

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 citation in paragraph 103 on page 17 was corrected on June 4, 2025.

DECISION ON SANCTION

[This Decision has been redacted before publication.]

DATE AND PLACE OF HEARING:	February 24, 2025, Vancouver
COUNSEL FOR BCFSa:	Simon Adams
COUNSEL FOR RESPONDENT:	Self Represented
HEARING OFFICER:	Gareth Reeves

Introduction

1. On January 22, 2025, I issued a liability decision indexed as *Dhaliwal (Re)*, 2025 BCSRE 10 (the “**Liability Decision**”) following a hearing held on January 20, 2025 (the “**Liability Hearing**”).
2. In *Dhaliwal (Re)*, at para 64 I determined that Mr. Dhaliwal had committed professional misconduct within the meaning of section 35(1) and 35(1)(a) of the *Real Estate Services Act*, RSBC 2004, c 42 (“**RESA**”) in that he did the following:
 - a. made a false or misleading statement in his renewal applications submitted to the Real Estate Council of British Columbia (“**RECBC**”), which was the predecessor regulator to the BC Financial Services Authority (“**BCFSA**”), submitted on May 10, 2019 and June 28, 2019 by failing to disclose his having been charged with two criminal offences;
 - b. failed to disclose to RECBC, that he had been charged with criminal offences contrary to then sections 2-21(2)(d) (now 23(2)(d)) of the *Real Estate Services Rules*, MO 417 (the “**Rules**”) on two occasions;¹

¹ 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.

- c. failed to disclose to his managing brokers at the relevant times that he had been charged with criminal offences contrary to section 3-2(5)(a) (now 29(5)(a)) of the Rules on two occasions; and
 - d. published false or misleading advertising by publishing real estate advertising using the team name “Innovative Real Estate Advisors” despite being advised that this team name had not been approved contrary to sections 4-6 and 4-7 (now 40 and 41) of the Rules.
3. As I have found that Mr. Dhaliwal committed professional misconduct, sections 43(1)(a) and 43(2) require that I determine what the appropriate sanction is in this case. This decision relates to the determination of what sanctions are appropriate to order in this case.
4. BCFSA has sought orders that Mr. Dhaliwal
 - a. pay a discipline penalty of \$35,000; and
 - b. pay BCFSA’s expenses in this matter in the amount of \$15,115.05.
5. Mr. Dhaliwal submitted that I should make an order of the kind indicated in the orders BCFSA referenced in its submissions, being *Kyung Kim (Re)*, 2012 CanLII 5992 (BC REC), *Sandher (Re)*, 2014 CanLII 90377 (BC REC), and *O’Neill (Re)*, 2018 CanLII 129781 (BC REC). Those cases are summarized below, but they generally ordered suspensions ranging from one week to one month and expenses orders. In *O’Neill (Re)*, the panel also ordered a discipline penalty of \$2,000.

Issues

6. The issue before me is what orders are appropriate to make under section 43 of RESA including:
 - a. the sanctions I should order under section 43(2) of RESA; and
 - b. Whether Mr. Dhaliwal should be ordered to pay any expenses pursuant to section 43(2)(h) of RESA, and if so, what amount I should order.

Jurisdiction and Standard of Proof

7. 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 Division have been delegated the statutory powers and duties of the superintendent under sections 42 through 53 of RESA.
8. The superintendent must also afford procedural fairness to a respondent where a decision may affect his or her rights, privileges or interests. This 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 based on evidence. The superintendent may, however, apply its individual expertise and judgment to how it evaluates or assesses evidence.

Background and Facts

9. The evidence and information before me consists of the book of documents submitted by BCFSA and entered into evidence by agreement and the oral evidence given by Mr. Dhaliwal during the sanction hearing of this matter held on February 24, 2025.
10. The factual background is set out in the Liability Decision. I will not recite all of that information here. The below includes a summary of the background and of the additional relevant factual information regarding this decision.

11. Mr. Dhaliwal was licensed as a representative in the trading services category from November 16, 2010 to June 3, 2022. During that period, he transferred to [Brokerage 1] dba [Brokerage 1] (“**[Brokerage 1]**”) on May 15, 2019 and to [Brokerage 2] dba [Brokerage 2] (“**[Brokerage 2]**”) on July 19, 2019.

The Criminal Charges

12. On June 20, 2017, Mr. Dhaliwal was charged with having committed [Charge 1] contrary to section [redacted] of the *Criminal Code* on May 17, 2017 (the “**May 2017 Charge**”).
13. On November 20, 2018, Mr. Dhaliwal was charged with having committed [Charge 2] contrary to section [redacted] of the *Criminal Code* and [Charge 3] contrary to section [redacted] of the *Criminal Code* on November 29, 2018 (the “**November 2018 Charges**”).
14. On May 10, 2019, Mr. Dhaliwal submitted a transfer application to RECBC seeking to transfer to [Brokerage 1]. As part of his application, “No” was checked 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]

15. On June 28, 2019, Mr. Dhaliwal signed a transfer application that was submitted to RECBC seeking to transfer to [Brokerage 2]. The application form had checked “No” next to the same question as quoted above.
16. Mr. Dhaliwal did not disclose his criminal charges to the managing brokers who signed his transfer applications and neither knew about Mr. Dhaliwal’s criminal charges at the time.
17. As noted in the Liability Decision, the evidence before me indicates that someone at the brokerages to which Mr. Dhaliwal was transferring prepared the transfer forms and that Mr. Dhaliwal did not read the transfer applications before he signed them, even though the transfer applications explicitly note the following next to their respective signature boxes: “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.”
18. Mr. Dhaliwal did not disclose the charges to RECBC or BCFSa prior to the issue being raised with him by BCFSa.
19. With regard to the May 2017 Charge, Mr. Dhaliwal was not aware of his obligation to disclose the charge to RECBC under the Rules, but by the time of the November 2018 Charges he was aware of this obligation by virtue of a discussion with a RECBC staff member. He was therefore aware, at the time of his transfer applications that RECBC would have a regulatory interest in those charges but he did not turn his mind to it with sufficient seriousness to spur him to take action and disclose the charges to his managing brokers. Mr. Dhaliwal said, in his interview with BCFSa, that, he did not disclose the November 2018 charges 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.

20. 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

21. 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].
22. 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”.
23. Mr. Dhaliwal did not respond to RECBC’s July 26, 2019 email.
24. 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 nine months prior.
25. 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.
26. 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.
27. In light of the above, I found that Mr. Dhaliwal was using the unregistered team name in his real estate advertising from July 2019 to at least June 2022.

Mr. Dhaliwal’s Current Circumstances

28. Mr. Dhaliwal is 38 years old. He has a child through a first marriage and has support obligations in regard to that child. He also has a five-month-old son with his current wife. Mr. Dhaliwal is the sole income earner in his family. He, his wife, and his five-month-old live with his parents.
29. Mr. Dhaliwal currently works full time running an AI based security firm. He is in the process of creating a sales funnel and running day to day operations of that business, which he has been running for about a year and a half.
30. Mr. Dhaliwal also works with his father, who is 80-years old, on two real estate development projects. Mr. Dhaliwal’s evidence was that his father owned the real estate to be developed. Mr. Dhaliwal says that given the current uncertainty in the real estate market following the COVID-19 pandemic and the possibly pending tariffs between Canada and the United States of America, that the development business has been difficult.
31. I note that Mr. Dhaliwal describes his father as retired. I therefore infer that Mr. Dhaliwal is involved in the bulk of the work on the above noted development projects, but his current focus is on the security business.
32. Mr. Dhaliwal provided little in the way of specifics about his financial situation, other than the above broad information.

