

Citation: Bakker (Re), 2022 BCSRE 11
File No. INV20.024.53695

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

**AND IN THE MATTER OF
KATHY ALAINA BAKKER**

REASONS FOR ORDER TO FREEZE PROPERTY

[These Reasons have been redacted before publication.]

Date of Hearing: April 6, 2022, by videoconference
Counsel for BCFSA: Amandeep K. Sandhu
Hearing Officer: Andrew Pendray

Introduction

1. Pursuant to sections 46 and 48 of the *Real Estate Services Act* (RESA) a without notice hearing was held on April 6, 2022, to consider an application brought by BC Financial Services Authority (BCFSA) for an order to freeze property which it says is related to unlicensed real estate services conducted by Kathy Alaina Bakker.
2. After reading the affidavits of BCFSA staff members, the written submissions of counsel for BCFSA, and upon hearing the submissions of counsel for BCFSA, I concluded that there were reasonable grounds to believe that Bakker had contravened RESA, *Real Estate Services Regulations* (Regulations) or Real Estate Services Rules (Rules), in a way that was contrary to the public interest.
3. As a result of that finding I issued an April 6, 2022 order, pursuant to section 46(3) and 48(4)(f) of RESA, which prohibited Bakker from withdrawing any funds out of two bank accounts. That April 6, 2022 order also, pursuant to section 46(3) and 48(4)(f) of RESA, required [Bank 1] to freeze and hold those two bank accounts, and to provide balances forthwith to BCFSA, whether held jointly or solely.
4. These are the written reasons for the issuing of the April 6, 2022 Order.

Jurisdiction

5. Pursuant to section 2.1(3) of RESA the Superintendent of Real Estate may delegate any of its powers. Pursuant to a March 18, 2022 delegation from the Superintendent of Real Estate, the Chief Hearing Officer and Hearing Officers of the Hearing Department of BCFSA have been delegated the statutory powers and duties of the Superintendent of Real Estate with respect to sections 42 through 53 of RESA.

Background

6. The information before me on this application was contained in affidavits from BCFSA staff, as well as the submissions from BCFSA counsel. Although I have reviewed all of that information, I will refer to only what is necessary to provide context for my reasons.
7. This is the second time Bakker's alleged unlicensed real estate services has been brought before me.

8. Previously, at a February 10, 2022 hearing, BCFSA sought an urgent order relating to what it said was unlicensed real estate services being conducted by Bakker.
9. After that hearing, I concluded that there was a prima facie case supporting BCFSA's allegations that Bakker had been, and was, engaged in unlicensed real estate service activity, and that the evidence supported a conclusion that the length of time that would be required to complete an investigation or hold a hearing, or both, in order to make an order after a hearing held pursuant to section 48 of RESA, would be detrimental to the public interest and warranted the issuing of an order in urgent circumstances as contemplated by section 51 of RESA.
10. I therefore issued an order under sections 49 and 51 of RESA requiring that:
 - Bakker cease providing real estate services, including rental property management services, effective immediately unless and until they became licensed to provide such services under RESA; and
 - Bakker provide information to BCFSA, within 30 days of notice of the order, regarding properties for which she or her proprietorship had provided real estate services, copies of agreements she had entered into regarding the provision of real estate services, and copies of financial records relating to the provision of real estate services.
11. The reasons for that February 10, 2022 order were issued on February 18, 2022, and are available at *Bakker (Re)*, 2022 BCSRE 7. As a result, I do not consider it necessary to engage in a complete review of the information that was before me in that application here. What follows is a summary intended to provide background and context to this application to freeze property.

Alleged Unlicensed Real Estate Services

12. The allegations against Bakker being engaged in unlicensed real estate services arose from a complaint received by the former Office of the Superintendent of Real Estate (OSRE)¹ in January 2020.
13. The complaint to OSRE came from [Company 1] ([Company 1]), a licensed brokerage under RESA, with whom Bakker had previously been employed. [Company 1] informed OSRE staff that Bakker was renting out and managing

¹ On August 1, 2021 the Real Estate Council of British Columbia and the Office of the Superintendent of Real Estate and were integrated into BCFSA

rental properties in Kamloops, British Columbia, under the trade name “Girl Fix It” (“GFI Properties”). [Company 1] further informed OSRE staff that Bakker was not licensed under RESA to provide property management services.

