

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

AND

IN THE MATTER OF

JASPREET KAUR GILL (166598)

**CONSENT ORDER**

**[This Order has been redacted before publication.]**

RESPONDENT: Jaspreet Kaur Gill, Trading Representative, Sutton Group-Alliance Real Estate Services Ltd. dba Sutton Group - Alliance R.E.S

DATE OF SUBMISSIONS: April 13, 2022

DATE OF CONSENT ORDER: April 21, 2022

COUNSEL: Desiree Lee, Legal Counsel for the BC Financial Services Authority

PROCEEDINGS:

On April 21, 2022, the Superintendent of Real Estate (the "Superintendent"), or the Superintendent's authorized delegate, of BC Financial Services Authority ("BCFSA") accepted the Consent Order Proposal (the "Proposal") submitted by Jaspreet Kaur Gill ("Ms. Gill").

Note: The relevant events occurred in 2014, at which time section 43(2) of the *Real Estate Services Act* ("RESA") provided for a maximum penalty of \$10,000 for a licensee other than a brokerage or former brokerage. The RESA has since been amended to provide for a maximum penalty of \$250,000 for a licensee other than a brokerage or former brokerage, effective September 30, 2016.

**WHEREAS** the Proposal, a copy of which is attached hereto, has been executed by Ms. Gill.

**NOW THEREFORE**, having made the findings proposed in the attached Proposal, and found that Ms. Gill committed professional misconduct within the meaning of section 35(1)(a), 35(1)(c), 35(1)(g), 35(2)(a), 35(2) 35(2)(b) and 35(2)(c) of the RESA, pursuant to section 43 of the RESA the Superintendent orders that:

1. Ms. Gill pay a discipline penalty to the BCFSA in the amount of \$7,500 within three (3) months from the date of this Consent Order.

2. Ms. Gill, at her own expense, register for and successfully complete the REIC2600 Ethics in Business Practice course offered by the Real Estate Institute of Canada in the time period as directed by the Superintendent.
3. Ms. Gill pay enforcement expenses to the BCFSA in the amount of \$1,500 within two (2) months from the date of this Consent Order.

If Ms. Gill fails to comply with any term of this Order, the Superintendent may suspend or cancel their licence without further notice to them, pursuant to sections 43(3) and 43(4) of the RESA.

Dated this 21 day of April 2022 at the City of Vancouver, British Columbia.

BC FINANCIAL SERVICES AUTHORITY

“JONATHAN VANDALL”

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Jonathan Vandall  
Delegate of the Superintendent of Real Estate

Attch.

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

**IN THE MATTER OF  
JASPREET KAUR GILL  
166598**

**CONSENT ORDER PROPOSAL BY JASPREET KAUR  
GILL**

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**BACKGROUND AND FACTS**

This Consent Order Proposal (the "Proposal") is made by Jaspreet Kaur Gill ("Ms. Gill") to the Superintendent of Real Estate (the "Superintendent") of the BC Financial Services Authority ("BCFSA") pursuant to section 41 of the *Real Estate Services Act* ("RESA").

For the purposes of the Proposal, Ms. Gill and the Superintendent have agreed upon the following facts:

**Parties**

1. Ms. Gill (166598) has been licensed as a representative from June 7, 2013, to January 31, 2019, and from February 14, 2019 to present.
2. Ms. Gill was at all relevant times licensed as a representative with Sutton Group - West Coast Realty (the "Brokerage").
3. [Licencee 1] ("[Licencee 1]") was at all relevant times working with the Brokerage licensed as an associate broker.

**The [Property 1] Transaction**

4. On September 23, 2014, [Licencee 1] obtained an exclusive listing for the sale of a property located at [Property 1], Williams Lake, BC (the "[Property 1]"). The listing provided for a \$100,000 commission and was signed by [Licencee 1] for the Brokerage.
5. [Licencee 1] says that a friend of his, [Individual 1] ("[Individual 1]"), introduced him to the sellers and an acquaintance, [Individual 2] ("[Individual 2]"), introduced him to the buyer.
6. Ms. Gill had no involvement in the sale of [Property 1]. She did not provide any real estate services to either the buyer or the seller.
7. According to the Trade Record Sheet provided from the Brokerage, [Licencee 1] earned \$17,972.85 in selling commission, which indicates that he represented the buyer in the purchase of [Property 1].

8. According to the Trade Record Sheet, Ms. Gill earned \$18,051.15 in listing commission, which indicates that she represented the seller on the [Property 1] transaction.
9. On the Trade Record Sheet, the [Property 1] deal is indicated as an "agent double ender."
10. [Licencee 1] completed a Record of Referral Fees Received indicating that on June 1, 2015, the Brokerage received \$45,666 from [Individual 1] (the "Referral Record"). Ms. Gill and the Brokerage are listed as the related licensee for which the referral fee was received.
11. The Referral Record is incorrect. The Brokerage paid a referral fee to [Individual 1] in the amount of \$45,561, it did not receive a referral fee from [Individual 1].
12. Ms. Gill says that [Licencee 1] told her that he was going to put her name on the Referral Record because he was going to give the referral fee to someone, even though she was not in a client relationship with the seller. She believes she was present when he wrote her name on this form.
13. Ms. Gill told the BCFSA that she never met either the seller or buyer of [Property 1].

