

**BC FINANCIAL SERVICES AUTHORITY**

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

**AND IN THE MATTER OF  
SWARAN SINGH DHALIWAL  
(160487)**

Corrected Decision: The spelling of the Respondent's name was corrected in the style of cause on March 26, 2025.

**DECISION ON LIABILITY**

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

DATE AND PLACE OF HEARING: January 20, 2025, Vancouver

COUNSEL FOR BCFSa: Simon Adams

COUNSEL FOR RESPONDENT: Self Represented

HEARING OFFICER: Gareth Reeves

**Introduction**

1. On October 1, 2024, the BC Financial Services Authority ("**BCFSA**") issued, pursuant to section 40 of the *Real Estate Services Act*, RSBC 2004, c 42 ("**RESA**"), a third amended notice of discipline hearing (the "**TANODH**") to Swaran Singh Dhaliwal.
2. The TANODH alleges that Mr. Dhaliwal committed professional misconduct within the meaning of section 35(1) of RESA in essence for failing to report certain criminal charges against him to the Real Estate Council of British Columbia ("**RECBC**") and to his managing brokers when transferring brokerages. It also alleges that he used an unapproved team name, "Innovative Real Estate Advisors".
3. This hearing proceeded by way of oral hearing regarding liability on January 20, 2025 at which Mr. Dhaliwal admitted to the misconduct alleged against him, except for one allegation which BCFSA withdrew.
4. At the conclusion of the liability hearing, I directed that the matter be set for a sanction hearing on February 24, 2025 to occur in person at BCFSA's offices.

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## Notice of Hearing

5. The allegations made against Mr. Dhaliwal are set out in the TANODH. At the hearing of this matter, BCFSA indicated that it had referenced section 35(1)(g) of RESA inadvertently and the reference was meant to be section 35(1), absent the (g). BCFSA also indicated that it was not pursuing allegations made at subparagraph 1(c) of the TANODH. Mr. Dhaliwal confirmed that he was willing to proceed on the basis of the TANODH with the changes indicated by counsel for BCFSA. I directed that the matter could proceed on that basis.
6. The allegations against Mr. Dhaliwal in this proceeding are therefore as follows:
  1. You committed professional misconduct within the meaning of section 35(1) of the RESA in that:
    - a. You made a false or misleading statement in a document that was required or authorized to be produced or submitted under the RESA when, in each of your licensing applications submitted to the Real Estate Council of BC (“RECBC”), predecessor regulator of BCFSA, on
      - i. May 10, 2019, and
      - ii. June 28, 2019,you failed to disclose that you were charged with the following offences: Count 1, on or about November 19, 2018, at or near Abbotsford BC, did commit an offence of [Charge 1], contrary to section [redacted] of the Criminal Code; and Count 2, on or about November 19, 2018, at or near Abbotsford BC, did commit an offence of [Charge 2] contrary to section [redacted] of the Criminal Code.
    - b. You failed to promptly notify RECBC that you were charged with
      - i. [Charge 3], contrary to section [redacted] of the Criminal Code, a charge laid on June 20, 2017; and
      - ii. [Charge 1], contrary to section [redacted] of the Criminal Code and [Charge 2], contrary to section [redacted] of the Criminal Code, two charges laid on November 20, 2018;  
contrary to the Rules, s 2-21(2)(d) (RESR, s 23(2)(d));
  2. You committed professional misconduct within the meaning of section 35(1)(a) when:
    - a. You failed to promptly notify your managing broker at [Brokerage 1] of the criminal charges against you when you applied for licence transfer to [Brokerage 1] in May 2019, contrary to the Rules, s 3-2(5)(a) (RESR, s 29(5)(a)); and
    - b. You failed to promptly notify your managing broker at [Brokerage 2] of the criminal charges against you when you applied for licence transfer to [Brokerage 2] in June 2019, contrary to the Rules, s 3-2(5)(a) (RESR, s 29(5)(a)).
  3. You committed professional misconduct within the meaning of section 35(1)(a) when you published and continue to publish false or misleading advertising despite being advised that the team name you applied for, “Innovative Real Estate Advisors”, was not approved, contrary to the Rules, ss 4-6 and 4-7 (RESR, ss 40-41).