Submissions

33. At the sanction hearing in this matter, BCFSA submitted that I should order a disciplinary penalty of \$35,000 for Mr. Dhaliwal's misconduct and that Mr. Dhaliwal should pay an expenses order of \$15,115.05.
34. BCFSA submitted that the primary principles motivating the regulatory sanction in this case were general deterrence and the maintenance of public confidence in the industry. BCFSA submitted that specific deterrence was a factor in this matter, although not primary. BCFSA highlighted the need for a significant response to deter other licensees from similar misconduct and to educate Mr. Dhaliwal, other licensees, and the public regarding the applicable industry standards. BCFSA also submitted that a significant response was needed to maintain public confidence in the industry, by demonstrating that failures to disclose required information and false advertising will not be tolerated by the regulator.
35. BCFSA submitted that, because Mr. Dhaliwal's conduct all occurred after the substantial increase in monetary penalties from \$10,000 to \$250,000 per contravention that occurred effective September 30, 2016, the cases regarding conduct that occurred before that date are not particularly useful in guiding the approach to be taken here. BCFSA does, however, acknowledge they have some value and has referred to three such cases: *Kyung Kim (Re)*, *O'Neill (Re)*, and *Sandher (Re)*.
36. Regarding cases involving conduct after that date, BCFSA refers to *Kanda (Re)*, 2024 BCSRE 64 and a case decided under the *Mortgage Brokers Act*, RSBC 1996, c 131 (the "**MBA**"), *Parvizi (Re)*, 2023 BCRMB 5.
37. In *Kanda (Re)*, Mr. Kanda had failed to disclose three sets of criminal charges and one set of criminal convictions to RECBC or BCFSA, at the relevant times, and his managing brokers contrary to sections 2-21(2)(d) (now 23(2)(d)) and 2-21(4) (now 23(4)) and had also withheld and concealed information from BCFSA Investigators, made false or misleading statements to BCFSA investigators, and withheld or refused to provide documents to BCFSA contrary to section 37(4), 35(1)(g), and 35(1)(e) of RESA. The Hearing Officer in that case ordered that Mr. Kanda be "notionally suspended" for a year, pay a \$10,000 discipline penalty, and pay expenses of \$17,431.30.
38. BCFSA submitted that *Kanda (Re)*, was wrongly decided because a suspension given to someone with no licence has no practical effect. BCFSA highlighted that Mr. Kanda did not attend the hearing and showed no intention to reapply. BCFSA compares this order to that in *Sandher (Re)*, summarized below, which ordered a 14-day suspension to begin if the former licensee became relicensed. BCFSA submitted that Mr. Kanda's conduct was serious enough that it required "a sanction with real effect" and that an order of cancelation would follow a licensee in their involvement in other regulated fields in a way that a suspension would not. Connected to this point, BCFSA also submitted that a suspension carries with it an implication that the suspended person will be automatically eligible for relicensing at the end of the suspension period; however, an unlicensed person should be subject to a suitability assessment prior to relicensing. BCFSA further submitted that ordering a suspension or other order with no practical impact on a former licensee would allow individuals to simply choose to leave the industry in order to avoid sanction for their misconduct.
39. In *Parvizi (Re)*, Mr. Parvizi consented to a \$50,000 administrative penalty under the MBA. Mr. Parvizi was a former registrant under the MBA who had walked out of a compulsory regulatory interview before it had completed. The maximum monetary penalty under the MBA at that time was \$50,000 and it remains at that amount presently.
40. BCFSA submitted that a failure to cooperate with an investigation is akin to Mr. Dhaliwal's conduct in that Mr. Dhaliwal's provision of false information is a failure to cooperate with the regulator, which

harms the regulator's ability to supervise licensees and determine suitability and, in turn, protect the public.

41. BCFSa also submitted that I could look to the administrative penalty regime under sections 56 and 57 of RESA and under the former sections 2-23 and 2-24 of the Rules between February 1, 2021 and July 31, 2021 inclusive and the current sections 26 and 27 of the Rules from and after August 1, 2021.² BCFSa submitted that although none of the conduct at issue was eligible for an administrative penalty at the time it occurred and although the provision of false and misleading statements in transfer applications is not currently subject to an administrative penalty, the regime is instructive.
42. In that regard, BCFSa submitted that, assuming the conduct occurred at a time when the relevant provisions were subject to administrative penalties, Mr. Dhaliwal's contraventions of section 2-21(2)(d) (now 23(2)(d)) of the Rules, could attract two \$2,500 administrative penalties and the contraventions of section 3-2(5)(a) (now 29(5)(a)) of the Rules could have also attracted two \$2,500 administrative penalties given each of these sections are all designated in Category B and eligible for a \$2,500 administrative penalty for a first contravention. That total would be \$10,000.
43. In this same vein, BCFSa submitted that the contraventions of sections 4-6 and 4-7 (now 40 and 41) of the Rules are Category D contraventions within the current regime, which can attract a \$1,000 base penalty plus a daily penalty of \$250 per day. BCFSa submitted that this matter would, assuming the regime applied back to July 2019, attract the maximum administrative penalty of \$100,000 under the administrative penalty regime because of the daily penalties that could accrue and given the contravention continued for approximately 35 months. In this regard, BCFSa notes that, although the regulator did not tell Mr. Dhaliwal to stop using the unregistered team name while he was using it, RECBC had in fact told him from the outset that the name was not approved. BCFSa therefore submitted that, in this hypothetical where the administrative penalty regime applied to that period, the clock for the continuing contravention started on day one, when RECBC told Mr. Dhaliwal the name was not approved.
44. BCFSa submitted that the rate at which daily administrative penalties for Category D contraventions can accrue and quickly result in substantial penalties, indicates the seriousness of the contraventions subject to those penalties.
45. BCFSa submitted that Mr. Dhaliwal's conduct occurred on more than one occasion and was deceptive and dishonest both to the public, in his advertising, and to his regulator, in his failure to disclose and his false statement in his transfer application. BCFSa submitted that Mr. Dhaliwal's conduct undermined RECBC and BCFSa's ability to "effectively scrutinize his suitability" which is an important aspect of the public protection mandate of RECBC then and BCFSa now. BCFSa submitted that Mr. Dhaliwal's conduct was "serious" in both his disclosure failures and his false advertising. In regard to the disclosure failures, BCFSa specifically argues that the contraventions were "not a mere technical infraction". BCFSa submitted that, if Mr. Dhaliwal were licensed, they would likely seek a suspension, but that kind of order is not appropriate here because Mr. Dhaliwal is no longer licensed. BCFSa submitted that, given the above, the goals of specific deterrence, general deterrence, and the maintenance of public confidence require a penalty of \$35,000 which will send the message that dishonest conduct will be taken seriously.
46. Mr. Dhaliwal submitted that the order I make under section 43(2) of RESA should be "reasonable". He submitted that an order in the amount sought by BCFSa would make it difficult for him to ever reapply. In seeking to clarify Mr. Dhaliwal's position, I explained to Mr. Dhaliwal that if I made penalty and expenses orders in the amount sought by BCFSa, or some other amounts, those amounts would be due and payable regardless of whether he reapplied for licensing and that BCFSa could

² I note that there have been several changes to the Rules regarding administrative penalties since August 1, 2021 including the addition of new categories effective July 1, 2024. None of those changes are material to the issues in this proceeding.

choose to proceed on them as a debt. Mr. Dhaliwal reiterated that whatever order I make should be “reasonable” and that the orders made in *Kyung Kim (Re)*, *Sandher (Re)*, and *O’Neill (Re)* would be reasonable.