#### **[Property 2] and [Property 3]**

14. In or about November 2014, [Licencee 1] became involved in another real estate deal regarding a property at [Property 2], Chilliwack, BC (the "[Property 2]").
15. On November 17, 2014, [Licencee 1] signed a Working with a Realtor form with [Individual 3] ("[Individual 3]") and [Individual 4] ("[Individual 4]") (together the "[Property 2] Owners"), indicating a client relationship. On the same date, an Individual Identification Information Record form was completed naming the [Property 2] Owners and listing Ms. Gill and [Licencee 1] as Sales Representatives.
16. At the time, [Individual 3] and [Individual 4] were directors of [Company 1], the owner of [Property 2].
17. The sale of [Property 2] was completed in the form of a "trade" with a rental property in Surrey located at [Property 3] (the "[Property 3]") owned by the purchaser of [Property 2].
18. The contract for the purchase and sale of [Property 2] dated November 27, 2014, indicated that [Licencee 1] and Ms. Gill were agents for the seller and that the buyer had no agency.
19. Ms. Gill says that she never met nor provided any real estate services to the [Property 2] Owners, nor [Company 1].
20. Ms. Gill was aware that [Licencee 1] entered her name on the documents relating to this transaction and understood that she would be earning commission on the transaction.

21. On November 27, 2014, [Licencee 1] completed a Disclosure of Remuneration in relation to [Property 2], indicating that he and Ms. Gill would be earning 5% + G.S.T. commission from the sellers of [Property 2].
22. The Trade Record Sheet relating to this transaction indicates Brokerage remuneration as \$29,000 commission. It further specifies "balance 75% to Jaspreet Gill 25% to [Licencee 1]".
23. On December 3, 2014, both sales of [Property 2] and [Property 3] completed.
24. The Conveyancer's Instruction Report for the [Property 2] transaction dated December 3, 2014 named Ms. Gill as the Listing Agent and [Licencee 1] as the Selling Agent. There is a second Conveyancer's Instruction Report for the [Property 2] transaction dated December 24, 2014 where [Licencee 1] was removed as the Selling Agent.
25. A letter to the Brokerage dated December 24, 2014 from [Law Firm 1] indicates that the purchase of [Property 2] had completed and enclosed a cheque for \$32,250 representing the commission and GST earned. The letter confirmed that [Law Firm 1] paid the referral fees as instructed by the Brokerage, the details of which were provided in a statement attached to the letter.
26. The statement attached to the letter was a handwritten note signed by Jaspreet Gill which indicated that referral fees were to be distributed from the seller's lawyer [redacted] in the amount of \$25,000 to [Individual 1] and \$11,000 to [Individual 2]. Also attached are two cheque images confirming these payments.
27. Ms. Gill confirms that she recalls this document and signing it.
28. On December 29, 2014, [Licencee 1] was paid \$3,648.45 and Ms. Gill was paid \$24,451.23 in commissions from the Brokerage in relation to the sale of [Property 2].
29. Ms. Gill confirms that she has never met the buyers or sellers of either [Property 2] nor [Property 3].

#### **Ms. Gill's Involvement**

30. Ms. Gill and [Licencee 1] say that Ms. Gill provided secretarial and support work to [Licencee 1] during the time of the transactions. They believe that this work entitled Ms. Gill to the commissions she received.
31. Neither Ms. Gill nor [Licencee 1] could give any specific examples of any real estate services provided by Ms. Gill to any parties in either transaction. No explanation was given as to how the split of the commission was determined.

32. Ms. Gill agreed that in order for a licensee to be remunerated, they should have provided some real estate services to the client, however in this case she could not recall any specific services that were provided.
33. Ms. Gill confirms that she never met or dealt directly with any parties involved in any of the three transactions.
34. Ms. Gill also confirms that she was aware that [Licencee 1] would be entering her name on some of the documents relating to these transactions and he told her she should be earning commission.
35. Ms. Gill confirmed that she did not draft any of the related documents for any transaction, nor did she deal with any party to the transactions.
36. [Licencee 1] says Ms. Gill helped with paperwork for the office but did not do any work on the transactions, and that she was a new realtor at the time, and he wanted to help her make some money, so he put her name on the transactions.
37. A Notice of Discipline Hearing was issued on March 8, 2022 and served on Ms. Gill.
38. Ms. Gill has no prior discipline history with the BCFSA.