## Issues

7. The issue before me is whether BCFSA has proven the allegations recited above.

## Jurisdiction and Standard of Proof

8. Pursuant to section 2.1(3) of RESA, the Superintendent of Real Estate (the “**superintendent**”) may delegate any of its powers in writing. The Chief Hearing Officer and Hearing Officers of BCFSA’s Hearings Department have been delegated the statutory powers and duties of the superintendent under sections 42 through 53 of RESA.
9. BCFSA must prove its case on the balance of probabilities. In other words, it must prove that it is more likely than not that the facts alleged occurred. To make a finding against the respondent, I must find that the evidence is “sufficiently, clear, convincing and cogent” to satisfy that standard: *FH v McDougall*, 2008 SCC 53.
10. Evidence is generally considered a matter of procedure: *Cambie Hotel (Nanaimo) Ltd v British Columbia (General Manager, Liquor Control and Licensing Branch)*, 2006 BCCA (“**Cambie Hotel**”), para 38. As an administrative tribunal the superintendent is not bound by the rules of evidence in the same way a court would be. In the absence of statutory provision to the contrary, the superintendent may consider any evidence it considers relevant, including hearsay evidence: *Adams v British Columbia (Superintendent of Motor Vehicles)*, 2019 BCCA 225.
11. Further, the fact that the legislation may provide for a formal structure for enforcement proceedings does not preclude hearsay evidence from being admitted at a hearing: *Cambie Hotel*, para 38. RESA has no provision that imports civil or criminal rules of evidence into the superintendent’s administrative proceedings. The superintendent may, however, draw upon principles underlying court rules of evidence to exclude, assess, or weigh evidence.
12. The superintendent must also afford procedural fairness to a respondent where a decision may affect his or her rights, privileges or interests. This right includes a right to be heard. The superintendent affords every respondent an opportunity to respond to the case against him or her by providing advance notice of the issues and the evidence, and an opportunity to present evidence and argument. The superintendent must determine facts, and decide issues set out in the NODH, based on evidence. The superintendent may, however, apply its individual expertise and judgment to how it evaluates or assesses evidence.

## Background

13. The evidence and information before me consists of a book of documents submitted by BCFSA. At the hearing of this matter, BCFSA proposed to have the book of documents entered as Exhibit 1 in this proceeding. Mr. Dhaliwal confirmed that he agreed to the admission of the book of documents into evidence. The book of documents includes an investigation report prepared by BCFSA’s investigator and a transcript of an interview of Mr. Dhaliwal by BCFSA investigations. It also includes certain evidence regarding service of the TANODH on Mr. Dhaliwal.
14. Although I have reviewed all of the evidence, the below is not meant to be a complete recitation of all the facts and evidence tendered in this matter. I will not recite the underlying details of the charges made against Mr. Dhaliwal, given the underlying conduct is not at issue.

### ***The Criminal Charges***

15. Mr. Dhaliwal was first licensed as a representative in the trading services category on November 16, 2010. He remained licensed in that fashion until June 3, 2022. Of relevance to this matter, he

transferred to [Brokerage 1] (“**Brokerage 1**”) on May 15, 2019 and to [Brokerage 2] (“**Brokerage 2**”) on July 19, 2019.

16. On June 20, 2017, Mr. Dhaliwal was charged with the following charge:
  - a. “Count 1, on or about May 17, 2017, at or near Abbotsford BC, did commit an offence of [Charge 3], contrary to section [redacted] Criminal Code.”
17. On the same date, Mr. Dhaliwal was granted bail in regard to the above charge and was released on conditions.
18. On November 20, 2018, Mr. Dhaliwal was charged with the following two charges:
  - a. “Count 1, on or about November 19, 2018, at or near Abbotsford BC, [Mr. Dhaliwal] did commit an offence of [Charge 1], contrary to section [redacted] Criminal Code”
  - b. “Count 2, on or about November 19, 2018, at or near Abbotsford BC, [Mr. Dhaliwal] did commit an offence of [Charge 2], contrary to section [redacted] Criminal Code.”
19. On the same date, Mr. Dhaliwal was granted bail in regard to the above charges and was released on conditions.
20. On May 10, 2019, Mr. Dhaliwal submitted a transfer application to RECBC seeking to transfer to [Brokerage 1]. As part of his application, it was checked “No” next to the following question:

“Have you ever been convicted of, or are you currently charged with, a criminal or other offence under a federal or provincial enactment, or under the law of any foreign jurisdiction?