47. Mr. Dhaliwal further submitted that a discipline penalty and enforcement expenses order in the amount sought by BCFSa would have a “huge” impact on him. He noted that he has a five-month-old son and a spouse who does not work. He also noted his support commitments to his previous spouse and child.

Reasons and Findings

Applicable Legislation

48. Section 43(2) of RESA provides that if the superintendent finds that a licensee has committed professional misconduct or conduct unbecoming then the superintendent must make an order doing one or more of the following:

- (a) reprimand the licensee;
- (b) suspend the licensee's licence for the period of time the superintendent considers appropriate or until specified conditions are fulfilled;
- (c) cancel the licensee's licence;
- (d) impose restrictions or conditions on the licensee's licence or vary any restrictions or conditions applicable to the licence;
- (e) require the licensee to cease or to carry out any specified activity related to the licensee's real estate business;
- (f) require the licensee to enrol in and complete a course of studies or training specified in the order;
- (g) prohibit the licensee from applying for a licence for a specified period of time or until specified conditions are fulfilled;
- (h) require the licensee to pay amounts in accordance with section 44 (1) and (2) [recovery of enforcement expenses];
- (i) require the licensee to pay a discipline penalty in an amount of
 - (i) not more than \$500 000, in the case of a brokerage or former brokerage, or
 - (ii) not more than \$250 000, in any other case;
- (j) require the licensee to pay an additional penalty up to the amount of the remuneration accepted by the licensee for the real estate services in respect of which the contravention occurred.

49. The primary goals of regulatory sanctions are to protect the public and encourage compliance. They are not meant to be only denunciatory or retributive; however they can, in appropriate cases, impose heavy burdens designed to achieve specific deterrence, general deterrence, and protection of the public: *Thow v BC (Securities Commission)*, 2009 BCCA 46, at para 38.

50. Regulatory sanctions further these purposes in the following ways:

- a. they serve to rehabilitate respondents through corrective measures;
- b. they specifically deter respondents from committing future misconduct;
- c. they generally deter others from committing future misconduct;

- d. they educate licensees and other industry participants as well as the public about rules, standards, and their importance; and
 - e. they help to maintain public confidence in the industry by demonstrating that misconduct will be addressed and denouncing it.
51. To determine the appropriate sanction, regulators consider the whole of the circumstances, including any mitigating or aggravating factors. In the context of the legal profession, hearing panels have provided useful summaries of the relevant factors. In *Law Society of British Columbia v Dent*, 2016 LSBC 5 ("**Dent**") at paras 20-23, the panel provided the following summary of the relevant factors, divided into four categories:

Nature, gravity and consequences of conduct

- [20] This would cover the nature of the professional misconduct. Was it severe? Here are some of the aspects of severity: For how long and how many times did the misconduct occur? How did the conduct affect the victim? Did the lawyer obtain any financial gain from the misconduct? What were the consequences for the lawyer? Were there civil or criminal proceedings resulting from the conduct?

Character and professional conduct record of the respondent

- [21] What is the age and experience of the respondent? What is the reputation of the respondent in the community in general and among his fellow lawyers? What is contained in the professional conduct record?

Acknowledgement of the misconduct and remedial action

- [22] Does the respondent admit his or her misconduct? What steps, if any, has the respondent taken to prevent a reoccurrence? Did the respondent take any remedial action to correct the specific misconduct? Generally, can the respondent be rehabilitated? Are there other mitigating circumstances, such as mental health or addiction, and are they being dealt with by the respondent?

Public confidence in the legal profession including public confidence in the disciplinary process

- [23] Is there sufficient specific or general deterrent value in the proposed disciplinary action? Generally, will the public have confidence that the proposed disciplinary action is sufficient to maintain the integrity of the legal profession? Specifically, will the public have confidence in the proposed disciplinary action compared to similar cases?

52. The above factors are not binding on me, but they do form a useful framework in making my assessment. I also highlight that these factors are not exhaustive. The whole of the matter should be considered in determining the appropriate sanction.

Discussion: Sanction

Nature, Gravity, and Consequence of Conduct

53. BCFSFA submitted that the conduct in this case was serious, dishonest, and deceptive. I do not agree that this is an entirely accurate characterization of Mr. Dhaliwal's conduct. In my view, and as explained below, Mr. Dhaliwal's instances of misconduct fall on different points in the spectrum of seriousness, honesty, and deception. What characterizes his conduct generally, though, is a

disregard or indifference to his regulatory obligations and to the truth. Some of his misconduct included disregard that I characterize as intentional.

54. As indicated above, Mr. Dhaliwal's initial failure to report the May 2017 Charge was likely inadvertent: he likely was not aware of his obligation to disclose the charges. Although this is worrisome and is not a defence to the liability finding, I do not find that it should be characterized as serious, dishonest, or deceptive, but I do find that it showed that Mr. Dhaliwal lacked knowledge of his regulatory obligations.
55. Regarding the failure to report the November 2018 Charges, I find that Mr. Dhaliwal's conduct was higher on the scale of intentionality. Mr. Dhaliwal's evidence was that he was aware of his obligation to report these charges but that it was not a priority for him given the other stressors in his life. This comports with his account that he would have disclosed his charges to his managing brokers in 2019 had they asked, which demonstrates that Mr. Dhaliwal was not attempting to hide or conceal his charges. In my view, Mr. Dhaliwal's failure to disclose his November 2018 Charges and his failures to disclose those charges to his managing brokers was not deceptive or dishonest, but did show a significant indifference and lack of concern regarding his statutory obligations. In my view, there was a degree of intentionality there, but I would not characterize it as "deceptive" because he did not intend to deceive. Instead, it is best characterized as dishonest in that he simply did not care to make the disclosure unless it was directly inquired of him as opposed to intending to make create an incorrect belief. In my view, Mr. Dhaliwal's disregard for his obligations is aggravating, but not as aggravating as taking positive action to be dishonest or deceptive would be.
56. I note in this regard that Mr. Dhaliwal's conduct was also somewhat prolonged given he failed to disclose the May 2017 Charges to RECBC and then failed to disclose the November 2018 Charges, which remained outstanding until June 2020, to RECBC or his managing brokers. Given Mr. Dhaliwal was aware of his obligation to report by the time of his November 2018 Charges, Mr. Dhaliwal disregarded his obligations for at least 18 months. The fact that the failure to disclose was repeated from his May 2017 Charges and was prolonged is aggravating.
57. Turning to the false declarations in his transfer applications, Mr. Dhaliwal signed the transfer forms without having properly read them. In my view, it is unlikely that Mr. Dhaliwal could have signed the transfer forms without understanding that he was attesting to their contents. In that context, Mr. Dhaliwal acted recklessly with regard to the contents of that form and, similarly to his disclosure obligations, demonstrated a disregard for his regulatory obligations in doing so. That conduct is highly reckless and is dishonest and deceptive at least to the extent that Mr. Dhaliwal was not in fact certifying the accuracy and truth of the information in those forms by applying his signature. Again, this demonstrates Mr. Dhaliwal's indifference to the truth. He did not necessarily mean to make a false statement, but he certainly was not concerned with whether he did.
58. In my view, this behaviour was dishonest but was not intended to deceive or hide the truth. Instead, it was dishonest in that it showed disregard for whether the contents of the transfer forms were truthful or not. Mr. Dhaliwal's dishonesty in this context is aggravating.
59. Regarding the consequences of Mr. Dhaliwal's failures to disclose his criminal charges, I agree with BCFSa that it undermined the regulators' ability to properly supervise Mr. Dhaliwal and that this, generally, degraded the regulators' ability to fulfil their mandates. That said, no distinct harm to RECBC, BCFSa, or the public perception of them or the industry flowed from Mr. Dhaliwal's failure to disclose specifically. The harm is more diffuse in that the kind of non-compliance Mr. Dhaliwal engaged in tends to diminish trust in the regulator and the industry. This kind of consequence is inherent to the contravention itself and, therefore, this is a neutral factor. I do not mean by this that undermining the regulator's mandate and public confidence are unimportant, but I find that the harm in those regards flows from the primary aggravating factors of Mr. Dhaliwal's indifference and dishonesty.

