

BC FINANCIAL SERVICES AUTHORITY

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

IN THE MATTER OF

NAN (NANCY) WANG
(163855)

CONSENT ORDER

[This Order has been redacted before publication.]

RESPONDENT: Nan (Nancy) Wang, trading services representative, Metro Edge Holdings Ltd./Metro Edge Realty (X032112)

DATE OF CONSENT ORDER: November 6, 2024

COUNSEL: Laura Forseille, Legal Counsel for the BC Financial Services Authority

PROCEEDINGS:

On November 6, 2024, 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 Nan (Nancy) Wang ("Ms. Wang").

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

NOW THEREFORE, having made the findings proposed in the attached Proposal, and found that Ms. Wang committed professional misconduct within the meaning of section 35(1)(a) and section 35(1)(d) of the *Real Estate Services Act* ("RESA") and section 30(a) and section 33 of the *Real Estate Services Rules* (the "Rules"), and committed conduct unbecoming a licensee within the meaning of section 35(2)(b) of the RESA, pursuant to section 43 of the RESA the Superintendent orders that:

1. Ms. Wang pay a discipline penalty to BCFSA in the amount of \$10,000 three (3) months from the date of this Order.

If Ms. Wang 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 6th day of November 2024 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

Attch. Consent Order Proposal

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SBC 2004, c. 42 as amended

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NAN (NANCY) WANG
(163855)

CONSENT ORDER PROPOSAL BY NAN (NANCY) WANG

BACKGROUND AND FACTS

This Consent Order Proposal (the "**Proposal**") is made by Nan (Nancy) Wang ("**Ms. Wang**") 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. Wang and the Superintendent have agreed upon the following facts:

1. Ms. Wang (163855) has been licensed as a trading services representative since March 12, 2012.
2. Ms. Wang was at all relevant times licensed as a trading services representative with Metro Edge Holdings Ltd./Metro Edge Realty (X032112).
3. On February 18, 2022 BCFSA received correspondence regarding Ms. Wang's conduct during a viewing of a property located at [Property 1], Maple Ridge, BC (the "**Property**").
4. On the date of the viewing, July 17, 2021, Ms. Wang gave her Sentrilock access card directly to her prospective buyer client (the "**Buyer**"), who then conducted a private viewing of the Property without the presence of Ms. Wang or any other licensed real estate professional.
5. After the Buyer viewed the Property, the sellers reported to their agent, [Licensee 1] ("**[Licencee 1]**"), that they found the backdoor of the Property had been left open and the front door was unlocked.
6. [Licensee 1] contacted Ms. Wang, and she advised him that the Buyer had been accompanied by an unlicensed assistant to view the Property, and that the unlicensed assistant had been the one to use Ms. Wang's Sentrilock card. In August 2021, Ms. Wang acknowledged to [Licensee 1] that this was untrue, and that she had given the Sentrilock card to the Buyer and that there had been no unlicensed assistant present at the viewing. She apologized at that time to [Licensee 1] and his clients.
7. On July 20, 2022, N. Wang wrote to [Investigator 1] ("**[Investigator 1]**"), BCFSA investigator, in response to his investigation letter dated June 24, 2022. She provided a statement confirming that, on the date of the viewing, she gave the Buyer her Sentrilock card to see the Property. She apologized for her misconduct.
8. A Notice of Discipline Hearing was issued on April 9, 2024 served on Ms. Wang.
9. Ms. Wang has no prior disciplinary history with the Superintendent.

10. Ms. Wang's discipline penalty for the aforementioned misconduct is assessed at \$20,000. However, the Superintendent agrees to a lesser penalty for Ms. Wang in these circumstances, in recognition of her early rehabilitative steps in the form of remedial education, her acknowledgement and apology for the misconduct to both the affected parties and BCFSA, and her full cooperation with BCFSA's investigation.

PROPOSED FINDINGS OF MISCONDUCT

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

1. Ms. Wang committed conduct unbecoming a licensee within the meaning of section 35(2)(b) of RESA by providing the Buyer with lockbox access to view the Property without the presence of a licensed real estate professional.
2. Ms. Wang committed professional misconduct within the meaning of section 35(1)(a) of the RESA in that:
 - a. She failed to act in the best interests of her client, contrary to section 30(a) of the Rules, by failing to attend the viewing of the Property to provide her knowledge and advice about the proposed purchase transaction as a licensed real estate professional; and
 - b. She failed to act honestly, contrary to section 33 of the Rules, by falsely reporting to the listing agent of the Property that an unlicensed assistant had accompanied her client to the viewing of the Property.
3. Ms. Wang committed professional misconduct within the meaning of section 35(1)(d) of RESA in relation to the Property, by failing to attend the viewing of the Property with the Buyer, thereby endangering the safety of the Property by not being there to ensure it was secured after the viewing.

PROPOSED ORDERS

Based on the facts herein and the Proposed Findings of Misconduct, Ms. Wang 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. Wang pay a discipline penalty to BCFSA in the amount of \$10,000 within three (3) months from the date of this Order.
2. If Ms. Wang fails to comply with any of the terms of this Order, the Superintendent may suspend or cancel Ms. Wang's licence without further notice to her.

ACKNOWLEDGEMENTS AND WAIVER OF APPEAL RIGHT

1. Ms. Wang acknowledges and understands that the Superintendent may accept or reject the Proposal. If the Proposal is rejected by the Superintendent, the matter may be referred to a disciplinary hearing.
2. Ms. Wang acknowledges that they have 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 they have 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. Wang acknowledges and is aware that BCFSa will publish the Proposal and the Consent Order or summaries thereof on BCFSa's website, on CanLII, 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. Wang hereby waives their right to appeal pursuant to section 54 of the RESA.
5. If the Proposal is accepted and/or relied upon by the Superintendent, Ms. Wang will not make any public statement(s) inconsistent with the Proposal and its contents. Nothing in this section is intended to restrict Ms. Wang from making full answer and defence to any civil or criminal proceeding(s).
6. The Proposal and its contents are made by Ms. Wang 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. Wang in any civil proceeding with respect to the matter.

"Original signed by Nan Wang"

NAN (NANCY) WANG

Dated 3 day of Nov, 2024