*If yes, attach a copy of the offence, date of offence and outcome, even if an absolute or conditional discharge has been granted. Conviction(s) for which you have received a pardon need not be disclosed. Note: Highway traffic offences resulting only in monetary fines or demerit points, or both, and charges initiated by a violation ticket as defined in the Offence Act or by a ticket as defined in the Contraventions Act (Canada), need not be disclosed. A Notice of Driving Prohibition under section 215 of the Motor Vehicle Act need not be disclosed.*

***Impaired driving is a Criminal Code offence and must be disclosed.***

[emphasis original]

21. On June 28, 2019, Mr. Dhaliwal signed a transfer application to RECBC seeking to transfer to [Brokerage 2]. The application form had checked “No” next to the same question as quoted above.
22. Mr. Dhaliwal said in his interview with BCFSA that he did not read the transfer forms before he signed them. He says, and I find that, [Managing Broker 1] and [Managing Broker 2], the managing brokers for [Brokerage 1] and [Brokerage 2] respectively, or someone directed by them, completed the forms for Mr. Dhaliwal to sign.
23. I note that the applications both state, next to the signature box, “I certify that I am the applicant for licensing and that the information and statements contained in this application and any attachments are true and complete.”
24. Each application was signed by a managing broker from the brokerage to which Mr. Dhaliwal was transferring at the time. The evidence establishes that Mr. Dhaliwal did not disclose his criminal charges to either [Managing Broker 1] or [Managing Broker 2].
25. The evidence also establishes that Mr. Dhaliwal did not disclose the charges to RECBC or BCFSA prior to the issue being raised with him by BCFSA.

26. Mr. Dhaliwal stated in his interview with BCFSA that, in regard to the May 2017 charge, he did not know he had to report it to RECBC. He also stated that, after his May 2017 charges, he was informed by a RECBC staff member that he was obliged to disclose criminal charges. He could not recall who this individual was, but he did indicate that it was not any of the investigators involved in the investigation of this matter.
27. Mr. Dhaliwal stated in his interview with BCFSA that, in regard to the November 2018 charges, that he did not disclose them to RECBC because he was under a lot of stress at the time and it was not a priority. He said he did not think about it at the time.
28. Mr. Dhaliwal was not convicted of any of the above charges. It appears that the 2017 charge was stayed, but it is not clear to me when exactly that occurred. The November 2018 charges were stayed on June 9, 2020.

### ***The Team Name***

29. On July 15, 2019, Mr. Dhaliwal submitted an unsigned Team Name Request form to RECBC seeking to register "Innovative Real Estate Advisors" as a team name for himself and [Individual 1].
30. On July 26, 2019, RECBC emailed Mr. Dhaliwal to refuse to register the team name "Innovative Real Estate Advisors" because the word "Advisors" was not acceptable. RECBC asked if Mr. Dhaliwal wanted to register one of two other names replacing "Advisors" with "Group" or "Team".
31. Mr. Dhaliwal did not respond to the above noted email from RECBC.
32. The evidence shows that Mr. Dhaliwal was using the name "Innovative Real Estate Advisors" on his LinkedIn page on April 30, 2020, in which he represented that he had been the "Managing Partner" of "Innovative Real Estate Advisors" since July 2019. He also had a separate LinkedIn page for "Innovative Real Estate Advisors", which had posted regarding real estate leases some 9 months prior.
33. Mr. Dhaliwal had also set up a website displaying the name "Innovative Real Estate Advisors" which was accessible on at least June 1, 2022. That website shows advertisements for properties for sale and lease.
34. Further, Mr. Dhaliwal's email signature on January 8, 2022; April 21, 2022; and June 24, 2022 used the names "Swaran S Dhaliwal & Team" and "Innovative Real Estate Advisors" along with its logo. Mr. Dhaliwal's email signature also links to the above noted website and states "Commercial // MULTIFAMILY // INDUSTRIAL // LAND" at the bottom of the signature.
35. None of the above referenced Mr. Dhaliwal's brokerage's name.
36. In light of the above evidence, including Mr. Dhaliwal's application to register the team name in July 2019 and his representation on LinkedIn that he was a part of "Innovative Real Estate Advisors", I find that Mr. Dhaliwal was using that name in his advertising until at least June, 2022.