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60. Similarly, the question of profit or parallel proceedings are neutral. Mr. Dhaliwal was permitted to continue being licensed while subject to the criminal proceedings, but there is no evidence that he would not have been allowed to continue being licensed and to earn income from real estate services while the charges remained pending. Further, there were criminal proceedings and family proceedings, but those did not result from Mr. Dhaliwal's failures to disclose.
61. In my view, Mr. Dhaliwal's failure to report the May 2017 Charges to RECBC was closer to a minor infraction than a serious one. His failure to report his November 2018 Charges to RECBC and his failure to advise his managing brokers was serious because he knew about his obligations at the time and failed to give them due priority. Making a false statement in his application was serious. In my view, it was dishonest and reckless regarding the truth and therefore departs significantly from the honesty and candour expected of licensees and required by his regulator to effectively fulfil its functions.
62. Turning to the unregistered team name issue, Mr. Dhaliwal acknowledged in his interview with BCFSa that he did not obtain approval from RECBC before using the name "Innovative Real Estate Advisors". In his interview, he said that RECBC's refusal to register the team "was probably missed" and that "maybe if I was like, you know, forgot to do follow up on that." In my view, these statements are not entirely credible. Mr. Dhaliwal knew he had to have the team name registered; he would not have submitted a request to register the team if he was unaware of that obligation. It is unlikely that he would not have wanted confirmation from RECBC that the team was registered. RECBC's refusal email was also sent to the email from which Mr. Dhaliwal sent the registration request and he likely received it. Therefore, I find that he viewed RECBC's response refusing to register the name "Innovative Real Estate Advisors". Although Mr. Dhaliwal may have forgotten to follow up, I find that he knew that the name "Innovative Real Estate Advisors" was not registered and that he used it in any event. In my view, this conduct is dishonest and deceptive. Mr. Dhaliwal knew that "Innovative Real Estate Advisors" was not registered and he chose to use it and continue to use it. That is aggravating conduct because it shows an intentional disregard for known regulatory obligations. This is more aggravating than the level of disregard in either Mr. Dhaliwal's failures to disclose his charges or his making false statements because his conduct was intentional as opposed to negligent or reckless.
63. In addition, although the initial application included another individual, [Individual 1], Mr. Dhaliwal said in his interview that no one else worked for "Innovative Real Estate Advisors". The name, as with most team names, implies that Mr. Dhaliwal is working as part of a group. In my view, the public reading that team name would likely have the impression that Mr. Dhaliwal was working with a group of licensees or individuals who would assist him in providing real estate services should they obtain Mr. Dhaliwal's services. This representation was false in that Mr. Dhaliwal was the sole member of "Innovative Real Estate Advisors" and he was not a member of a team at all. In my view, that representation was intentional in that Mr. Dhaliwal intended the name to lend additional force to his advertising by representing that his clients would be serviced by a group of advisors.
64. I also find that, although the public would likely not know the details of team name registration, the public would generally expect licensees to have complied with their regulatory obligations regarding the registration and use of team names. In this regard, Mr. Dhaliwal's conduct in continuing to advertise using "Innovative Real Estate Advisors" was intentionally deceptive as it related to the nature of the services Mr. Dhaliwal would provide and included a degree of dishonesty regarding the status of the team as a registered team. I find that the former deceptiveness regarding the services is the primary aggravating factor in regard to this conduct because it demonstrates an intent to deceive the public about the real estate services Mr. Dhaliwal would and could provide, in my view, that is significantly aggravating.
65. It is further aggravating that the conduct continued for at least 35 months. I note that neither RECBC nor BCFSa took any issue with this advertising during that period, but Mr. Dhaliwal is expected to

comply with his regulatory obligations and is further expected to not act directly contrary to obligations that he knows he has.

66. Regarding the consequences of the conduct, I again find that the consequences are largely diffuse and in the nature of undermining public trust in the industry and the regulator, as opposed to any demonstrated harm suffered by an individual or distinct harm suffered by the regulator. This is therefore a neutral factor for the reasons indicated above in regard to the disclosure contraventions.
67. Similarly, there were no parallel proceedings, identified victim, or clear financial gain. In my view, Mr. Dhaliwal was likely motivated to some extent by financial gain, but I have no evidence of what degree or amount of gain he expected or obtained. These factors are therefore neutral.
68. I find that Mr. Dhaliwal's use of the unregistered team name "Innovative Real Estate Advisors" was serious. It demonstrated not only an indifference to his regulatory obligations but an intentional disregard of obligations he knew he had. It also demonstrates a degree of intentional dishonesty and deception that elevates this conduct to a serious contravention.

Respondent's Character and Conduct Record

69. Mr. Dhaliwal is 38. He was a licensee for approximately 11 and a half years without any disciplinary record, other than the present proceeding. I have no record of any other professional or regulatory infractions committed by Mr. Dhaliwal. Compliance is expected of licensees and the lack of a disciplinary factor is a neutral factor: see *Rohani (Re)*, 2024 BCSRE 31 at para 53.
70. I have little information about Mr. Dhaliwal's character outside of his history as a real estate licensee. He is a father, he is married, and he is self-employed. I have no evidence of community involvement, volunteer work, or charitable activity. This factor is neutral.