14. In general terms, [Company 1] reported that Bakker was engaged in property management services with a number of former clients of [Company 1]’s, including property management of individual homes as well as of a large apartment building at [Property 1] ([Property 1]) in Kamloops.
15. [Company 1] provided OSRE with documentation and correspondence which showed former [Company 1] clients informing [Company 1] that it was authorized to provide Kathy Bakker of GFI Properties to obtain copies of property keys and necessary documentation relating to the client’s property and occupants. [Company 1] also provided a copy of a June 2, 2020 email from “[Property 1] – GFI Properties <[Email Address 1]>”, signed by “Kat”, regarding a BC Housing rental supplement program related to [Property 1].
16. Investigation conducted by OSRE, and subsequently BCFSA staff, through 2020, 2021, and into 2022 identified websites and Facebook profiles associated with Bakker, operating under the trade name GFI Properties. OSRE staff also found a Facebook page for [Property 1], which listed contact information for [Property 1] as being either at the GFI Properties website or at a phone number that was associated with Bakker.
17. Bakker was first contacted by OSRE in January 2021. In a January 6, 2021 letter OSRE advised Bakker that allegations had been made that she was engaged in unlicensed activity under RESA. OSRE also requested, in that letter, that Bakker provide information to OSRE by January 20, 2021 including a description of GFI Properties’ business model, a list of properties she managed, agreements that she had entered into with owners and tenants, as well as fees paid to herself and GFI Properties. The letter was emailed to [Email Address 2] and sent by registered mail. The letter was emailed to Bakker again on January 22, 2021, at both [Email Address 2] and to [Email Address 1].
18. Bakker replied to OSRE, from the [Email Address 2] email address, on January 26, 2021. In her reply Bakker indicated that her intention with her business was to provide rental services for owners and tenants, property inspections, cleaning, maintenance and repairs. Bakker acknowledged in her January 26, 2021 email that she had been engaged as a property manager subsequent to leaving [Company 1], but indicated that she would end the contracts she had for property management. Bakker suggested that she would like to continue to find people tenants for their properties, but that if that was not possible under RESA she would do what she could to help property owners while being in compliance with the Act. Bakker also acknowledged that “GFI” stood for “Girl Fix It” which had been the original name of her business.

19. OSRE sent Bakker a further follow up email on February 8, 2021, noting that the documentation it had requested had not been received.
20. With no further reply from Bakker, on March 1, 2021 a “Notice to Produce Records” under section 37 of RESA was issued to Bakker and GFI Properties with a response dealing of March 15, 2021. OSRE also sent Bakker an Undertaking to Cease Activity under section 53.1 of RESA, to be signed and dated by Bakker by March 5, 2021. Those documents were personally served on Bakker on March 2, 2021.
21. Bakker did not respond to the requests to produce the documents, nor did she entered into the Undertaking to Cease Activity.
22. OSRE (and subsequently BCFSA) staff conducted further internet searches on Bakker’s activity subsequent to January 26, 2021. Those searches included the following findings:
 - On January 27, 2021 an online advertisement for a home rental at [Property 2], Kamloops, which referred to Kathy Bakker as the contact and listed the telephone number previously associated with Bakker.
 - On April 15, 2021 an online advertisement for multiple one bedroom units for rent at [Property 1] (“[Property 1]”), which listed the telephone number associated with Bakker and the email address she previously used to contact [Company 1] regarding the housing supplement as the contact numbers.
 - On January 10, 2022 an online advertisement for a two bedroom rental in Kamloops BC, with the contact to set up a viewing identified as Kathy Bakker, at the phone number previously associated with Bakker.
 - As of January 10, 2022 Kathy Bakker’s Facebook profile indicated that she was self employed at “GFI Services”, and that the Facebook profile for GFI Properties had changed to “GFI Services”, with the updated page indicating that it provided cleaning services and minor maintenance.
 - A review of the [Property 1] Facebook page on January 10, 2022 continued to list the phone number previously associated with Bakker as the contact number for [Property 1], as well as the email address Bakker had previously

used to contact [Company 1] regarding the housing supplement². A similar review on January 31, 2022 continued to show the same contact information.