#### **PROPOSED FINDINGS OF MISCONDUCT**

For the sole purposes of the Proposal and based on the facts outlined herein, Ms. Gill proposes the following findings of misconduct be made by the Superintendent:

1. Ms. Gill committed professional misconduct within the meaning of section 35(1)(c) of the RESA:
  - a) with respect to the [Property 1] transaction, when she entered into an arrangement with [Licencee 1] to earn \$18,051.15 in listing commission when she in fact did not provide agency representation to the seller thereby making an intentional misrepresentation of a material fact; and
  - b) with respect to the [Property 2] transaction when she entered into an arrangement with [Licencee 1] to earn \$24, 451.23 in listing commission when in fact she did not provide agency representation to the seller thereby making an intentional misrepresentation of a material fact.
2. Ms. Gill committed professional misconduct within the meaning of section 35(1)(g) of the RESA when she allowed a false or misleading statement to be made in a document that is required or authorized to be produced or submitted under this Act, when she:
  - a) was aware of and allowed her name to be entered on the Record of Referral Fees Received for [Property 1] by [Licencee 1], notwithstanding that she was not involved in the transaction and did not act as an agent and neither Ms. Gill nor [Licencee 1] can identify what real estate services, if any, were provided by Ms. Gill in the transaction; and

- b) was aware of and allowed her name to be entered on the Contract of Purchase of Sale and the Disclosure of Remuneration for [Property 2] by [Licencee 1], notwithstanding that she was not involved in the transaction and did not act as an agent and neither Ms. Gill nor [Licencee 1] can identify what real estate services, if any, were provided by Ms. Gill in the transaction.
3. Further, Ms. Gill committed conduct unbecoming of a licensee within the meaning of sections 35(2)(a) [*Misconduct by licensee: conduct contrary to the best interests of the public*], 35(2)(b) [*Misconduct by licensee: undermines public confidence in the real estate industry*] and 35(2)(c) [*Misconduct by licensee: brings the real estate industry into disrepute*] of the RESA, when she engaged in the conduct set out in one or more of paragraphs 1-2 above.

### **PROPOSED ORDERS**

Based on the facts herein and the Proposed Findings of Misconduct, Ms. Gill proposes that the Notice of Discipline Hearing in this matter be resolved through the following Orders being made by the Superintendent, pursuant to section 43 of the RESA:

1. Ms. Gill pay a discipline penalty to the BCFSA in the amount of \$7,500 within three (3) months from the date of this Consent Order.
2. Ms. Gill, at her own expense, register for and successfully complete the REIC2600 Ethics in Business Practice course offered by the Real Estate Institute of Canada in the time period as directed by the Superintendent.
3. Ms. Gill pay enforcement expenses to the BCFSA in the amount of \$1,500 within two (2) months from the date of this Consent Order.
4. If Ms. Gill fails to comply with any of the terms of this Order, the Superintendent may suspend or cancel Ms. Gill's licence without further notice to her.

### **ACKNOWLEDGEMENTS AND WAIVER OF APPEAL RIGHT**

1. Ms. Gill acknowledges and understands that the Superintendent may accept or decline the Proposal. If the Proposal is rejected by the Superintendent, the matter may be referred to a disciplinary hearing.
2. Ms. Gill acknowledges that she has been urged and given the opportunity to seek and obtain independent legal advice with respect to the disciplinary process, the allegations contained in the Notice of Discipline Hearing, and the execution and submission of the Proposal to the Superintendent; and, that she has obtained independent legal advice or has chosen not to do so, and that they are making the Proposal with full knowledge of the contents and the consequences if the Proposal is accepted.
3. Ms. Gill acknowledges and is aware that the BCFSA will publish the Proposal and the Consent Order or summaries thereof on BCFSA's website, on Canlll, a website for legal research, and

in such other places and by such other means as BCFSa in its sole discretion deems appropriate.

4. Ms. Gill hereby waives her right to appeal pursuant to section 54 of the RESA.
5. If the Proposal is accepted and/or relied upon by the Superintendent, Ms. Gill will not make any public statement(s) inconsistent with the Proposal and its contents. Nothing in this section is intended to restrict Ms. Gill from making full answer and defence to any civil or criminal proceeding(s).
6. The Proposal and its contents are made by Ms. Gill for the sole purpose of resolving the Notice of Discipline Hearing in this matter and do not constitute an admission of civil liability. Pursuant to section 41(5) of the RESA, the Proposal and its contents may not be used without the consent of Ms. Gill in any civil proceeding with respect to the matter.

"JASPREET KAUR GILL"

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**JASPREET KAUR GILL**

**Dated 04 day of April, 2022.**

Signature of Ms. Gill witnessed on the above date  
by

"HENRY HUTCHISON"

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Witness Name *(Please Print)*

"HENRY HUTCHISON"

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Witness Signature