Acknowledgment and Remedial Action

71. Mr. Dhaliwal admitted his misconduct at the Liability Hearing. At the sanction hearing, he initially indicated that he had no evidence to provide and that he wanted to accept responsibility for his conduct. What evidence I have of Mr. Dhaliwal's background was as a result of my own inquiries and some questions from BCFSA's counsel. His position at the sanction hearing was effectively that whatever sanction order I make should be "reasonable". When pressed he submitted that the orders made for the somewhat similar cases cited by BCFSA and occurring within the sanction regime prior to September 30, 2016 were reasonable. He did not argue vociferously or forcefully for any particular sanction, despite being asked directly and repeatedly.
72. In my view, Mr. Dhaliwal's conduct and demeanor generally demonstrated that he wanted to accept responsibility for his conduct and move on. I do note that Mr. Dhaliwal did not appear particularly engaged in the process as evidenced by his late admission of liability and the fact that he did not prepare any material or statements for the sanction hearing. In my view, that indicates he was not interested in resisting the consequences of his conduct as opposed to being indifferent to it. Although Mr. Dhaliwal's admission and acknowledgment of his misconduct came later than would have been desirable, it appeared sincere in that he now knows he contravened the legislation, but he did not demonstrate an appreciation of the seriousness of the conduct in a way that convinces me that he has learned the importance of complying with his obligations. This factor is therefore mitigating but not substantially mitigating.
73. I note in this regard that the evidence indicates Mr. Dhaliwal did evade service of the notice for some time. In my view, that issue is best addressed in the context of expenses. If there was clear evidence of conscious evasion of the process, I might consider that aggravating in regard to Mr. Dhaliwal's acknowledgment of his misconduct or it might diminish the mitigating effect of his acknowledgement. That said, I do not have that evidence before me.

74. There is no evidence that Mr. Dhaliwal took steps to remediate his misconduct or that there are any causal factors that he has sought to address, like alcohol or mental health issues.

Public Confidence and Deterrence

75. I turn then to the question of public confidence, which in the *Dent* framework includes a consideration of the adequacy of the specific and general deterrent effect of the proposed orders, the rehabilitative effect of the orders, the impact of the proposed orders on public confidence in the integrity of the industry and licensees, and the relationship between the proposed orders and similar cases. In this section, I discuss specific and general deterrence and public confidence generally. In the next section, I discuss the case precedents, the appropriate type of order, and the guiding value of the administrative penalty regime.
76. Regarding specific deterrence and although Mr. Dhaliwal has not indicated he intends to reapply, his evidence and submissions indicated that it is a possibility in the future. Regardless, in my view there will generally be some specific deterrence required of a regulatory sanction even where the individual is no longer licensed because there is always some possibility that the individual will attempt to return to the industry. In my view, Mr. Dhaliwal can be rehabilitated and learn the importance of his regulatory obligations if the order made in this case has sufficient individual impact on him. I find that, although Mr. Dhaliwal has acknowledged his misconduct, the degree of indifference to regulatory requirements he has demonstrated indicates that he needs to have the importance of compliance demonstrated to him.
77. In my view, a monetary order of \$35,000 is likely more than sufficient to do so in this case. I have no evidence regarding the specifics of Mr. Dhaliwal's financial circumstances, but he has described the impact of such an order as "huge" and I find it likely that such an order would have a significant impact on most individuals. I have no evidence that an order of that magnitude would be negligible for Mr. Dhaliwal or that it would be financially devastating.
78. In my view, the types of orders made in *Kyung Kim (Re)*, *Sandher (Re)*, and *O'Neill (Re)*, are not sufficient to achieve specific deterrence in this case. Those orders included short suspensions, remedial education, and relatively no or small monetary penalties. A suspension of as short as was ordered in those cases will have no impact on Mr. Dhaliwal and will not deter him because it will have no practical effect on him. Even if the suspension were served at the commencement of his relicensing, I am not persuaded that a short suspension of up to a month or even a significant suspension would have a meaningful impact sufficient to achieve any specific deterrence. Put directly, I do not see any indication that Mr. Dhaliwal intends to become relicensed within the foreseeable future and if he does he can plan around a suspension period.
79. Regarding remedial education orders, Mr. Dhaliwal has been unlicensed long enough that he will need to recomplete his qualifying education to become relicensed and any education I direct will be superfluous. In my view, what Mr. Dhaliwal requires is a sanction that will encourage him to internalize the importance of any relicensing education he takes, should he choose to become relicensed. A \$2,000 monetary penalty like in *O'Neill (Re)* or a suspension alone like in *Sandher (Re)* or *Kyung Kim (Re)* would not be sufficient to do so.
80. I consider that a significant sanction is required for the purposes of specific deterrence because of the prolonged nature of Mr. Dhaliwal's contraventions, the fact that the failure to disclose the criminal convictions was repeated, the fact that Mr. Dhaliwal's conduct viewed as a whole shows a significant degree of disregard and indifference for his statutory obligations and a degree of dishonesty and disinterest in the truth, and the fact that his conduct at the hearing did not demonstrate a true appreciation of the seriousness of his conduct. I am particularly concerned by the fact that his conduct regarding his November 2018 Charges and his use of an unregistered

team name demonstrates he lacks concern for compliance with his regulatory obligations, even when aware of them. Although Mr. Dhaliwal has admitted his misconduct and is willing to accept sanction for it, I find that he requires a significant reminder that such disregard for statutory obligations will not be tolerated.

81. Considering specific deterrence and rehabilitation alone, I find that \$35,000 is likely at the high end of what is necessary to achieve those goals given Mr. Dhaliwal has acknowledged his contraventions, but given the number and character of the contraventions, I do not find that it is significantly beyond the range necessary to achieve sufficient specific deterrence. I also find that a suspension would have some specific deterrent effect. I discuss that point below in more detail, but in my view a suspension signals an increased degree of disapprobation and follows a licensee in their future involvement in regulated fields and will signal future regulators of a need to assess Mr. Dhaliwal's commitment to compliance. That said, specific deterrence and rehabilitation are not the only considerations; I must also consider public confidence in the industry and general deterrence.
82. Regarding general deterrence, I find that a significant sanction is necessary. In my view, failing to disclose charges as required by section 2-21(2)(d) (now 23(2)(d)) of the Rules undermines the regulator's ability to detect and respond to misconduct or conduct unbecoming and thereby limits the regulator's ability to take steps to protect the public. This is not to say that all charges will require regulatory intervention, but a licensee failing to make the disclosure deprives the regulator of the ability to make that assessment at all and therefore exposes the public to risk. Similar considerations apply to Mr. Dhaliwal's failure to disclose to his managing brokers because managing brokers, through section 28 of the Rules and their duties under sections 6 - 7.1 of RESA, have significant supervisory obligations and authority necessary to ensure proper functioning of the regulatory regime and the real estate industry. A licensee's failure to disclose possible misconduct or conduct unbecoming, including criminal charges, undermines a managing broker's ability to fulfill their statutory obligations. In this regard, a single unintentional failure to make a disclosure may warrant a lesser response, perhaps by way of administrative penalty; however, where that failure continues and is repeated once the licensee knows they are obliged to make the disclosure requires a more significant response. Adding the reckless dishonesty inherent in signing two transfer applications without knowing if they contain false information indicates that significant response is required to demonstrate to licensees that indifference to regulatory obligations, duties of candour, and the truth will not be tolerated.
83. Regarding Mr. Dhaliwal's use of an unregistered team name, I am of the view that this conduct also requires a significant regulatory response to achieve appropriate general deterrence. This misconduct is different from a licensee simply using an unregistered team name in that Mr. Dhaliwal was aware of his obligation to register his team name, disregarded RECBC's refusal to register the name, and used the team name while not actually operating a team in any way. As indicated above, I do not find that this constitutes a mere failure to follow through on the registration, but an intentional disregard of the obligations that resulted in prolonged deceptive marketing.
84. For similar reasons, I am of the view that public confidence in the regulatory regime and the industry requires a substantial response. The public needs to know that licensees will make appropriate and timely disclosures to their regulator and their managing brokers so that the licensees are appropriately supervised and the public is protected and not exposed to unduly prolonged risks. They further must have confidence that licensees' advertising properly represents the services they can expect to receive and that they will not be misled regarding those services. In this regard, I find that the regulator must send a clear message that disregard for regulatory obligations and publishing advertising that a licensee has been told is not acceptable, and that is misleading, will not be accepted.

