

BC FINANCIAL SERVICES AUTHORITY

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

AND

IN THE MATTER OF

**Derek Gillette
Derek Gillette Personal Real Estate Corporation
(095263)**

NOTICE OF ADMINISTRATIVE PENALTY

[This Notice has been redacted before publication.]

The Superintendent of Real Estate ("Superintendent") of the BC Financial Services Authority ("BCFSA") issues this Notice of Administrative Penalty ("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 you have contravened one or more provisions designated as subject to administrative penalties under section 56(1)(a) of the RESA and section 26 of the *Real Estate Services Rules* ("Rules"), collectively, the "Designated Provisions".

TAKE NOTICE the Superintendent is imposing the following administrative penalties based on your having contravened the Designated Provisions:

1. Rule: 41; First contravention: Yes; Penalty: \$1,000;

Details: You included false or misleading statements in your advertising on your website when you failed to qualify the particulars of the following:

- "#1 sales-30years"
- "One of Canada's Leading Realtors"
- "#1 Nanaimo Realtor 2015-2023"
- "Top 100 Realtors in Canada-REP magazine"
- "#1 Transactions in BC"
- "Nanaimo Top Realtor"
- "Top 52 Canada RE/MAX"
- "Consistently one of Nanaimo's Top Realtors"

You included false or misleading statements in your advertising on your LinkedIn account when you failed to qualify the particulars of the following:

- “Ranked #1 in BC”
- “#36 Worldwide Teams for Re/Max International”
- “Top 10 commission paid in Canada”
- “Top website award in Western Canada”
- “Business Excellence Award for Vancouver Island”

You included false or misleading statements in your advertising on your Instagram account when you failed to qualify the particulars of being “eXp Realty Top 1% Sales worldwide. Re/Max Int.”

You included false or misleading statements in your advertising on your X (formerly Twitter) account when you failed to qualify the particulars of the following:

- “One of Canada’s Leading Realtors”
- “#1 Nanaimo”
- “#13 Western Canada”
- “#52 Canada”

2. Rule: 40(3)(b); First contravention: Yes; Penalty: \$1,000;

Details: You failed to indicate the registered name, Derek Gillette Personal Real Estate Corporation on your Facebook account.

3. Rule: 40(2); First contravention: Yes; Penalty: \$1,000;

Details: You failed to note your brokerage name on your Facebook account.

4. Rule: 40(4); First contravention: Yes; Penalty: \$1,000;

Details: You failed to advertise the correct brokerage address on your website.

(Collectively the “Contraventions”).

Total administrative penalties: \$4,000

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

- Time limit:* You must deliver any Reconsideration Request so that BCFSa receives it within thirty (30) calendar days of the date you received this Notice (the “Response Deadline”).
- Format:* A Reconsideration Request Form must be completed.

- c. *Content:* A Reconsideration Request should explain how you exercised due diligence to prevent contravention of the Designated Provisions. 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 and/or delivered to BCFSa'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 125 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 BCFSa 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 BCFSa 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 Provisions (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 29 day of November, 2024 at the City of Vancouver, British Columbia.

Superintendent of the BC Financial Services Authority

“Original signed by Raheel Humayun”

Per: Raheel Humayun
Delegate of the Superintendent of Real Estate
Province of British Columbia