

**BC FINANCIAL SERVICES AUTHORITY**

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

**AND**

**IN THE MATTER OF  
ANDREW CHARLES MCLANE  
(139600)**

**AND**

**ANDREW MCLANE PERSONAL REAL ESTATE CORPORATION  
(139600PC)**

**NOTICE OF DISCIPLINE HEARING**

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

To: McLane, Andrew Charles  
Andrew McLane Personal Real Estate Corporation  
Pemberton Holmes Ltd. (X033954)  
Nanaimo  
640 Terminal Avenue  
Nanaimo, BC, V9S 4K2

**TAKE NOTICE** that the Superintendent of Real Estate (the “Superintendent”) of the BC Financial Services Authority (“BCFSA”) will hold a discipline hearing under Part 4 of the *Real Estate Services Act* (“RESA”) from **October 17, 2022 to October 21, 2022 commencing at 9:30 am** in the Hearing Room at the Council’s offices located at **900 – 750 West Pender Street, Vancouver, BC**, or in such other (including virtual) Hearing Room of which the Council informs you to determine whether your conduct contravened the RESA, the regulations made under the RESA (the “Regulation”), or any Real Estate Rules made under the RESA (the “Rules”) in effect at the relevant time.

**AND TAKE NOTICE** that the allegations against Andrew Charles McLane (“Mr. McLane”) and Andrew McLane Personal Real Estate Corporation (“AM PREC”) are as follows:

1. Mr. McLane and AM PREC committed professional misconduct within the meaning of sections 35(1)(a)(c) and/or (d) [Misconduct by licensee] of the RESA, in or about October 2018 while acting as the designated agent for the three corporate owners/ sellers (the “Sellers”) of a property located at [Property 1], Coombs, British Columbia (the “Property”) and Mr. McLane having a personal ownership interest in the Property through his associate, a British Columbia company of which McLane was the sole director and officer, [Company 1] (“Holdings”), in that they:

a) involved a second licensee with BCFSa (the “Second Licensee”) in a purchase and sale of the Property (the “Sale”) to a couple of senior citizen buyers (the “Buyers”) whereby the Second Licensee was to represent the Buyers’ interests and offer agency to the Buyers in the Sale, but failed either deliberately and/or in preference of their own interests and/or due to incompetence to:

- i. disclose Mr. McLane’s interest in the Property, through an associate Holdings, in a timely and accurate way as required by section 5-9 (including 5-9(3)(4) and (5)(d)) [Disclosure of interest in trade] of the Rules,
- ii. provide any meaningful opportunity for the Buyers to seek or obtain advice and representation from the Second Licensee in the Sale and/or ensure the Buyer’s understood the risks to proceeding with the Sale as unrepresented persons as required by section 5-10.1 [Disclosure of risks to unrepresented parties] of the Rules which made the Buyers financially vulnerable in the Sale, and
- iii. accurately complete written disclosures of representation and remuneration, as required by sections 5-10 [Disclosure of representation in trading services] and 5-11 (including 5-11(3)) [Disclosure of remuneration] of the Rules,

thereby failing to effectively give notice to the Buyers and others that Mr. McLane and AM PREC and/or the Second Licensee were not acting in the interests of the Buyers, and all contrary to section 5-16 [Restriction on dual agency in trading services], and/or section 3-4 [Duty to act honestly and with reasonable care and skill] of the Rules.

b) failed to act in the best interests of all the Sellers, or to take reasonable steps to avoid a conflict of interest in the Sale, when:

- a. they designed the appearance of the Second Licensee (nominally involved as agent for the Buyers) in the Sale when this was either entirely a fiction/ deceptive dealing and/or executed incompetently; they continued to meet alone with/ contact directly the Buyers after the supposed involvement of the Second Licensee; and they failed to share any contact information for the Buyers with the Second Licensee, all of which could impact the Sale and did require the completion date of the Sale to be extended and additional carrying costs for the Sellers, contrary to sections 3-3 (a) and (i) [Duties to Clients] of the Rules.

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

**AND FURTHER TAKE NOTICE** that if you do not attend the discipline hearing, the Superintendent 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 2<sup>nd</sup> day of June, 2022 at the City of Vancouver, British Columbia.

BC Financial Services Authority

“JONATHAN VANDALL”

Per: Jonathan Vandall  
Delegate of the Superintendent of Real Estate