

BC FINANCIAL SERVICES AUTHORITY

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

AND IN THE MATTER OF
NATINDERJIT SINGH DHALIWAL
(083958)
AND
NAT DHALIWAL PERSONAL REAL ESTATE CORPORATION
(083958PC)

REASONS FOR DECISION REGARDING
ADMINISTRATIVE PENALTY RECONSIDERATION REQUEST

[These Reasons have been redacted before publication.]

DATE AND PLACE OF HEARING: Via Written Submissions

HEARING OFFICER: Gareth Reeves

Introduction

1. On November 27, 2024, the BC Financial Services Authority (“**BCFSA**”) issued a Notice of Administrative Penalty (the “**NOAP**”) in the amount of \$2,750 to Natinderjit Singh Dhaliwal and Nat Dhaliwal Personal Real Estate Corporation (collectively, “**Mr. Dhaliwal**”) pursuant to section 57(1) and 57(3) of the *Real Estate Services Act*, RSBC 2004, c 42 (“**RESA**”).
2. In the NOAP, BCFSA determined that Mr. Dhaliwal had contravened section 21 of the *Real Estate Services Rules*, BC Reg 209/2021 (the “**Rules**”) by failing to respond to a September 27, 2024 request for documents and information by the date set for a response by the Superintendent of Real Estate (the “**superintendent**”). The NOAP was calculated as including a \$1,000 base penalty and \$1,750 in daily penalties being \$250 per day for the 7 days from October 17 to 23, 2024, inclusive.
3. Mr. Dhaliwal applied for a reconsideration of the NOAP under section 57(4) of RESA. The application proceeded by written submissions.

Issues

4. The issue is whether the November 27, 2024 NOAP should be cancelled or confirmed.

Jurisdiction and Standard of Proof

5. This application for reconsideration is brought pursuant to section 57(4) of RESA, which requires the superintendent to provide a person who receives an administrative penalty with an opportunity to be heard upon request.
6. Section 57(4) of RESA permits the superintendent to cancel the administrative penalty, confirm the administrative penalty, or, if the superintendent is satisfied that a discipline hearing under section 40 of RESA would be more appropriate, cancel the administrative penalty and issue a notice of discipline hearing.
7. The superintendent has delegated the statutory powers and duties set out in section 57 to Hearing Officers.
8. The standard of proof is the balance of probabilities.

Background

9. The evidence and information before me consists of an investigation report completed by BCFSA, the tabs thereto, and the information provided by Mr. Dhaliwal in the application for reconsideration. The following is intended to provide some background to the circumstances and to provide context for my reasons. It is not intended to be a recitation of all of the information before me.

Licensing and Discipline History

10. Natinderjit Singh Dhaliwal was first licenced as a representative licensee on November 15, 1989. He became licensed as an associate broker on September 14, 1992 and a managing broker on May 6, 1994. Mr. Dhaliwal has been licensed as either a managing broker or associate broker since that date, except for a single day in 2014. Nat Dhaliwal Personal Real Estate Corporation was first licensed on February 23, 2022 and has been licensed in the same fashion as Natinderjit Singh Dhaliwal since that date.
11. Natinderjit Singh Dhaliwal was the subject of a consent order issued August 1, 2013: *Dhaliwal (Re)*, 2012 CanLII 98285 (BC REC). In that order, he consented to a reprimand, a \$5,000 discipline penalty, remedial education, and \$1,000 in expenses to be paid jointly by him and the other licensee involved in the matter. Natinder Singh Dhaliwal, as managing broker, had permitted the other licensee to act as a limited dual agent in a transaction in which that licensee was the builder and seller of the subject property and would become the tenant after the sale under the contract of purchase and sale.

The Investigatory Requests and Responses

12. This matter concerns information requests made during an investigation by BCFSA. The requests at issue commenced on September 20, 2024.
13. On that date, BCFSA Investigations confirmed receipt of several preceding emails. BCFSA Investigations then made the following requests:
 - a. certain documents from the deal records of Mr. Dhaliwal's brokerage in relation to a transaction concerning [Property 1] (the "**Property**");
 - b. once the documents were provided, that Mr. Dhaliwal confirm that all the documents in the brokerage's possession regarding the Property had been delivered; and
 - c. a deal roster or agent activity report for [Licensee 1], a licensee at Mr. Dhaliwal's brokerage, from September 1, 2023 to September 20, 2024.