- A comment on the [Property 1] Facebook page, dated December 16, 2021, from a “Kathy Bakker” which responded to an enquiry and indicated that [Property 1] did not have a waitlist available.

23. In *Bakker (Re)*, I found that a prima facie case had been made out which supported a conclusion that Bakker did not hold a licence at a time when, from December 2019 through January 2022, she was engaged in the provision of real estate services for which such a licence was required by section 3 of RESA:

55. Specifically, I consider the evidence relating to [Property 3] to show that Bakker provided both rental property management and trading services on behalf of the owners of that property. In particular it appears that Bakker advertised the property for rent, found tenants, entered into a residential tenancy agreement and collected rent from the tenant and then provided rental payments to the owners. The evidence further indicates that Bakker received monthly remuneration for those services from the period of December 2019 to February 2021.

56. I further consider the evidence relating to [Property 1] to indicate that Bakker provided rental property management and trading services on behalf of the owner of that multi-unit building by engaging in activities such as advertising units for rent, finding tenants, and collecting payments, through GFI properties, from BC Housing regarding temporary rental supplement programs for tenants.

57. In reaching the above conclusions, I note that I consider the evidence to show that Bakker was the operator of Girl Fix It and GFI Properties. The consistent use of the same telephone number across those various enterprises, the same number which Bakker had used to register at the Sauder School of Business, is, in my view, telling on this point.

58. Similarly, while there is no reference to GFI Properties on the [Property 1] Facebook page, I note again the use of the same telephone number elsewhere associated with Bakker, as well as the fact that Bakker had as recently as December 2021 replied to an enquiry regarding a rental wait list on the [Property 1] Facebook page.

² [Property 1] – GFI Properties <[Email Address 1]>”

59. In sum, I consider the evidence to support a conclusion that a prima facie case has been demonstrated that Bakker has been performing, and was continuing to perform, as of January 2022, activities for which a licence was required under section 3 of RESA.
60. In reaching this conclusion I acknowledge that this application proceeded on a without notice basis, and that Bakker was therefore not provided the opportunity to give evidence which may have suggested that the allegations brought by BCFSA were manifestly unfounded or exaggerated, as contemplated by the court in *Scott*.
61. In addition to the fact that section 51(2.1) specifically contemplates the making of orders under section 51 and 49 on a without notice basis, I consider that it was reasonable for BCFSA to proceed without notice to Bakker in the circumstances of this application.
62. I agree with the submissions of BCFSA counsel that Bakker's actions in failing to respond to prior communication from BCFSA support the decision to proceed without notice. Specifically, I consider the fact that Bakker did not respond to BCFSA's March 2, 2021 request for documents or the request that she enter a voluntary undertaking to cease providing unlicensed real estate services, to suggest that she would have been equally unlikely to participate in the hearing of this application, or that she was in fact actively seeking to avoid dealing with the BCFSA on these matters.
63. I note further that in its written submissions and in its submissions at the hearing of this application BCFSA counsel reviewed the exemptions to the requirement to be licensed not only under section 3(3) of the Act, which do not appear to apply to Bakker, but also under the *Real Estate Services Regulation* (Regulation), at Division 3, such as for caretakers providing services to different owners at section 2.13 of the Regulation or the exemption provided for persons providing referral services as set out at section 2.11 of the Regulation.
64. In my view, the evidence does not support a conclusion that any of the exemptions under RESA or the Regulation apply to Bakker.

Post Urgent Order

24. Following the issuing of the February 10, 2022 order, BCFSA staff arranged for the order to be served on Bakker by process server, who left the order at her residence.

