

BC FINANCIAL SERVICES AUTHORITY

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

AND

IN THE MATTER OF

JAKE SINGH KANDA
(176470)

NOTICE OF DISCIPLINE HEARING

[This Notice has been redacted before publication.]

To: Jake Singh Kanda
c/o City 2 City Real Estate Services Inc.
202 – 9453 Street
Delta, BC | V4C 6S2

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”) on **April 23 and 24, 2024 commencing at 9:30 am** in the virtual Hearing Room at BCFSA’s offices located at **600 – 750 West Pender Street, Vancouver, British Columbia** to determine whether your conduct contravened the RESA, the *Real Estate Services Regulation* (the “Regulation”), or the *Real Estate Services Rules* (the “Rules”).

AND TAKE NOTICE that the allegations against you are as follows:

1. You committed professional misconduct within the meaning of section 35(1)(a) of the RESA when you did each of the following:
 - a. failed to promptly notify the Real Estate Council of British Columbia in writing after being charged with the following nine (9) offences under the *Criminal Code* (collectively, the “2019 Charges”) on February 26, 2019, contrary to section 2-21(2)(d) of the Rules as they read on and before July 31, 2021:
 - i. [Charge 1] (s. [redacted]) on or about October 1, 2016;
 - ii. [Charge 2] (s. [redacted]) on or about October 1, 2016;
 - iii. [Charge 3] (s. [redacted]) on or about October 1, 2016;
 - iv. [Charge 4] (s. [redacted]) on or about October 1, 2016;

- v. [Charge 5] (s. [redacted]) on or about October 1, 2016;
 - vi. [Charge 6] (s. [redacted]) on or about October 1, 2016 to October 3, 2016;
 - vii. [Charge 7] (s. [redacted]) on or about October 1, 2016 to October 3, 2016;
 - viii. [Charge 8] (s. [redacted]) on or about October 1, 2016; and
 - ix. [Charge 9] (s. [redacted]) on or about October 3, 2016;
- b. failed to promptly notify the Superintendent in writing after being charged with the following ten (10) offences under the *Criminal Code* (collectively, the “January 2021 Charges”) on or about January 4, 2021, contrary to section 23(2)(d) of the Rules as they read on and after August 1, 2021:
- i. [Charge 10] (s. [redacted]) on or about January 15, 2019;
 - ii. [Charge 10] (s. [redacted]) on or about March 15, 2019;
 - iii. [Charge 10] (s. [redacted]) on or about May 15, 2019;
 - iv. [Charge 10] (s. [redacted]) on or about May 15, 2019;
 - v. [Charge 11] on or about May 15, 2019;
 - vi. [Charge 10] (s. [redacted]) on or about August 14, 2019;
 - vii. [Charge 12] (s. [redacted]) on or about August 14, 2019;
 - viii. [Charge 13] (s. [redacted]) on or about November 15, 2019;
 - ix. [Charge 10] (s. [redacted]) on or about December 25, 2019; and
 - x. [Charge 14] (s. [redacted]) on or about January 4, 2021;
- c. failed to promptly notify the Real Estate Council of British Columbia, or the Superintendent, in writing after being charged with the following nine (9) offences under the *Criminal Code* (collectively, the “July 2021 Charges”) on July 12, 2021, contrary to section 2-21(2)(d) as they read on and before July 31, 2021 of the Rules, or section 23(2)(2) of the Rules as they read on and after August 1, 2021:
- i. [Charge 1] (s. [redacted]) on or about October 1, 2016;
 - ii. [Charge 2] (s. [redacted]) on or about October 1, 2016;
 - iii. [Charge 5] (s. [redacted]) on or about October 1, 2016;
 - iv. [Charge 4] (s. [redacted]) on or about October 1, 2016;
 - v. [Charge 8] (s. [redacted]) on or about October 1, 2016;
 - vi. [Charge 3] (s. [redacted]) on or about October 1, 2016;
 - vii. [Charge 6] (s. [redacted]) on or about October 1, 2016 to October 3, 2016;
 - viii. [Charge 7] (s. [redacted]) on or about October 1, 2016 to October 3, 2016; and
 - ix. [Charge 9] (s. [redacted]) on or about October 3, 2016;

- d. on or about May 13, 2021, made, or caused or allowed to be made on your behalf, a false or misleading statement in writing in response to RECBC's investigatory requests made April 7, 2021 under section 37 of the RESA that six (6) *Criminal Code* charges made against you on or about October 2, 2016 (collectively, the "2016 Charges") "were withdrawn, because they were false charges" which meant that the "Court has made the decision to drop the charges permanently, and no longer seek prosecution" when you knew, or reasonably ought to have known that
 - i. the 2016 Charges had been stayed by the Crown on October 3, 2016;
 - ii. the alleged conduct and circumstances underlying the 2016 Charges were substantially the same as the 2019 Charges;
 - iii. the 2019 Charges had been stayed by the Provincial Court of British Columbia on or about November 6, 2020 on the basis of delay in the prosecution; and
 - iv. the stay of the 2019 Charges was under appeal by the Crown and the hearing of that appeal was held before the British Columbia Court of Appeal on April 28, 2021
 contrary to section 37(4) of the RESA;
 - e. withheld, concealed, or refused to provide each of the following in response to RECBC's investigatory requests made April 7, 2021 under section 37 of the RESA:
 - i. the October 2, 2016 information charging you with the 2016 Charges;
 - ii. the February 26, 2019 indictment charging you with the 2019 Charges;
 - iii. the March 24, 2019 Recognizance of Bail; and
 - iv. the November 6, 2020 decision staying the 2019 Charges;
 each contrary to section 37(4) of the RESA; and
 - f. failed to promptly notify the Superintendent in writing after being convicted of the following two (2) offences under the *Criminal Code* (collectively, the "2022 Convictions") on or about May 16, 2022, contrary to section 23(2)(d) of the Rules as they read on and after August 1, 2021:
 - i. [Charge 10] (s. [redacted]) on or about October 1, 2016;
 - ii. [Charge 4] (s. [redacted]) on or about October 1, 2016;
 - g. failed to provide notice of each and all of the 2019 Charges, the January 2021 Charges, the July 2021 Charges, and the 2022 Convictions to your managing broker of your related brokerage contrary to the section 2-21(4) as they read on and before July 31, 2021 of the Rules or section 23(4) of the Rules as they read on and after August 1, 2021, as applicable.
2. You committed professional misconduct within the meaning of section 35(1)(e) of the RESA when you engaged in the conduct set out in each and both of paragraphs 1(d) and 1(e) above.

3. You committed professional misconduct within the meaning of section 35(1)(g) of the RESA when you engaged in the conduct set out paragraph 1(d) above.

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 20th day of October 2023 at the City of Victoria, British Columbia.

Superintendent of the BC Financial Services Authority

"Original signed by Jonathan Vandall"

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