14. BCFSa Investigations set September 25, 2024 as the deadline for Mr. Dhaliwal to respond.
15. Mr. Dhaliwal responded by way of two emails on September 26, 2024.
16. The first email appears to have provided several documents in relation to the Property in response to the first request listed above. The nature of those attachments is not at issue here.
17. After receiving that first email, BCFSa Investigations and Mr. Dhaliwal had a telephone call in which BCFSa Investigations advised Mr. Dhaliwal that he had not provided the requested confirmation that all documents related to the Property had been provided and that BCFSa Investigations had not received a deal roster. There was some dispute about whether the deal roster had in fact been sent and BCFSa Investigations advised that, if it had been sent, it had not been received and BCFSa Investigations requested that Mr. Dhaliwal resend it. Mr. Dhaliwal explained that his conveyancing department had sent the documents. BCFSa Investigations advised that Mr. Dhaliwal was responsible for reviewing the documents prepared by the conveyancing department to ensure they comply with BCFSa Investigations' requests.
18. After that call, Mr. Dhaliwal sent the second email. It attached a "Trade Property Type Report" (the "**First Report**") for [Licensee 1], which listed the transactions [Licensee 1] had acted on between September 1, 2023 and September 25, 2024, the size of the transaction, and the commissions paid on those transactions.
19. On September 27, 2024, BCFSa Investigations emailed Mr. Dhaliwal addressing three points. First, it confirmed receipt of the deal roster, which satisfied the third requests set out above.
20. Second, it requested a copy of a Lonewolf¹ trade production report (the "**Further Report**") for [Licensee 1] from September 1, 2023 to the date of the email including the names of the parties involved, the addresses of the properties, and the classification of the transaction that showed the involved agents' roles in the transactions. BCFSa Investigations set an October 2, 2024 deadline for Mr. Dhaliwal to respond.
21. Third, the email reiterated the second request set out above for a confirmation from Mr. Dhaliwal that all the records in relation to the Property had been provided and noted that the deadline for that confirmation was September 25, 2024.
22. On October 3, 2024, BCFSa Investigations emailed Mr. Dhaliwal to follow up on the requests made in its September 27, 2024 email for the Further Report and Mr. Dhaliwal's confirmation. BCFSa Investigations also noted Mr. Dhaliwal's obligations under section 21 of the Rules to respond to any inquiry from the superintendent promptly and the possibility that failure to do so could result in regulatory action.
23. On October 4, 2024, BCFSa Investigations and Mr. Dhaliwal had a telephone call in which they discussed the outstanding requests. Mr. Dhaliwal inquired about what was missing from the information previously provided and BCFSa Investigations explained that the party names and classification of the agent's role were not included in the previous report provided. Mr. Dhaliwal said he would discuss with his conveyancing department to see if it was possible to provide the Further Report. BCFSa Investigations advised that Lonewolf could provide such a report and confirmed that they still required a confirmation from Mr. Dhaliwal that all documents had been provided in relation to the Property. Mr. Dhaliwal stated that he would provide responses to both requests by the end of the day.
24. Later that day, Mr. Dhaliwal emailed BCFSa Investigations to confirm that the whole brokerage file had been sent regarding the Property. He also attached a copy of the First Report.

¹ I understand Lonewolf to be real estate brokerage management and financial management software.

25. On October 8, 2024, BCFSA Investigations emailed and mailed Mr. Dhaliwal a non-compliance warning letter (the “**NCWL**”) in regard to his failure to provide the Further Report by the October 2, 2024 deadline. The NCWL indicated that Mr. Dhaliwal had failed to comply with section 21 of the Rules by failing to provide the Further Report by the deadline and required him to produce the Further Report. The NCWL stated that he could alternatively provide the trade record sheets for all transactions on which [Licensee 1] acted during the requested period. The NCWL set an October 16, 2024 deadline for Mr. Dhaliwal to provide those documents.
26. The NCWL also advised that if Mr. Dhaliwal came into compliance before the October 16, 2024 deadline the superintendent may still issue an administrative penalty for the base amount for the alleged contravention and that, if he came into compliance after that date, the superintendent may include daily penalty amounts of \$250 per day that the contravention continues after October 16, 2024.
27. On October 22, 2024, having not received a response from Mr. Dhaliwal, BCFSA Investigations emailed Mr. Dhaliwal to advise that the outstanding penalty was \$2,500, including daily penalties to that date. The email confirmed that daily penalties would continue to accrue until he had complied with the requests made.
28. On October 23, 2024, Mr. Dhaliwal emailed BCFSA Investigations to provide a report that listed the properties [Licensee 1] had acted on during the period from September 1, 2023 to October 4, 2024 including the names of the parties and the classification of the transaction describing the agency relationships in the transaction.