25. Bakker was interviewed for an article regarding the February 10, 2022 order, which was published by the online news agency INFOnews on February 12, 2022.
26. On February 14, 2022 BCFSA staff sent an email to Bakker, attaching a copy of the February 10, 2022 order. The body of that email informed Bakker of the contents of the February 10, 2022 order, including the requirement that Bakker cease providing real estate services, and that Bakker provide information and documents to BCFSA within 30 days of notice of the February 10, 2022 order.
27. BCFSA staff received a further complaint against Bakker after the publication of the online news article. On February 16, 2022 a landlord contacted BCFSA in relation to services provided by Bakker, doing business as “Girl Fix It”, to the landlord in relation to a rental property. The landlord said Bakker had provided a variety of services to it in 2020, including arranging showings for new tenants, placing tenants into the property, and collecting deposit payments from new tenants. The landlord provided BCFSA staff with a copy of an invoice from Girl Fix it for “Tenant Placement Service”.
28. The landlord noted that they had been made aware of the urgent order by way of a social media post made by Bakker, and provided BCFSA staff a copy of a screenshot of that social media post. In that post Bakker linked to the INFOTEL article, and indicated that she had chosen to “speak her truth”.
29. Subsequently, on March 2, 2022, BCFSA staff obtained information from a tenant (“Tenant A”) at [Property 1]. According to the affidavit from BCFSA staff, the tenant indicated that they were a current resident of [Property 1], and had resided there throughout 2020 and 2021. The tenant further indicated that during that time they had provided all rental payments to Bakker by way of e-transfer to the email address [Email Address 1], and that subsequent to the issuing of the February 10, 2022 urgent order Bakker had indicated that residents should continue to send her their rent payments.
30. Tenant A indicated to BCFSA staff that Bakker had posted a notice titled “Management of [Property 1]” in the lobby of [Property 1], which addressed the urgent order. Tenant A provided BCFSA staff a photograph of that notice. The notice, which is signed by “Kat Bakker”, acknowledges that Bakker was under investigation for not being a licensed property manager. The notice further sets out that:

This investigation is not something that just came up. I have been dealing with it for a year, it has only just now been released to the

public as I await a hearing date. The owner of this building and all my other clients are standing by me. The owner of [Property 1] reached out to me this past Saturday, and as he has stated when this began last year, will continue to uphold our arrangement no matter what the outcome of the hearing is.

I will be closing GFI Properties in the coming weeks but that does not change anything regarding the building – rent is still payable to the same account, and I am still your contact person. I am now an independent caretaker of the building hired by the Owner's Company instead of a contracted company.

31. Tenant A provided BCFSA staff with copies of INTERAC e-transfer confirmation, showing that Tenant A had made a February 2022 rent payment to “[Property 1] (KATHY ALAINA BAKKER)”.
32. On March 2, 2022, Bakker contacted BCFSA staff by way of email. In that email Bakker indicated she would be “happy to provide any information to you after I have sought legal advice.”
33. BCFSA had the February 18, 2022 reasons for urgent order for served at Bakker's place of residence on March 5, 2022 (although they were not delivered to Bakker personally, rather to a person at her residence).
34. On March 7, 2022 BCFSA staff obtained information from another tenant (“Tenant B”) at [Property 1] who provided copies of monthly cheque rent payments provided to Bakker. The Tenant's cheques were made out to “GFI Properties” or “[Property 1]”.
35. The January 2022 rent cheque, made out to “[Property 1]”, shows that it was deposited to [Bank 1] account no. [redacted] on January 5, 2022.
36. The March 2022 rent cheque is made out to “GFI Properties”, and shows that it was deposited to [Bank 1] account no. [redacted] on March 1, 2022.
37. On March 10, 2022 BCFSA staff emailed a copy of the February 18, 2022 reasons to Bakker.
38. Bakker emailed BCFSA staff again on March 17, 2022. In that email she indicated that she wished to seek an extension to respond to the order. Bakker explained that she was having difficulty obtaining a lawyer to assist her.