### **Submissions**

37. At the hearing of this matter, BCFSA's counsel advised that there was an error in the drafting of the TANODH with regard to the reference in paragraph 1 to section 35(1)(g). BCFSA's counsel also advised that BCFSA was not proceeding with the allegation in subparagraph 1(c).
38. Mr. Dhaliwal confirmed at the hearing that he was agreeable to the changes to the TANODH indicated by BCFSA.

39. Mr. Dhaliwal also indicated that he was willing to admit the remaining contraventions as alleged. I read those allegations to Mr. Dhaliwal and confirmed that if he admitted the misconduct the matter would proceed to a sanction hearing and I summarized the types of orders that could be made at that hearing. Mr. Dhaliwal confirmed that he was admitting to the alleged misconduct as set out above.

## Reasons and Findings

### *Applicable Legislation*

40. The relevant portions of RESA provide as follows:

- 35** (1) A licensee commits professional misconduct if the licensee does one or more of the following:
- (a) contravenes this Act, the regulations under this Act or under section 43 [regulations for residential real property right of rescission] of the Property Law Act or the rules;
  - (b) breaches a restriction or condition of the licence;
  - (c) does anything that constitutes wrongful taking or deceptive dealing;
  - (d) demonstrates incompetence in performing any activity for which a licence is required;
  - (e) fails or refuses to cooperate with an investigation under section 37 [investigations of licensees];
  - (f) fails to comply with an order of the superintendent;
  - (f.1) fails to comply with an undertaking that the licensee gave under section 53.1;
  - (g) makes or allows to be made any false or misleading statement in a document that is required or authorized to be produced or submitted under this Act.

...

41. The relevant portions of the *Real Estate Services Rules* (the “Rules”)<sup>1</sup> provide as follows:

### **2-21 Licensee must give notice of discipline, bankruptcy or criminal proceedings:**

...

- (2) A licensee must promptly notify the council, in writing, if any of the following circumstances apply:
- ...
  - (d) the licensee is charged with or convicted of an offence under a federal or provincial enactment or under a law of any foreign jurisdiction, excluding
    - (i) highway traffic offences resulting only in monetary fines or demerit points, or both, and
    - (ii) charges initiated by a violation ticket as defined in the Offence Act or by a ticket as defined in the Contraventions Act (Canada);

...

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<sup>1</sup> The Real.Estate.Service.Rules?MO 417 have been amended and replaced by the Real.Estate.Services.Rules? BC Reg, 209/2021. References in this decision to the Rules include references to sections as they read in the former followed by parenthetical reference to concordant sections of the latter.

### **3-1 Managing broker responsibilities**

...

- (2) Knowledge of improper conduct – If the managing broker has knowledge of conduct that the managing broker considers
  - (a) may constitute professional misconduct, or conduct unbecoming a licensee, on the part of a related licensee, or
  - (b) may be improper or negligent conduct, in relation to the provision of real estate services, on the part of
    - (i) a related licensee, or
    - (ii) an employee of the brokerage or any other person associated with the brokerage,

the managing broker must take reasonable steps to deal with the matter.

...

### **3-2 Associate broker and representative responsibilities**

...

- (5) Knowledge of improper conduct – An associate broker or representative must promptly notify the managing broker on learning of conduct that the associate broker or representative considers may be conduct referred to in section 3-1 (2) [managing broker responsibilities] of these rules, whether that conduct is
  - (a) the licensee's own conduct,

...

### **4-6 Restrictions and requirements related to advertising generally**

- (1) A licensee must not publish real estate advertising unless it complies with this section.
- (2) In all cases, the licensee name of the brokerage must be displayed in a prominent and easily readable way.
- (3) If real estate advertising identifies a managing broker, associate broker or representative, this must be done
  - (a) if that person is an individual, by using the licensee name of the individual, or
  - (b) if that person is a personal real estate corporation or a controlling individual of a personal real estate corporation, by using the licensee name of the personal real estate corporation only.
- (4) If real estate advertising includes an office address for the licensee, this must be the address of the related brokerage office.
- (5) If the council approves a team name for a group of related licensees, real estate advertising may also identify the group by this team name.