Submissions

1. On January 3, 2025, Mr. Dhaliwal submitted a request for reconsideration of the NOAP along with written submissions on the reconsideration.
2. Mr. Dhaliwal submits that he had been dealing with another investigator on another file immediately prior to the requests made in this matter and had responded “in a timely manner” to those requests. He submits that he was monitoring the correspondence between the investigator and the licensee on that file, which continued until December 9, 2024.
3. He submits that the change to a new file and investigator caused confusion. He submitted that whatever the new investigator asked for “was provided in a timely manner”, but there was confusion around the request for deal rosters and trade records in part because his brokerage’s controller was on maternity leave. He says that confusion delayed the responses but they were “provided in a timely manner”.
4. He submits that he received and understood the NCWL, but that the report requested from Lonewolf was not known to his brokerage. Now that it is known to them, he submits they can produce it easily.
5. Further, he submits that his mother’s health issues during the year, including three hospitalizations and an uncertain diagnosis, created stress for his family. That stress was compounded by his brother going missing for three to four “days at a time” in mid-September to mid-October 2024 because he was living with Mr. Dhaliwal’s mother and stressed about her health. I conclude from the above that Mr. Dhaliwal’s brother was primarily responsible for caring for their mother on a day-to-day basis and that his disappearance or disappearances resulted in Mr. Dhaliwal taking on a greater role in his mother’s care. It is not clear to me how many times Mr. Dhaliwal’s brother went missing, but I infer it was more than once during this time.
6. Mr. Dhaliwal also cites his lengthy licensing history, which is set out above, and submits that he takes his managing broker duties seriously. He submits that he has “nothing but respect” for BCFSA

as a regulatory body. He submits that he had no intention to not cooperate with his regulator. He requests that the penalty be waived, which I take to mean he requests that it be cancelled.

Reasons and Findings

Applicable Legislation

7. Section 56 of RESA provides that BCFSA may designate specific provisions of RESA, the Real Estate Regulation (the “**Regulations**”), or the Rules as being subject to administrative penalties, and may establish the amounts or range of amounts of administrative penalty that may be imposed in respect of each contravention of a specified provision. Pursuant to section 56(2), the maximum amount of an administrative penalty is \$100,000.
8. Section 26(1) of the Rules indicates that for the purposes of section 56(1) of RESA, contraventions of the Rules listed in section 26(2) of the Rules are designated contraventions to which Division 5 (Administrative Penalties) of Part 4 of RESA applies.
9. Section 26(2) of the Rules identifies six categories, Category A, B, C, D, E, and F, for designated contraventions for the purpose of determining the amount of an administrative penalty. Section 21 of the Rules is placed in Category D. Section 27(4) of the Rules sets out that Category D contraventions may attract a penalty including a \$1,000 base amount plus \$250 per day or part of a day that the contravention continues.
10. Section 57(1) of RESA sets out that if the superintendent is satisfied that a person has contravened a provision of RESA, the Regulations, or the Rules designated under section 56(1)(a) of RESA, the superintendent may issue a notice imposing an administrative penalty on the person. Section 57(2) requires that a notice of administrative penalty indicate the rule that has been contravened, indicate the administrative penalty that is imposed, and advise the person of the person’s right to be heard respecting the matter.
11. Section 21 of the Rules provides as follows:
 - 21** (1) A licensee must respond promptly to any inquiry addressed to the licensee by the superintendent.
 - (2) The licensee’s response
 - (a) must be in writing, unless the superintendent allows it to be provided otherwise, and
 - (b) if applicable, must be provided to the superintendent no later than the date set by the superintendent.

Analysis

12. The imposition of an administrative penalty under section 57 of RESA is a discretionary decision. A request to reconsider the imposition of an administrative penalty requires a Hearing Officer to consider not only whether a contravention of RESA, the Regulations, or the Rules has occurred, but also whether a licensee exercised due diligence, that is: took reasonable steps or precautions, to prevent the contravention of the designated sections identified in the notice of administrative penalty. A Hearing Officer may also consider information on any extenuating circumstances that prevented compliance, or any other information the licensee believes a Hearing Officer should consider.
13. To establish a contravention of section 21 of the Rules, BCFSA Investigations must show that a licensee failed to respond to a request either promptly or by the deadline set for response by the superintendent. BCFSA’s investigators are delegated the authority to set deadlines pursuant to

section 21 of the Rules. In my view, those deadlines must be reasonably set; therefore, BCFSA Investigations must show that they set a reasonable deadline in the circumstances. Further, the reasonableness of that deadline should be assessed based on the information known to BCFSA Investigations at the time: *Shums (Re)*, 2025 BCSRE 11 at paras 58-60.