Previous Orders

85. When determining the appropriate sanction, I must also consider previous sanctions ordered by the superintendent and other regulators. These orders are not binding on me, but consistency with prior orders of the superintendent is desirable in ensuring public confidence in the industry and the disciplinary process and in ensuring appropriate general deterrence. I also note that most of the prior orders referred to are consent orders, which are sometimes the result of negotiations and motivations that are not reflected in the final order. I therefore treat consent orders with a degree of caution.
86. In addition to *Kanda (Re)* and *Parvizi (Re)*, BCFSa refers to three cases from the sanction regime in place prior to September 30, 2016. Those are as follows:
- a. *Kyung Kim (Re)*, in which Ms. Kim failed to notify RECBC of two sets of criminal charges, failed to advise her managing broker of one set of criminal charges, and made a false and misleading statement in a transfer application by failing to disclose a set of criminal charges. Ms. Kim had indicated that she was unaware of the obligation to disclose the first set of charges at all or in her application because she believed she did not have to disclose “traffic tickets”. She disclosed the second set of charges on her next renewal application and then disclosed the preceding set upon request. Before the charges at issue, Ms. Kim had previously been charged and convicted of an offence, which she declared on a renewal application but had not promptly disclosed. As a result, she had been warned by RECBC to immediately disclose any future charges to RECBC. Ms. Kim had also pleaded guilty to, and therefore been convicted of, a lesser and included offence in the case of both criminal proceedings. Ms. Kim consented to a seven-day suspension, remedial education, and payment of \$1,000 in enforcement expenses.
 - b. *Sandher (Re)*, in which Mr. Sandher had failed to disclose criminal proceedings to RECBC and his managing broker. Those criminal proceedings had resulted in convictions. This included making false or misleading statements in four applications for renewal or reinstatement that he had not been charged with or convicted of any offences, when he in fact had been. Mr. Sandher apologized for his contraventions, fully disclosed them when asked, and indicated he had remediated the personal and medical issues that he was dealing with when he made the false applications and was subject to criminal prosecution. He also proactively took remedial education. Mr. Sandher was unlicensed at the date of the consent order. He consented to a fourteen-day suspension to commence upon his relicensing and payment of \$1,250 in enforcement expenses.
 - c. *O’Neill (Re)*, in which Mr. O’Neill had been charged and convicted in three offence or criminal proceedings and charged in one criminal proceeding over a period of approximately three years. During this period, Mr. O’Neill submitted a renewal application that falsely stated he had not been charged or convicted. Mr. O’Neill only notified his managing broker and RECBC of this background shortly after he received the final charge in the above noted sequence and he later advised RECBC and his managing broker of two further criminal charges that occurred after his initial report, one of which resulted in a conviction. In addition, Mr. O’Neill had received a previous caution for failing to disclose criminal convictions that occurred in the 1980s, prior to his becoming licensed. Mr. O’Neill believed he only had to report his criminal charges on licence renewals and he believed the first charges at issue did not need to be reported because they were *Motor Vehicle Act* contraventions. Mr. O’Neill acknowledged that his beliefs in this regard were incorrect. Mr. O’Neill consented to a one-month suspension, payment of a \$2,000 discipline penalty, and payment of \$1,500 in enforcement expenses.

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87. Mr. Dhaliwal does not refer to any additional cases, but submitted that I should make an order in line with *Kyung Kim (Re)*, *Sandher (Re)*, and *O'Neill (Re)*.
88. *Kyung Kim (Re)*, *Sandher (Re)*, and *O'Neill (Re)* are of limited guiding value for three reasons. First, they concern conduct that occurred under the sanction regime in place prior to September 30, 2016. In my view, the substantial increase in available monetary sanctions indicates a direction from the legislature that the preceding sanction regime was inadequate and that increased sanctions are required. Second, they are all consent orders and, to some extent, constitute a compromise between the regulator and the subject licensee. Third, none of them involve false advertising or advertising an unregistered team name. They therefore do not reflect the whole of Mr. Dhaliwal's misconduct.
89. That said, these three consent orders do not have zero guiding value. They all indicate that inadvertent failure to disclose a charge or conviction itself is not on the upper end of the most serious misconduct and that sanctions in the lower end of the range are generally appropriate for contraventions of that kind. I note in this regard that the monetary penalty consented to in *O'Neill (Re)* was \$2,000 when the maximum available monetary penalty was \$10,000 for that conduct. I also note again that those three consent orders did not involve false advertising or improper use of an unregistered team name in addition to the failures to disclose.
90. In my view, *Kyung Kim (Re)* and *Sandher (Re)* are generally less serious than Mr. Dhaliwal's case. I do note that they both involved actual convictions, as opposed to only charges, which would generally render them more serious; however, I note that neither of those cases involve continued non-disclosure once the licensee subjectively knew they had to make the disclosure.
91. *O'Neill (Re)*, seems roughly commensurate with Mr. Dhaliwal's conduct given the aggravating factor of Mr. O'Neill's failure to disclose in his initial application and the warning he received from the regulator in that regard. That said, even Mr. O'Neill appears to have been operating under a misapprehension about his obligations, whereas Mr. Dhaliwal disregarded his.
92. Regarding *Parvizi (Re)*, I note that this order was issued under a different regulatory regime and was a consent order. Although it does indicate that intentional disregard for regulatory obligations is serious, in my view Mr. Parvizi's conduct was substantially worse than Mr. Dhaliwal's. Mr. Dhaliwal showed disregard and indifference to his known regulatory obligations that rose to the level of intentional conduct. Mr. Parvizi's conduct was repeated, high-handed, and demonstrated not just indifference but active disrespect for the regulator and his obligations. Further, even if BCFSa's submission is correct and *Parvizi (Re)* speaks to the difficulty in assessing sanctions within a regime where a new regime with higher sanctions is pending, that is not the current situation under RESA.
93. Regarding *Kanda (Re)*, Mr. Kanda's conduct was more serious than Mr. Dhaliwal's. Mr. Kanda's conduct involved prolonged and repeated failures to disclose criminal charges that persisted for almost the whole of the time he was a licensee. He also failed to promptly disclose his conviction despite knowing he was under investigation for failing to disclose his charges. His conduct also involved withholding, concealing, and refusing to provide information requested by the regulator and providing false or misleading information to the regulator in response to investigatory requests. I say Mr. Kanda's conduct was more serious acknowledging that Mr. Dhaliwal's false advertising contraventions demonstrate an intentional disregard for his regulatory obligations. In that regard, Mr. Dhaliwal went from knowing about his obligations to ignoring them whereas Mr. Kanda went from knowing about his obligations and ignoring them to being investigated for breaching his obligations, misleading the regulator about the nature of the breach, and then reoffending while under investigation.