### **4-7 False or misleading advertising prohibited**

A licensee must not publish real estate advertising that the licensee knows, or reasonably ought to know, contains a false or misleading statement or misrepresentation concerning real estate, a trade in real estate or the provision of real estate services.

## **Analysis**

### **False or Misleading Statement**

42. Mr. Dhaliwal was charged with [Charge 1] contrary to section [redacted] of the *Criminal Code* and [Charge 2] contrary to section [redacted] of the *Criminal Code* on November 20, 2018. The date of offence for both charges was November 19, 2018.
43. Mr. Dhaliwal was required to submit a transfer application to complete the transfers to his new brokerages in May and June 2019. The application form used in each application was the one required and authorized by RECBC at the time. In those applications, Mr. Dhaliwal falsely answered “No” to the question of whether he had been charged with any offences. Regardless of whether Mr. Dhaliwal read those documents or completed those documents himself, he signed them and in doing so confirmed the truth of the contents of those applications. He therefore made the representations set out in those applications. Given he was then subject to criminal charges as noted above, checking “No” made a false representation regarding whether he had been charged with an offence.
44. This constitutes making or allowing to make a false or misleading statement in a document required or authorized to be submitted under RESA and constitutes professional misconduct under section 35(1)(g) of RESA. I find that Mr. Dhaliwal committed professional misconduct within the meaning of section 35(1) by falsely representing that he had not been charged with an offence in his May 2019 and June 2019 transfer applications.

### **Failure to Promptly Report the Criminal Charges to RECBC**

45. In addition to the above two noted charges, Mr. Dhaliwal was charged with [Charge 3] contrary to section [redacted] of the *Criminal Code* on June 20, 2017.
46. Mr. Dhaliwal did not report any of his criminal charges to RECBC or BCFSA until BCFSA inquired about it. Section 2-1(2)(d) (now 23(2)(d)) of the Rules required him to disclose this information to RECBC promptly. The evidence establishes that he failed to do so and therefore he contravened that section.
47. Section 35(1)(a) renders it professional misconduct to contravene a provision of the Rules. Therefore, I find that Mr. Dhaliwal committed professional misconduct within the meaning of section 35(1) by failing to promptly report to RECBC that he was charged with [Charge 3] contrary to section [redacted] of the *Criminal Code* on June 20, 2017; [Charge 1] contrary to section [redacted] of the *Criminal Code* on November 20, 2018; and [Charge 2] contrary to section [redacted] of the *Criminal Code* on November 20, 2018.

### **Failure to Notify His Managing Brokers**

48. Section 3-2(5)(a) (now 29(5)(a)) of the Rules requires representative licensees to report conduct, including their own conduct, to their managing broker that they believe may constitute professional misconduct, conduct unbecoming, or negligence.
49. Mr. Dhaliwal did not notify [Managing Broker 1] or [Managing Broker 2] that he was facing criminal charges for [Charge 1] or [Charge 2] when he signed the applications to transfer to [Brokerage 1] in May 2019 and [Brokerage 2] in June 2019, respectively.
50. Mr. Dhaliwal’s evidence during the investigation in regard to those disclosures, is that he was not asked by [Managing Broker 1] or [Managing Broker 2] about criminal charges and he did not read the applications before he signed them. He said he would have disclosed them had he been asked, but that he did not think of it because he was under too much stress, making the matter not a priority



for him. Mr. Dhaliwal did not say that he did not know he was required to report the November 2018 charges to RECBC or his managing broker, although he did say he did not know he was required to report his June 2017 charge when that occurred. Instead, his statements during the interview indicate that he learned about the requirement to report from RECBC after his June 2017 charges and that he did not learn that fact from the investigators involved in this matter, but another staff member at RECBC. In my view, reading these statements together, in addition to Mr. Dhaliwal's admission to these contraventions at the hearing, demonstrates, on a balance of probabilities, that Mr. Dhaliwal had sufficient awareness of his requirement to report his 2018 charges to conclude that RECBC had a regulatory interest in knowing about those charges. I consider that this indicates, on a balance of probabilities, that Mr. Dhaliwal considered that his conduct, having resulted in criminal charges, may have been professional misconduct or conduct unbecoming but that he did not turn his mind to the question with sufficient seriousness to spur him to take action and disclose it to his managing brokers. In this regard, I note that the standard is whether the conduct "may" constitute conduct unbecoming or professional misconduct; establishing this contravention does not require proof that the licensee knew or believed that the conduct was in fact professional misconduct or conduct unbecoming, just that it may be.