39. BCFSA staff responded by email on March 18, 2022, and informed Bakker that she would need to request a variance of the February 10, 2022 order to BCFSA's hearings department as soon as possible.
40. On March 30, 2022, BCFSA legal counsel filed a Notice of Application for an Order to Freeze Property with the BCFSA hearings department. That application sought the following orders, to take immediate effect:
 1. under section 46(2)(a) and 48(4)(f) of the RESA, that Kathy Alaina Bakker is prohibited from withdrawing any funds out of the bank accounts currently held on deposit by and for Kathy Alaina Bakker dba "GFI Properties" or "[Property 1]", whether held solely or jointly, including the following bank accounts:
 - a. [Bank 1] account number [redacted]; and
 - b. [Bank 1] account number [redacted].
 2. under section 46(3) and 48(4)(f) of the RESA, that [Bank 1] freeze and hold the following accounts held on deposit for or in the name of Kathy Alaina Bakker (dba "GFI Properties" or "[Property 1]"), and provide the balances forthwith to BCFSA, whether held solely or jointly:
 - c. [Bank 1] account number [redacted] held at [Address 1] (Branch # [redacted]); and
 - d. [Bank 1] account number [redacted] held at [Address 2] (Branch # [redacted]).

Law

41. Section 46 of RESA sets out the superintendent's ability to make orders to freeze property held by licensees. Although Bakker is not a licensee under RESA, section 48(4) sets out that section 46 also applies in relation to unlicensed persons as if the superintendent were exercising authority under the applicable provision in relation to a licensee.
42. Section 46(2)(a) provides that if the superintendent believes on reasonable grounds that an unlicensed person has contravened RESA (or the RESA regulations or rules) in a way that is contrary to the public interest, the superintendent may, by order directed to the unlicensed person, prohibit that person from withdrawing any of the unlicensed person's property, or any of it

identified in the order, from the possession of another person named in the order who has the property on deposit, under control or for safekeeping.

43. Section 46(3) provides that if section 46(1) applies, the superintendent may also make an order requiring a person in British Columbia who has any property of the unlicensed person “on deposit, under control or for safekeeping” to hold all of that property. Pursuant to section 46(7), if a savings institution is the holder of the property described in section 46(3), any order issued under that section applies only to the offices, branches, or agencies of the savings institution that are specified in the order.

Analysis

44. The issue is whether there are reasonable grounds to conclude that Bakker has contravened the Act in a way that is contrary to the public interest, such that an order to freeze property is appropriate.
45. A determination of whether there are “reasonable grounds” to believe that a person has contravened RESA in a way that is contrary to the public interest does not require proof on a balance of probabilities. Rather, what is required is compelling and credible information that establishes an evidentiary foundation beyond a mere suspicion [*Workers’ Compensation Board of British Columbia v. Seattle Environmental Consulting*, 2020 BCCA 365, at paragraph 58].
46. I find that such compelling and credible information exists in this case. My reasons for reaching this conclusion follow.

Contravention of RESA

47. As set out above, I concluded, in the February 10, 2022 urgent order application, that the evidence to support a conclusion that a prima facie case had been demonstrated which indicated that Bakker had been performing, and was continuing to perform, as of January 2022, activities for which a licence was required under section 3 of RESA.
48. In my view, the further evidence and information obtained by BCFSA staff since the issuing of the urgent order continues to support that conclusion.
49. In reaching this conclusion I rely on the information provided by two tenants of [Property 1] regarding their rental payments. I also rely on the notice posted by Bakker at [Property 1], indicating that nothing would change regarding the management of that building. In my view that information, on its face, suggests that Bakker continued to be engaged in unlicensed real estate activity in the form of rental property management services for which a licence is required.

