

**BC FINANCIAL SERVICES AUTHORITY**

**IN THE MATTER OF THE *REAL ESTATE SERVICES ACT***

**SBC 2004, c 42 as amended**

**AND**

**IN THE MATTER OF**

**PAK HENG FOK (163285)  
DENNY FOK PERSONAL REAL ESTATE CORPORATION (163285PC)**

**(Collectively, the “Licensee”)**

**NOTICE OF ADMINISTRATIVE PENALTY**

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

The Superintendent of Real Estate (the “Superintendent”) of the BC Financial Services Authority (“BCFSA”) issues this Notice of Administrative Penalty (the “Notice”) pursuant to sections 57(1) and (3) of the *Real Estate Services Act*, SBC 2004, c 42 (“RESA”).

**TAKE NOTICE** that the Superintendent is satisfied that the Licensee has contravened one or more rules designated as subject to administrative penalties under section 56(1)(a) of the RESA and section 26 of the *Real Estate Services Rules* (the “Rules”), collectively, the “Designated Rules”.

**TAKE NOTICE** the Superintendent is imposing the following administrative penalties based on the Licensee having contravened the Designated Rules:

1. Rule:30(a) [*act in the best interests of the client*]; First contravention: Yes; Penalty: \$5,000.00;

**Details:** In August, 2016, the Licensee acted as agent for [Buyer 1] (“[Buyer 1]”) in regards to the potential purchase of [Property 1], Vancouver, British Columbia (the “Property”). Following the acceptance of a Contract of Purchase and Sale for the Property, the Licensee advised [Licencee 1], agent for the seller of the Property, that [Buyer 1] was having difficulty securing financing for the purchase of the Property (the “Representation”). The Representation was made without instructions from [Buyer 1] and when the Licensee knew or ought to have known that the Representation was not true. Further, the Licensee advised [Buyer 1] that the subject removal date would be extended when the Licensee knew or ought to have known that was not true

2. Rule: 30(d) [*advise the client to seek independent professional advice on matters outside of the expertise of the licensee*]; First Contravention: Yes; Penalty: \$5,000.00

**Details:** In August, 2016, when [Buyer 1] elected not to remove the subjects from her offer on the Property, the Licensee failed to advise her to seek independent legal advice on the potential legal repercussions of that action.

3. Rule: 29(2) [*Duty to keep managing broker informed*]; First contravention: Yes; Penalty: \$2,500.00

**Details:** The Licensee failed to promptly provide the Brokerage a copy of all substantive records in relation to the real estate services that the Licensee provided in relation to the Property contrary to the Rules.

**Total administrative penalties: \$12,500.00**

**TAKE FURTHER NOTICE** you may respond to this Notice by requesting an opportunity to be heard as follows (a “Reconsideration Request”):

- a. *Time limit:* You must deliver any Reconsideration Request so that BCFSAs receives it within thirty (30) calendar days of the date you received this Notice (the “Response Deadline”).
- b. *Format:* A Reconsideration Request must be in writing.
- c. *Content:* A Reconsideration Request should explain how you exercised due diligence to prevent contravention of the Designated Rules. You may also provide any other information you believe the Superintendent should consider.
- d. *Delivery:* A Reconsideration Request may be delivered by email to [APreconsiderations@bcfsa.ca](mailto:APreconsiderations@bcfsa.ca) and/or delivered to BCFSAs’s offices at 600 – 750 West Pender Street, Vancouver, BC V6C 2T8 (Attention: Legal Services – Reconsiderations)

The date you received this Notice is the earliest date on which

- the Superintendent personally served you with the Notice (s 57(3)(a) or (b) of the RESA);
- the Superintendent provided “substituted service” by a method provided for in a court order (s 12 of the RESA); or
- the Superintendent provided this Notice to Canada Post for delivery to your mailing address (ss 18 and 19 of the Rules). This will normally also be the day it was emailed to you.

If BCFSAs receives your Reconsideration Request by the Response Deadline, the Superintendent will consider your Reconsideration Request, and may cancel or confirm each of the administrative penalties. If BCFSAs confirms an administrative penalty, payment is due immediately.

**TAKE FURTHER NOTICE** if you fail to deliver a Reconsideration Request by the Response Deadline, you are deemed to acknowledge your having contravened the specified Designated Rules (s 57(2)(d) of the RESA).

**TAKE FURTHER NOTICE** that unless you deliver a Reconsideration Request by the Response Deadline, you must pay the administrative penalties within thirty (30) calendar days of the date you received this Notice. The Reconsideration Request may be by email or otherwise in writing, and should attach or include information respecting the due diligence exercised to avoid the contravention, any extenuating circumstances that prevented compliance, and any other information that you wish BCFSA to consider.

Dated this 12th day of October , 2022 at the City of Victoria, British Columbia.

Superintendent of the BC Financial Services Authority

“JONATHAN VANDALL”

Per: Jonathan Vandall  
Delegate of the Superintendent of Real Estate  
Province of British Columbia