51. In my view, section 3-2(5)(a) (now 29(5)(a)) required Mr. Dhaliwal to notify his managing brokers of the fact that he was charged and the nature of the charges, which is what the TANODH alleges; however, I do not need to decide here whether he was also required to disclose the details of the underlying conduct and I decline to do so. Although it is certainly possible that conduct underlying criminal charges might also be professional misconduct, conduct unbecoming, or negligence within the meaning of section 3-2(5) (now 29(5)(a)), a licensee providing a statement to their managing broker regarding the underlying conduct may attract concerns related to that licensee's constitutionally protected right to silence and the legal framework underlying how that right differs between the criminal and regulatory context. In my view, this matter does not require me to address that concern because the allegations relate to disclosure of the charges and not the conduct that led to the charges.
52. I therefore find that Mr. Dhaliwal contravened section 3-2(5)(a) (now 29(5)(a)) of the Rules by failing to advise his managing broker at [Brokerage 1], when he applied to transfer there in May 2019, and his managing broker at [Brokerage 2], when he applied to transfer there in June 2019, of the pending criminal charges against him.

#### **Advertising Using an Unregistered Team Name**

53. Section 4-7 (now 41) of the Rules prohibits the publication of false or misleading real estate advertising by licensees. Section 4-6 (now 40) governs a variety of elements of real estate advertising, including subsection 4-6(5) (40(5) until April 1, 2023) which provides a conditional statement that licensees may advertise using a team name, if that team name is approved by the regulator, RECBC at the time and the superintendent now.
54. I note that certain changes to the rules regarding teams were enacted effective April 1, 2023, but those changes came into effect after the conduct at issue here.
55. Previous decisions issued by the superintendent have found that advertising using an unregistered team name constitutes a contravention of sections 4-6(5) and 4-7 (40(5) until April 1, 2023 and now 41) of the Rules: *Yin (Re)*, 2018 CanLII 67061 (BC REC); *Kang (Re)*, 2021 CanLII 75934 (BC REC); *Mehrbod (Re)*, 2024 BCSRE 93.
56. There have been some amendments to the Rules as they concern teams between 2019 and 2022, when Mr. Dhaliwal was using the "Innovative Real Estate Advisors" name. However, none of those changes have changed the substance of the requirements in sections 4-6(5) and 4-7 (40(5) until April 1, 2023 and now 41) of the Rules.

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57. To establish that a licensee contravened section 4-7 (now 41) of the Rules, the following must be shown:
- a. The licensee published the material by causing or permitting it to be published, displaying it, or causing or permitting it to be displayed;
  - b. The material was real estate advertising;
  - c. The content made a false or misleading statement or misrepresentation concerning real estate, a trade in real estate, or the provision of real estate services; and
  - d. The licensee knew or ought to have known the material contained the above noted false or misleading statement(s) or misrepresentation(s).
58. The above elements are all established in this case.
59. The name “Innovative Real Estate Advisors” was used on Mr. Dhaliwal’s LinkedIn, on a website created for that name, and in Mr. Dhaliwal’s email signature. Each of those linked the role to real estate services by advertising properties or the provision of real estate services. They are clearly real estate advertising and Mr. Dhaliwal has admitted to publishing them, both at the hearing and in his interview.
60. In my view, the use of the name “Innovative Real Estate Advisors” on its own suggested to the public that might view these materials that Mr. Dhaliwal was part of a registered team, which he was not. The use of “Swaran S Dhaliwal & Team” in Mr. Dhaliwal’s signature furthered this impression. In my view, the use of these phrases suggested to the viewing public that by engaging Mr. Dhaliwal they would be obtaining the benefit of a team of real estate licensees to work for their benefit. The evidence establishes that Mr. Dhaliwal was not part of a registered team under the name “Innovative Real Estate Advisors”. This was therefore misleading.
61. In addition, Mr. Dhaliwal knew, by reply email from RECBC, that his proposed team name had not been approved and he simply failed to follow up. He therefore ought to have known that continuing to use the name “Innovative Real Estate Advisors” was misleading.
62. As indicated in the Background section above, I find that Mr. Dhaliwal used the name “Innovative Real Estate Advisors” from July 2019 until at least June 2022.
63. I therefore find that Mr. Dhaliwal committed professional misconduct within the meaning of section 35(1)(a) by contravening sections 4-6(5) and 4-7 (40(5) until April 1, 2023 and now 41) when he published false and misleading real estate advertising representing that he was a part of a registered team named “Innovative Real Estate Advisors”, when that team name had not been approved by RECBC or BCFSA.