94. BCFSA acknowledges that *Kanda (Re)* involved more serious conduct and maintains that the cancellation and monetary penalty it sought in that case was appropriate, but argues that *Kanda (Re)* was wrongly decided in ordering a “notional suspension”. In my view, I do not need to decide whether Mr. Kanda’s conduct warranted cancellation; however, I do need to consider whether a suspension is within the realm of appropriate orders in this case for two reasons. First, because BCFSA has indicated that they would have sought a suspension in this case had Mr. Dhaliwal been licensed, though BCFSA did not indicate the duration of said hypothetical suspension. Second, because Mr. Dhaliwal has indicated that the orders in *Kyung Kim (Re)*, *Sandher (Re)*, and *O’Neill (Re)*, which all involved suspensions, represent the kind of order I should make here.

Suspension or Monetary Penalty

95. I turn then to the question of whether a suspension is a possible order and whether it is an appropriate one in this case. BCFSA submitted that it would have sought a suspension had Mr. Dhaliwal been licensed and argues that *Kanda (Re)* was wrongly decided. I note that I am not bound by *Kanda (Re)*, although I do recognize that consistency in regulatory approach is valuable. If I am to depart from the precedent of *Kanda (Re)*, I should provide clear reasons for doing so.
96. I begin with the legislation. Section 34 of RESA provides that “licensee” in Part 4 of RESA includes a former licensee in regard to matters that occurred while the person was licensed. Part 4 includes the sections regarding discipline proceedings. Notably, it includes section 35, which defines the circumstances in which a licensee commits professional misconduct or conduct unbecoming. It also includes section 43, under which the superintendent must act if it determines a licensee, or former licensee, has committed professional misconduct or conduct unbecoming and empowers the superintendent to cancel or suspend the licensee’s or former licensee’s licence. There is no provision in the legislation that provides that the powers to cancel or to suspend a licence do not apply in the case of a former licensee; instead, section 34 read together with sections 35 and 43 suggest that a former licence could be cancelled or suspended. The legislation therefore contemplates that both suspensions and cancellations could be ordered in regard to former licensees.
97. The position that suspensions and cancellations are both permitted by RESA is confirmed in two decisions cited in *Kanda (Re)*: *Rohani (Re)*, 2024 BCSRE 31 and *Kim (Re)*, 2020 CanLII 36927. Although *Rohani (Re)* resulted in an order cancelling a former licensee’s licence and not a suspension, the Chief Hearing Officer notes the following in regard to the issue of former licensees at para 98:

I note, in reaching this conclusion, that I agree with the comments of the panel in *Kim (Re)*, 2020 CanLII 36927 (BCREC) that to conclude that to interpret the Superintendent’s ongoing jurisdiction to make discipline orders against former licensees otherwise would have the potential to lead to absurd results. For example, if the Superintendent did not have that ongoing jurisdiction to make discipline orders, a licensee who had engaged in conduct warranting a suspension or cancellation could avoid that disciplinary outcome simply by relinquishing their license, with the licensee then being in a position to reapply for a licence having no record of having been subjected to any suspension or cancellation.

98. In *Kim (Re)*, the Discipline Committee made a variety of disciplinary orders against a former licensee who had surrendered his licence after the liability decision but before the sanction decision. The Committee made the following orders:
- a. that Mr. Kim’s licence be suspended for three months,
 - b. that he be restricted from acting as an unlicensed assistant during the suspension,

- c. that he pay a discipline penalty of \$5,000,
 - d. that he complete remedial education;
 - e. that he be ineligible to apply for a new licence until the later of
 - i. six months from the date of the order,
 - ii. the date he paid his discipline penalty, and
 - iii. the date he completed the remedial education;
 - f. that he be subject to enhanced supervision conditions for twelve months after becoming relicensed; and
 - g. that he pay enforcement expenses of \$36,073.29.
99. The Committee reasoned that it had not lost jurisdiction to impose a suspension on Mr. Kim despite the surrender of his licence by reference to *College of Nurses of Ontario v Dumchin*, 2016 ONSC 626 where the Court had reasoned that the regulator in that case retained jurisdiction to order revocations and suspensions even after a registrant had resigned their registration. The Committee found that RESA similarly included a continuing jurisdiction to order suspensions and cancellations in regard to orders under section 43 of RESA. They found further support for this proposition in the licensing provisions of RESA which, in section 10(d)(ii), requires an assessment of whether an applicant is fit to be licensed despite having “held a licence that was suspended or cancelled under real estate, insurance, mortgage broker, or securities legislation in British Columbia or another jurisdiction.”
100. I note, in addition, that section 10(d)(iii) of RESA includes any disciplinary steps taken by a professional body.
101. The Committee in *Kim (Re)* also acknowledged that, given Mr. Kim was unlicensed, a suspension would have no impact on him and would therefore fail to achieve specific deterrence and it therefore ordered the above noted period of ineligibility: para 59. The Committee appears to have set that period by considering that Mr. Kim had time to arrange his economic affairs to minimize the effect of surrendering his licence. The Committee therefore doubled the suspension period in order to roughly arrive at an ineligibility period that “would be financially equivalent to the suspension it would have otherwise imposed”: para 59.
102. I agree with the above analyses regarding the availability of suspension orders in regard to former licensees. In short, the plain wording of the legislation permits a suspension of a former licensee’s licence in the same way and for the same reasons that it permits a cancellation of a former licensee’s licence. The primary reason for that is to ensure that the superintendent does not lose jurisdiction to sanction a licensee if the licensee chooses to simply surrender their licence. In that context, the reason that suspensions and cancellations are both still available, even though the former licensee may not suffer any consequences, is because those kinds of orders more strongly denounce the conduct of the licensee’s conduct by indicating that the conduct was so severe that the licensee’s conduct warrants their removal from the industry for some time.
103. Although the parties did not reference this case, I note in regard to the above the following comment by the Law Society in *Nguyen (Re)*, 2016 LSBC 21 at para 41: “both fines and suspensions have financial consequences for a lawyer, but a suspension sends a stronger message of disapprobation.” In my view, there is value in that message of disapprobation for the public, for current licensees, and for regulators who might consider the former licensee for future registration. I do not take this to mean that suspensions or cancellations are always more significant, that must be assessed on the facts of each case and the appropriate order must be

made to achieve the goals of regulatory enforcement; however, I agree they communicate disapproval in a way that monetary penalties may not.

