

CITATION: Suvorov (Re), 2025 BCSRE 15

Date: 2025-01-30

File # 18-865

BC FINANCIAL SERVICES AUTHORITY

IN THE MATTER OF THE *REAL ESTATE SERVICES ACT*

SBC 2004, c 42 as amended

AND

IN THE MATTER OF

HAMZEHALI AMIRMOHSEN

(163196)

AND

AMIR HAMZEHALI PERSONAL REAL ESTATE CORPORATION

(163196PC)

AND

OKSANNA SUVOROV

(156416)

AND

LORA RENZULLO

(167280)

CONSENT ORDER

[This Order has been redacted before publication.]

RESPONDENT: Oksanna Suvorov, Trading Representative, Carros Group Services Inc.
dba Engel & Volkers Vancouver (West Vancouver), while licensed with
TRG The Residential Group Downtown Realty Ltd. dba TRG The
Residential Group Downtown Realty

DATE OF CONSENT ORDER: January 30, 2025

COUNSEL: Desiree Lee, Legal Counsel for the BC Financial Services Authority

PROCEEDINGS:

On January 30, 2025, 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 Oksanna Suvorov ("O.Suvorov").

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

NOW THEREFORE, having made the findings proposed in the attached Proposal, and found that O.Suvorov committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* ("RESA") and sections 30(a)(then, 3-3(a)), 30(h) (then, 3-3(h)), 34 (then, 3-4), 52 (then, 5-8) and 56(2) (then, 5-11(2)) of the *Real Estate Services Rules* (the "Rules"), pursuant to section 43 of the RESA the Superintendent orders that:

1. O.Suvorov pay a discipline penalty to BCFSA in the amount of \$20,000 within six (6) months from the date of this Order;

If O.Suvorov 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 30 day of January, 2025 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.

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(156416)**

AND

**LORA RENZULLO
(167280)**

CONSENT ORDER PROPOSAL BY OKSANNA SUVOROV

BACKGROUND AND FACTS

This Consent Order Proposal (the "Proposal") is made by Oksanna Suvorov ("Suvorov") 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, Suvorov and the Superintendent have agreed upon the following facts:

1. Suvorov (156416) has been licensed as a trading representative since 2009 and was at all relevant times licensed as a trading representative with TRG The Residential Group Downtown Realty Ltd. dba TRG The Residential Group Downtown Realty.
2. This matter arises from a complaint dated March 14, 2019 made to BCFSA (the "Complaint") by [Complainant 1] ("GB").

3. GB submitted the Complaint on behalf of [Company 1] (the "Purchaser"), who purchased property at [Property 1], West Vancouver, BC (the "Property"). The Property was sold to the Purchaser in a contract of purchase and sale dated April 7, 2017, for \$6,725,000 (the "Transaction").
4. Suvorov represented the Purchaser in the Transaction.
5. Amirmohsen Hamzehali aka Amir ("Hamzehali") acted as listing agent in the Transaction. During the course of the Transaction and at all relevant times, Hamzehali worked with the help of a licensed assistant, Lora Renzullo ("Renzullo").
6. [Individual 1] ("PG") was the director of the corporate seller, [Company 2] (the "Seller"). PG was also the owner/builder of the house which was built on the Property in 2016 (the "2016 House").
7. When the Property was listed, the feature sheet indicated "Approx. Year Built: 2016".
8. On April 10, 2016, PG completed a Property Disclosure Statement (the "PDS"). Both Renzullo and Hamzehali were present while PG completed the PDS.
9. On the PDS, PG answered "yes" to the question "Has a final building inspection or a final occupancy permit been approved."
10. On January 26, 2017, PG completed another PDS. On this version, PG again answered "yes" to the question "Has a final building inspection or a final occupancy permit been approved." At that time neither Hamzehali nor Renzullo had received an occupancy permit or confirmation of passing final building inspection from PG. In fact, there would be no occupancy permit for the 2016 House because the District of West Vancouver (the "District") only provided occupancy permits for newly constructed homes, and it considered the 2016 House to be a renovation. In addition, the final building inspection had not been passed at that time.
11. The District determined that the 2016 House was a renovation because it assessed the 2016 House as under 75% brand new construction, based on the application materials submitted from the developer.
12. Suvorov, on behalf of her client, the Purchaser, contacted Renzullo in March 2017 to arrange a viewing of the Property.
13. On April 7, 2017, the Property was sold to the Purchaser in a contract of purchase and sale dated April 7, 2017, for \$6,725,000. The completion date was May 4, 2017, and possession was May 5, 2017. The Property sold for \$6,725,000 inclusive of the GST which the Seller paid.
14. On or about May 7, 2017, the Purchaser signed a feature sheet which provided information on the remuneration earned by Suvorov from the Transaction. The details of Suvorov's remuneration was discussed with the Purchaser prior to the Transaction, however written disclosure pursuant to the Real Estate Services Rules (the "Rules") was not provide until after the Transaction.
15. At no time did Suvorov attempt to obtain occupancy permits or check that final inspection had passed for the Property with the District or request permits from the Seller, Hamzehali, or Renzullo, or check with the District or BC Assessment for the year the house on the Property was built.
16. Suvorov believed the 2016 House was a completely newly built home built in 2016. She did advise her client to get an inspection prior to the Transaction but they decided against it as they believed it was a new build.