50. I acknowledge that in the notice Bakker posted at [Property 1], she indicated that she intended to close GFI Properties and that she was “now an independent caretaker of the building hired by the Owner’s Company instead of a contracted company.”
51. It may be that the reference to being an “independent caretaker” reflects an intention by Bakker to have her rental property management services at [Property 1] fall within one of the exceptions to be required to licensed under RESA.
52. Specifically, *Real Estate Services Regulation* (Regulation), at section 2.13, sets out an exemption for caretakers providing services to different owners. Section 2.13(1) provides that the section applies to an individual who is employed as a caretaker or manager by the owners of different residential real estate properties, and is employed by those owners to provide rental property management services in relation to those properties. At first glance then, one might consider that section 2.13 could have application to Bakker.
53. Section 2.13(2) further sets out, however, that the exemption to the requirement to be licensed in respect of rental property management services provided by a caretaker applies only if all the following apply:
 - (a) the individual is an employee of each of the owners;
 - (b) the owners have agreed among themselves that the individual may provide the rental property management services;
 - (c) the individual is not providing rental property management services to or on behalf of any person other than the owners.
54. Although Bakker indicated in her notice to the residents of [Property 1] that she was now employed as a caretaker by the owner of [Property 1], as set out in section 2.13(2), that fact alone is not sufficient to exempt Bakker from the licensing requirement.
55. Rather, Bakker must not only be the employee of [Property 1], but she must be an employee of multiple owners who have all agreed amongst themselves that the individual may provide the rental property management services, and that the individual is not providing rental property management services to or on behalf of any person other than those owners. There is no evidence before me to indicate that is the case. Rather, I consider the evidence before me to show that Bakker is providing rental property management services not only to [Property 1], but also to other clients. Bakker indicated as much in the notice she posted at [Property 1], where she wrote that:

The owner of this building and **all my other clients are standing by me.**

[emphasis added]

56. In my view, the reference to “other clients” suggests that Bakker is performing rental property management services for others outside of [Property 1]. I therefore find that the evidence does not support a conclusion that the caretaker exemption applies to Bakker.
57. In reaching that conclusion, I note I have not heard from Bakker on this matter, as this application proceeded on a without notice basis.
58. RESA, at section 46(4) specifically contemplates such an application proceeding on a without notice basis. Further, I agree with the submissions of counsel for BCFSA that proceeding on a without notice basis was reasonable in the circumstances, as Bakker has continuously failed to provide BCFSA with any information regarding her rental property management activities, despite having been provided ample opportunity to do so. This failure to provide information includes the fact that despite having been aware of the urgent order, Bakker had still not provided any documentary information to BCFSA by the date of the hearing of this application on April 6, 2022. In sum, I consider that Bakker has had ample notice to provide information regarding her rental property management services activities to BCFSA, and she has simply failed to do so.
59. There are other exemptions set out in the Regulation, including for employees of a principal (section 2.1). While Bakker’s [Property 1] notice could be considered to have indicated that she was now an employee of the owner of [Property 1] (the principal), the exemption at section 2.1 specifically requires that the individual is not providing real estate services to or on behalf of any person other than the principal. I return again to the reference in Bakker’s [Property 1] notice that all of her “other clients” were standing by her. I take that as an indication that Bakker is likely providing real estate services on behalf of persons other than the principal of [Property 1]. I therefore do not consider the evidence to support the conclusion that the exemption in section 2.1 applies to Bakker.
60. Given my findings above, I consider the evidence to indicate that there are reasonable grounds to conclude that Bakker has contravened RESA.

Public Interest

61. The further issue before me was whether this contravention on the part of Bakker has occurred in a way that is contrary to the public interest, such that the issuing of an order to freeze the bank accounts associated with Bakker’s collection of rents at [Property 1] is appropriate.

62. I find that it has.
63. As counsel for BCFSA submitted, it is apparent that the February 10, 2022 urgent order has been ineffective in bringing Bakker into compliance with RESA. The evidence before me is that Bakker has continued to provide property management services in an unlicensed capacity, and, as she noted in her notice to [Property1], Bakker has gone so far as to indicate that despite the urgent order, it was “business as usual”.
64. The superintendent has a statutory mandate to protect the public interest, which includes not having unlicensed individuals providing real estate services for which a license is required.
65. Bakker has, since January 2021, been aware of BCFSA’s investigation into her property management and real estates services. Despite that awareness, and rather than cooperating with the investigation, Bakker has ignored BCFSA requests for information and refused to sign an undertaking to not provide real estate services for which a licence is required.
66. I accept that BCFSA has now received complaints regarding Bakker’s unlicensed activities from licensees, owners, and tenants. I agree with the submission of counsel for BCFSA that Bakker’s continued provision of real estate services without a licence has a negative effect on the integrity of the regulatory regime and puts the public at risk. Specifically, the fact that Bakker continues to collect rental monies from tenants on behalf of owners, despite being unqualified to act in those circumstances places the public at risk.
67. Having consideration of the fact that Bakker has not cooperated with BCFSA’s investigation, has refused to abide by the February 10, 2022 urgent order, and has continues to collect rents while unlicensed, I consider that it is in the public interest to halt Bakker’s ongoing activities by issuing an order to freeze the bank accounts used by Bakker to collect and deposit monies in connection to her unlicensed property management activities.