14. To show that a licensee failed to respond promptly, BCFSA is not required to show that the licensee entirely failed to respond. It is sufficient that the licensee failed to respond in a way that addresses the substance of the request. In that context, if BCFSA shows that the licensee replied merely to confirm receipt, to discuss deadlines, or to respond to parts but not all of the requests made, that is sufficient to establish a contravention.
15. Once a contravention is established, the licensee may avoid liability for failing to meet a reasonably set deadline if they can show the alleged contravention occurred despite their exercise of due diligence or as a result of extenuating circumstances.
29. The reasonableness of the deadline also arises regarding the deadline set in a non-compliance warning letter. This is acknowledged to some extent in BCFSA's guidance published online entitled "The Administrative Penalty Process" (the "**AP Process**") which provides as follows:

BCFSA may grant an extension of the Compliance Warning Period or cancel the Non-Compliance Warning Letter if the individual or entity provides BCFSA with sufficient information to satisfy BCFSA that there are extenuating circumstances.

If compliance cannot be achieved within the Compliance Warning Period due to extenuating circumstances, a request for an extension of the Compliance Warning Period should be made to BCFSA before the period ends. If an extension is granted, administrative penalties will not be imposed during the extension period. The length of the extension will be determined on a case-by-case basis and will consider the nature of the circumstances.

Granting an extension of the Compliance Warning Period or cancelling the Non-Compliance Warning Letter does not prevent BCFSA from taking action in the future in respect of the matter. If the contravention continued beyond a reasonable timeframe after granting an extension of the Non-Compliance Warning Letter, and the contravention continues to be eligible for an administrative penalty, BCFSA can choose to issue an administrative penalty for the base amount.

30. The AP Process lists examples of circumstances that BCFSA generally considers extenuating and those it generally does not by stating as follows:

Some examples of extenuating circumstances include, but are not limited to:

- Significant disruption to a brokerage's computer system due to a cyber attack, a fire, or a flood;
- Extraordinary work being undertaken by an external auditor;
- Business disruption caused by industrial action, natural disaster, or state of emergency;
- Significant illness, accident, or injury requiring hospitalization; and
- Absence caused by jury duty.

Examples of situations that are unlikely to be considered as extenuating circumstances include:

- Staff changes or absences;
- Minor computer problems, partial system disruptions, or lack of contingency plans;

- Office closures or statutory holidays;
 - Personal or domestic events such as moving or attending a wedding;
 - Holidays or travel arrangements;
 - Postal delivery delays or strikes; and
 - Minor illnesses.
16. To summarize, BCFSA generally considers circumstances that are unavoidable, unforeseeable, and beyond a licensee's control to be extenuating. This should be contrasted with events that a licensee could have reasonably avoided or planned for or that the licensee causes.
17. I am not bound by the AP Process and I must consider this matter in its entire context and in accordance with the relevant legislation; however, the AP Process provides some guidance in regard to the approach generally taken by BCFSA and the superintendent.