17. The Purchaser did not discover that a portion of the old foundation remained and that the home was not considered a new build by the District until after purchasing the Property. After the Transaction, the Purchaser was required by the District to complete certain modifications to the 2016 House in order to pass final inspection. This resulted in inconvenience and cost to the Purchaser.
18. The District's final inspection was approved on November 28, 2023.
19. The BC Housing New Homes Registry indicated that the Property's new home warranty commenced on May 4, 2017.
20. BC Housing administers the Homeowner Protection Act (the "HPA"). The HPA governs owner builders and dictates when new home warranties are required and what they must cover. For the purposes of the HPA, a "substantially reconstructed" property can qualify as a new build.
21. BC Housing considers a home to be substantially renovated and thus a new home for the purposes of the HPA, if:
 - a. A home has been changed so that 25% or less of the original structure above the foundation remains; or
 - b. 75% or more of the reconstructed home is new.
22. The Notice of Discipline Hearing ("NODH") in this matter was issued on February 7, 2024. An amended NODH was issued on March 18, 2024 to amend the hearing dates, and a second amended NODH was issued on October 1st, 2024 to revise the charges.
23. Suvorov has one prior consent order with the Council, dated December 15, 2015. Suvorov and the predecessor regulator of BCFSa, the Real Estate Council of British Columbia, entered into a consent order where Suvorov had made a false or misleading statement representing that she had completed the course requirements on her real estate license renewal application when she knew or ought to have known that she had not completed the course requirements. She failed to complete the course requirements prior to the expiration of her license and prior to submitting her renewal application. Suvorov was ordered to be reprimanded, pay a discipline penalty of \$1,000 and enforcement expenses of \$1,500.

PROPOSED FINDINGS OF MISCONDUCT

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

1. Suvorov committed professional misconduct within the meaning of section 35(1)(a) of the RESA in that, in or about January 2017 to April 2017, while acting as the agent for the buyer of a property at [Property 1], West Vancouver, BC (the "Property"), she:
 - a. failed to use reasonable efforts to discover relevant facts about the Property, specifically that the Property did not have a final completed building inspection or occupancy permit from the District of West Vancouver, and that it was not a brand new build constructed in 2016, contrary to: section 30(a) (then Rule 3-3(a)), section 30(h) (then Rule, 3-3(h)); and section 34 of the Rules (then section 3-4); and

- b. failed to promptly provide her client with disclosure of remuneration to reflect the commission payable to her brokerage from the sale proceeds, contrary to section 52 (then Rule 5-8) and 56(2) (then Rule 5-11(2)) of the Rules.

PROPOSED ORDERS

Based on the facts herein and the Proposed Findings of Misconduct, Suvorov 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. Suvorov pay a discipline penalty to BCFSa in the amount of \$20,000 within six (6) months from the date of this Order.
2. If Suvorov fails to comply with any of the terms of this Order, the Superintendent may suspend or cancel Suvorov's licence without further notice to her.

ACKNOWLEDGEMENTS AND WAIVER OF APPEAL RIGHT

1. Suvorov 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. Suvorov 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. Suvorov 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. Suvorov hereby waives her right to appeal pursuant to section 54 of the RESA.
5. If the Proposal is accepted and/or relied upon by the Superintendent, Suvorov will not make any public statement(s) inconsistent with the Proposal and its contents. Nothing in this section is intended to restrict Suvorov from making full answer and defence to any civil or criminal proceeding(s).
6. The Proposal and its contents are made by Suvorov 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 Suvorov in any civil proceeding with respect to the matter.

"Original signed by Oksanna Suvorov"

Oksanna Suvorov

Dated 28 day of January, 2025