Conclusion

68. For the above noted reasons and based upon the evidence presented and submissions made by BCFSA counsel, I found that there were reasonable grounds on which to conclude that Bakker had contravened RESA in a way that was contrary to the public interest, and that it was therefore in the public interest to freeze the bank accounts used by Bakker to collect and deposit monies in connection to her unlicensed property management activities.
69. As a result, on April 6, 2022 I issued the order sought by the BCFSA, under sections 46(3) and 48(4)(f) of RESA.

70. A copy of the signed April 6, 2022 order is attached to these reasons.

Issued at Kelowna, British Columbia, this 13 day of April, 2022.

"ANDREW PENDRAY"

Andrew Pendray
Chief Hearing Officer

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

AND

IN THE MATTER OF
KATHY ALAINA BAKKER

ORDER TO FREEZE PROPERTY

(This Order has been redacted before publication.)

Upon reading the sworn Affidavits of [Investigator], [Individual 1] and [Individual 2] and the written submission of Amandeep K. Sandhu, counsel for the BC Financial Services Authority (“BCFSA”), and upon hearing the submission of Amandeep K. Sandhu, I am satisfied that the requirements to issue an order under sections 46 and 48 of the *Real Estate Services Act*, SBC 2004, c 42 (“RESA”) have been met:

1. There are reasonable grounds to believe that Kathy Alaina Bakker has contravened the RESA, the regulations or the rules in a way that is contrary to the public interest.

THEREFORE, I ORDER:

1. under section 46(2)(a) and 48(4)(f) of the RESA, that Kathy Alaina Bakker is prohibited from withdrawing any funds out of the bank accounts currently held on deposit by and for Kathy Alaina Bakker dba “GFI Properties” or “[Property 1]”, whether held solely or jointly, including the following bank accounts:
 - a. [Bank 1] account number [redacted]; and
 - b. [Bank 1] account number [redacted].
2. under section 46(3) and 48(4)(f) of the RESA, that [Bank 1] freeze and hold the following accounts held on deposit for or in the name of Kathy Alaina Bakker (dba “GFI Properties” or “[Property 1]”), and provide the balances forthwith to BCFSA, whether held solely or jointly:
 - a. [Bank 1] account number [redacted] held at [Address 1] (Branch # [redacted]); and

- b. [Bank 1] account number [redacted] held at [Address 2] (Branch # [redacted]).
3. This Order has immediate effect and shall remain in effect until such time as further order is made by the Superintendent of Real Estate or a court.

TAKE NOTICE that pursuant to subsection 46(5) of the RESA, the Superintendent may, by order, vary or rescind these orders on his own initiative or on the application of the persons affected by the order.

AND TAKE NOTICE that pursuant to subsection 46(8) of the RESA, if the financial institution directed under subsection 46(8) of the RESA is uncertain respecting the application of the order to any property, or a claim is made to the property by a person not named in the order, the financial institution or person may, on giving notice to the Superintendent, apply to the Supreme Court for an order under subsection 46(9) of the RESA which provides that on an application under subsection 46(8) of the RESA, the court may order the disposition of the property as it considers appropriate.

AND TAKE NOTICE that Kathy Alaina Bakker and [Bank 1] may appeal this Order to the Financial Services Tribunal under section 54(1)(e) of the RESA.

This Order is made this 6th day of April, 2022 at the City of Vancouver, British Columbia.

“ANDREW PENDRAY”

Andrew Pendray
Chief Hearing Officer