Contravention

18. The NOAP is issued for Mr. Dhaliwal's failure to deliver the Further Report by the deadline set by BCFSA Investigations. BCFSA Investigations first requested the Further Report on September 27, 2024 and set a deadline of October 2, 2024. When setting that deadline, BCFSA Investigations knew that Mr. Dhaliwal was receiving its correspondence and that he had previously responded on a similar timeline. Investigations only made two straightforward requests on September 27, 2024. One request was for a confirmation and the second was for a report produced by Lonewolf. Further, Mr. Dhaliwal did not indicate to BCFSA Investigations that there would be any issue with the deadline set. In view of these factors, the October 2, 2024 deadline was reasonably set.
19. I acknowledge in making this conclusion that Mr. Dhaliwal has indicated that the Further Report was not a report type that his staff were familiar with and that this caused some confusion. That said, BCFSA Investigations was very explicit about the type of information that Mr. Dhaliwal was required to produce in the Further Report. In my view, had Mr. Dhaliwal and his brokerage turned their attention properly to the request being made, they could have complied with the October 2, 2024 deadline set by BCFSA Investigations.
20. Mr. Dhaliwal also submits that the change in investigators and file numbers caused confusion. I reject this argument. BCFSA Investigations' requests in this case were specific and detailed. They indicated precisely the type of information they wanted Mr. Dhaliwal to produce. In my view, a change in the investigator making the requests should not have caused any confusion. It was the content of the requests that mattered and not the individual making it.
21. The evidence clearly establishes that Mr. Dhaliwal did not provide the Further Report by October 2, 2024. He provided it on October 23, 2024.
22. The evidence also establishes that Mr. Dhaliwal did not exercise due diligence in seeking to provide the Further Report by that date. I note in this regard that Mr. Dhaliwal and BCFSA Investigations had a telephone call on October 4, 2024 in which they discussed the type of report Mr. Dhaliwal was to provide and the further information required after the First Report. Three things are relevant to note about this phone call.
23. First, I see no reason why this phone call could not have occurred before October 2, 2024. If Mr. Dhaliwal or his conveyancing department were unfamiliar with the report which BCFSA Investigations had requested, they could have advised BCFSA Investigations of this fact. Had they done so BCFSA Investigations would have had notice of that point and they could have factored it into the reasonableness of the deadline set. Under the test set out above, the reasonableness of the deadline is determined by reference to what BCFSA Investigations knew. Further, I do not think

that even if BCFSA Investigations had known this information that the October 2, 2024 deadline would have been unreasonable, which is demonstrated by the second relevant fact about the October 4, 2024 phone call.

24. Second, Mr. Dhaliwal did not obtain any better information from BCFSA Investigations regarding what they required between October 4, 2024 and October 23, 2024. The further correspondence from BCFSA Investigations after October 4, 2024 merely repeated the same requests. The fact that Mr. Dhaliwal only complied with the request for the Further Report on October 23, 2024, one day after receiving a reminder email, indicates to me that he was not demonstrating due diligence in pursuing the information requested by BCFSA Investigations. Nothing of any substance changed between October 4, 2024 and October 22, 2024 such that the October 22, 2024 reminder email from BCFSA could have precipitated immediate compliance when the October 4, 2024 phone call did not. In my view, this belies Mr. Dhaliwal's statement that he received and understood the importance of the NCWL on October 8, 2024 but did not understand the request for a transaction report.
25. Returning to the first point, if Mr. Dhaliwal's phone call with BCFSA Investigations had occurred by October 1, 2024, I find that he could have complied by October 2, 2024.
26. Third, the October 4, 2024 phone call preceded Mr. Dhaliwal providing the First Report a second time, instead of providing the required Further Report. Providing the exact report that had been previously provided and which contained none of the further information BCFSA Investigations had requested, does not comport with an exercise of due diligence in the circumstances. In my view, this demonstrates that Mr. Dhaliwal did not act with due diligence.
27. As a result, I find that BCFSA Investigations set a reasonable deadline for compliance of October 2, 2024 and that Mr. Dhaliwal failed to exercise due diligence in meeting this deadline. BCFSA then issued the NCWL setting a deadline of October 16, 2024 before daily penalties would begin to accrue. Mr. Dhaliwal did not provide the Further Report as required until October 23, 2024, six full days and one part day after October 16, 2024.
28. Therefore, unless there were extenuating circumstances, Mr. Dhaliwal contravened section 21 as alleged in the NOAP.

Extenuating Circumstances

29. Regarding extenuating circumstances, Mr. Dhaliwal raises two potential extenuating circumstances. First, he raises his mother's illness. Second, he raises his brother going missing.
30. The AP Process recognizes significant illness or hospitalization as an extenuating circumstance. I agree that, in the right circumstances, a significant illness or hospitalization can be extenuating. To be extenuating, the illness or hospitalization must be unexpected such that the licensee could not have planned for it or render it impossible to comply regardless of planning.
31. The event must also be sufficiently urgent and acute that the licensee cannot have been expected to employ a contingency plan to respond to it once it arose. The more prolonged an illness or hospitalization, the more a licensee will be expected to make appropriate adjustments to their business and other commitments while it continues.
32. In my view, it is more likely to be extenuating if the illness or hospitalization impacts the licensee directly. Illness or hospitalization of a family member can be extenuating where it involves a licensee's family member or other person that the licensee is responsible to care for. Examples of this would include a child, a spouse, an aging parent, or another dependent.