## Conclusion

64. I find that Mr. Dhaliwal committed professional misconduct within the meaning of section 35(1) of RESA in that:
- a. He made a false or misleading statement in a document that was required or authorized to be produced or submitted under RESA when, in each of his licensing applications submitted to RECBC on
    - i. May 10, 2019, and
    - ii. June 28, 2019,he failed to disclose that he was charged with the following offences: Count 1, on or about November 19, 2018, at or near Abbotsford BC, did commit an offence of [Charge 1], contrary to section [redacted] of the *Criminal Code*; and Count 2, on or about November

19, 2018, at or near Abbotsford BC, did commit an offence of [Charge 2] contrary to section [redacted] of the *Criminal Code*.

- b. He failed to promptly notify RECBC that he was charged with
    - i. [Charge 3], contrary to section [redacted] of the *Criminal Code*, a charge laid on June 20, 2017; and
    - ii. [Charge 1], contrary to section [redacted] of the *Criminal Code* and [Charge 2], contrary to section [redacted] of the *Criminal Code*, two charges laid on November 20, 2018;
- contrary to section 2-21(2)(d) (now 23(2)(d) of the Rules;

65. I find that Mr. Dhaliwal committed professional misconduct within the meaning of section 35(1)(a) when:

- a. He failed to promptly notify his managing broker at [Brokerage 1] of the criminal charges against him when he applied for a licence transfer to [Brokerage 1] in May 2019, contrary to section 3-2(5)(a) (now 29(5)(a) of the Rules; and
- b. He failed to promptly notify his managing broker at [Brokerage 2] of the criminal charges against him when he applied for a licence transfer to [Brokerage 2] in June 2019, contrary to section 3-2(5)(a) (now 29(5)(a) of the Rules).

66. I find that Mr. Dhaliwal committed professional misconduct within the meaning of section 35(1)(a) when he published and continued to publish false or misleading advertising despite being advised that the team name he applied for, “Innovative Real Estate Advisors”, was not approved, contrary to sections 4-6 and 4-7 (now 40 and 41) of the Rules.

## Sanction

67. I retain jurisdiction to determine issues of sanctions and expenses, and will hear evidence and submissions from the parties concerning orders under section 43(2) of RESA and expenses under section 44(1) of RESA, and any other actions available to the superintendent.

68. At the conclusion of the oral hearing of this matter, I directed that the matter be set down for an oral sanction and expenses hearing to proceed in person at BCFSA's offices on Monday, February 24, 2025.

69. I direct the parties to submit any documents they intend to rely on at the February 24, 2025 sanction and expenses hearing and a list of witnesses they intend to call at the hearing, if any, by February 17, 2025. If the parties require an extension to that deadline, they may contact Hearings Division to make an extension request.

70. Once that hearing is concluded and I have arrived at a decision on sanctions and expenses, I will issue additional reasons on that matter that will form a part of this decision, make an order under section 43(2) of RESA, and make such other orders under RESA as I may deem appropriate.

71. Once an order has been made under Part 4, Division 2 of RESA, Mr. Dhaliwal will have a right to appeal to the Financial Services Tribunal under section 54(1)(e) of RESA. Mr. Dhaliwal will have 30 days from the date of the sanction decision to file an appeal: *Financial Institutions Act*, RSBC 1996, c 141, s 242.1(7)(d) and *Administrative Tribunals Act*, SBC 2004, s 24(1).

DATED at North Vancouver, BRITISH COLUMBIA, this 22<sup>nd</sup> day of January, 2025.

“Original signed by Gareth Reeves”

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Gareth Reeves  
Hearing Officer