano Management Ltd.] is not involved in the management/marketing/sale of real estate and has no intention of doing so in the future" when that statement was not true.

AND TAKE FURTHER NOTICE that the Superintendent may make any of the following orders with respect to a party to the hearing if he determines that the party did not hold a licence under the Act at a time when the party engaged in any activity for which a licence is required:

1. Kitsilano Management Ltd. cease providing rental property management services without being licensed to do so under the Act, pursuant to section 49(2)(a) of the Act;
2. Yiu Keung (Anthony) Ng cease providing rental property management services without being licensed to do so under the Act, pursuant to section 49(2)(a) of the Act;
3. Kitsilano Management Ltd. and Yiu Keung (Anthony) Ng place any rent payments, security deposits, administration fees, commissions, or other trust monies, which they hold in respect of the rental property management services without being licensed to do so under the Act, in trust in British Columbia with a practising lawyer, notary public or a licensed real estate brokerage, at the discretion of the Superintendent, pursuant to section 49(2)(b) of the Act;
4. Kitsilano Management Ltd. pay a penalty in an amount of not more than the \$500,000 maximum permissible in the case of a corporation, pursuant to section 49(2)(d)(i) of the Act,

5. Yiu Keung (Anthony) Ng pay a penalty in an amount of not more than the \$250,000 maximum permissible in the case of an individual, pursuant to section 49(2)(d)(ii) of the Act; and

6. Kitsilano Management Ltd. and Yiu Keung (Anthony) Ng, jointly and severally, pay the costs of the investigation and hearing, pursuant to section 49(2)(c) of the Act.

AND TAKE FURTHER NOTICE that in the event of your non-attendance at the hearing, the Superintendent may proceed with the hearing in your absence. The Superintendent 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.

AND TAKE FURTHER NOTICE that Notices of Hearing issued by the Superintendent include allegations which will be considered at a hearing. Please note that the allegations contained in a Notice of Hearing are unproven until the Superintendent or his designate has determined their validity.

Issued at the City of Vancouver, in the Province of British Columbia this 1st day of November, 2021

Superintendent of Real Estate

“Blair Morrison”

Per: Blair Morrison
Superintendent of Real Estate
Province of British Columbia