-
33. Similar points could be said for a dependent or family member going missing. In that context, the urgency or suddenness of the situation, the relationship between the licensee and the missing person, the dependency of the person on the licensee, and the age of the person, are all relevant.
34. In any event, the circumstances will have to be considered in their entirety to determine if a particular circumstance is extenuating.
35. Regarding Mr. Dhaliwal's mother's illness and hospitalizations, it appears that she had been ill for some time and had been hospitalized for that illness at least twice before mid-September. In my view, the illness and hospitalization, as described by Mr. Dhaliwal, was not sufficiently urgent, unexpected, or acute to constitute an extenuating circumstance. In my view, Mr. Dhaliwal could have set up sufficient contingency plans to address his obligations given the ongoing nature of his mother's illness, such as delegating his obligations to another broker or licensee at his office. I note in this regard that Mr. Dhaliwal was in contact with BCFSA Investigations during the period at issue. I accept that his mother's illness likely caused him additional stress, but if Mr. Dhaliwal could not continue to discharge his statutory obligations as a managing broker, he should have dealt with that issue.
36. Regarding Mr. Dhaliwal's brother, I have little information about the circumstances of his disappearances. I do not know how often he went missing during the period in question. I also do not know if this was unusual for him or resulted in concerted searches by his family. I do not know how old Mr. Dhaliwal's brother is, but from the fact that they are brothers, I assume he is an adult. I take Mr. Dhaliwal's submissions in this regard to mean effectively two things. First, that his brother's disappearances caused him worry directly. Second, that his brother's disappearances required Mr. Dhaliwal to take up more of the daily care of his mother.
37. As indicated above, I do not find the increased care Mr. Dhaliwal may have provided to his mother to be extenuating in this case.
38. Regarding his brother's disappearances themselves, the facts before me do not establish they are extenuating. From the facts before me, it appears that Mr. Dhaliwal's brother is an adult and not generally dependent on Mr. Dhaliwal. Although the disappearances likely caused some understandable concern and stress for Mr. Dhaliwal, he has not provided any information that would establish these were sufficiently urgent events that required his undivided attention to search for his brother. Mr. Dhaliwal has also not provided the dates on which his brother would go missing and as such I cannot determine the extent to which it interfered with his ability to comply with his statutory obligations.
39. I therefore find that Mr. Dhaliwal has not proven any extenuating circumstances occurred here.

Penalty Amount

40. The penalty amount issued in this case was a \$1,000 base penalty plus \$250 for the period from October 17, 2024 to October 23, 2024, inclusive. Section 27(4) of the Rules permits the superintendent to impose a daily penalty for each day or part day that the contravention continues. Mr. Dhaliwal came into compliance on October 23, 2024 and as such he was not in compliance for part of that day and therefore a daily penalty was available for that day.
41. In my view, the \$2,750 administrative penalty issued in this case was appropriate. Although other orders could have been made under section 57(1), the penalty is not inappropriate in this case. I accept that Mr. Dhaliwal has a lengthy record as a managing broker and that, from the information before me, it is largely unblemished, except for one disciplinary order more than 10 years ago. I also acknowledge that Mr. Dhaliwal may have been facing a significant amount of personal stress at the time. I accept that Mr. Dhaliwal did not intend to obstruct the investigation and did not intentionally delay his responses. That said, the requests made by BCFSA Investigations in this

case were simple and should have been quickly complied with and Mr. Dhaliwal does not need to have acted intentionally to justify an administrative penalty. In my view, the lack of intentionality and the other factors discussed above generally indicate that an administrative penalty is warranted instead of a more significant regulatory intervention, such as issuing a notice of discipline hearing.

Conclusion

42. I find that Mr. Dhaliwal contravened section 21 of the Rules by failing to deliver the Further Report by October 2, 2024 as requested by BCFSA Investigations. I find that the Further Report was not provided to BCFSA Investigations until October 23, 2024 and that Mr. Dhaliwal remained in non-compliance until that date. I find that Mr. Dhaliwal has not established that extenuating circumstances apply in this case.

43. I confirm the \$2,750 administrative penalty issued in the NOAP.

44. The \$2,750 administrative penalty is now due and payable to BCFSA.

DATED at North Vancouver, BRITISH COLUMBIA, this 20th day of February, 2025.

“Originally signed by GARETH REEVES”

Gareth Reeves
Hearing Officer