104. If the superintendent cannot make suspension or cancellation orders and can only issue fines or periods of ineligibility, it has a limited ability to communicate to the public and other licensees what kinds of conduct fall sufficiently far afield of the regulatory standards as to warrant removing an individual from the industry. This could be achieved, to some extent, by the use of ineligibility periods, but in my view, and given the wording of section 10(d)(ii) of RESA, there is value in specifically identifying the action taken as a “suspension” or “cancellation”.
105. In my view, BCFSA acknowledges this by making the submission that cancellation is an appropriate order for a former licensee on the basis that such an order will follow the former licensee into other regulated spheres. I have not been pointed to any legislation that distinguishes between cancellations and suspensions for that purpose and I note that RESA does not distinguish between such orders when requiring they be disclosed during the application process.
106. BCFSA does make a somewhat compelling point in noting that a suspension generally carries with it an implication that a licensee will be suitable to be relicensed at the end of the suspension period; however, that implication does not withstand close scrutiny.
107. In this regard, I note that, unlike a suspended licensee, if an individual is suspended while unlicensed, or their licence lapses while suspended, they are subject to the qualification process set out in Part 2 of RESA in the same way that any other unlicensed person or person with a lapsed licence would be.
108. This is important to note because it highlights that licensees, unlike unlicensed persons or those who allow their licence to lapse, are still licensed while suspended. Section 20 of RESA prohibits them from providing real estate services and they must surrender their licence, but they are still licensed. This means they are still directly subject to the jurisdiction of the superintendent while suspended and must comply with their statutory obligations, like the obligation to disclose criminal charges and to not engage in conduct unbecoming contrary to section 35(2) of RESA. If they breach those obligations while suspended, the superintendent can take disciplinary steps to address that misconduct. I note in this regard that a suspended licensee who provides real estate services while suspended contravenes section 20 of RESA, which prohibits suspended licensees from providing real estate services, and not section 3, which prohibits unlicensed real estate services in expectation of remuneration.
109. If a licensee engages in sufficiently concerning conduct while suspended but still licensed, the superintendent could pursue discipline proceedings or an urgent order under section 45 of RESA, if sufficient urgency existed.
110. Therefore, in the case of a suspended licensee, they are not “entitled to be relicensed” because they are already licensed.
111. By comparison, unlicensed persons are not generally subject to the superintendent’s jurisdiction and any conduct they engage in must be considered through the suitability assessment conducted regarding their licensing application. This necessarily includes a consideration of their behaviour and conduct while they were unlicensed and how that reflects their suitability, fitness, and qualifications when they apply. Such conduct is not subject to the superintendent’s jurisdiction and cannot form the basis of a discipline proceeding; therefore, it can only and must be addressed on a licensing application. I note further that applicants bear the onus of proving they are suitable and of sufficiently good reputation under section 10 of RESA. Therefore, there simply is no presumption

that unlicensed persons are entitled to be relicensed at the end of a suspension: they have to prove they can be relicensed.

112. So, it is within the superintendent's jurisdiction to make a suspension order, but that does not answer the question of whether a suspension, a discipline penalty, or a combination is appropriate. In that regard, *Kanda (Re)* was not wrongly decided.
113. Regarding whether a suspension, a monetary penalty, or a combination would be appropriate, I agree with BCFSa that a suspension or a "notional" one, would have a very limited specific deterrent effect on Mr. Dhaliwal and that therefore a monetary penalty is required. In that regard, I fail to see how suspending a licence can have any substantial practical deterrent effect on an individual who has surrendered their licence or allowed it to lapse. An individual in that position has chosen to leave the industry and therefore their unlicensed status is not a consequence of their misconduct at all. There could be some specific deterrent effect where the individual demonstrates they intend to return and the suspension takes effect upon that return or will extend that anticipated return. There is also some limited specific deterrent effect in the disapprobation inherent in a suspension order and the fact that the suspension will likely follow the former licensee if they pursue entry to another regulated industry. That said, where they have not indicated any clear intent to become relicensed or pursue another regulated business, there are limited real consequences to the individual and therefore a limited specific deterrent effect.
114. For essentially the same reasons, I also find that a period of ineligibility would have a limited specific deterrent effect for Mr. Dhaliwal: he has no clear plans to return which would be delayed or interfered with by a period of ineligibility and it would therefore have no impact on him, unlike in *Kim (Re)* where the impact on the former licensee was implied by the Discipline Committee's reasoning.
115. I also think that in circumstances like Mr. Dhaliwal's, where the individual has left the industry of their own volition and has no clear plans to return, a monetary penalty is necessary to achieve general deterrence. Failing to issue a monetary penalty would create three negative impacts to general deterrence.
116. First, it would send the message to licensees that they can simply surrender their licenses and avoid significant personal consequences for their misconduct. This would allow them to arrange their business to diminish the impact of becoming unlicensed by timing it at their preference, as noted in *Kim (Re)*.
117. Second, it would encourage individuals who want to obtain real estate licenses for improper purposes to obtain the licence, use it either directly or indirectly to achieve improper ends, and then surrender it and escape regulatory consequences once they have achieved their goals or have been caught.
118. Third, it would encourage a lackadaisical approach to compliance among two groups: those who have licenses but whose real estate business is small or marginal and those who are nearing the end of their careers. In both of those cases, the future value of the individual's licence may be low relative to the possible consequences under section 43 of RESA and, in my view, they may be incentivized to simply surrender their licence rather than face the consequences of their actions.
119. For similar reasons, I find that failing to order a monetary penalty would diminish public confidence in the industry and the regulator. In my view, it would erode public confidence to see a suspension order made against an unlicensed individual without more. The public would see that as an order with limited consequences and one that has no real effect in achieving future compliance either specifically or generally.

120. Further suspensions for former licensees still have a general deterrent effect because the suspension indicates to licensees what consequence they will face if they commit misconduct. Such orders therefore have some precedential value, some general deterrent value, and some value in encouraging public confidence in the industry. In my view, making a suspension order against a former licensee, even where they have voluntarily departed and do not intend to return, telegraphs the type of orders that should be made for current licensees and thereby encourages consistency in sanctioning, regulatory compliance, and public confidence. I do acknowledge that the cases involving licensees and former licensees will still diverge in result because of the need for a sanction with actual impact to achieve specific and general deterrence, rehabilitation, and public confidence, but in my view, that divergence will largely be in regard to the monetary penalties ordered.
121. Therefore, a combination of a suspension and a monetary penalty is appropriate in this case keeping in mind the considerations above and the need for general deterrence, specific deterrence, and the maintenance of public confidence in light of Mr. Dhaliwal's circumstances. I will address the appropriate quantum of each after addressing the guiding value of the administrative penalty regime.

The Administrative Penalty Regime

122. I do accept, that the administrative penalty regime can provide some guidance regarding an appropriate monetary penalty. In particular, the amounts of the penalties can speak to the importance of certain obligations within the statutory regime and they can be instructive regarding the kinds of monetary penalties that might be appropriate for technical or minor contraventions.
123. In the case of Category B contraventions, as BCFSa notes, the administrative penalty regime indicates that an appropriate penalty could be \$10,000 counting the two contraventions of sections 2-21(2)(d) (now 23(2)(d)) and the two contraventions of sections 3-2(5)(a) (now 29(5)(a)) of the Rules.
124. That said, three facts diminish the usefulness of the administrative penalty regime in directly assessing the appropriate disciplinary sanction.
125. First, the administrative penalty regime provides only for a limited variety of orders. Those include remedial education, licensing conditions, and monetary penalties. Reference to the administrative penalty regime cannot replace a complete assessment of a proportionate disciplinary response which can include other kinds of disciplinary orders.
126. Second, administrative penalties are not required to be monetary or only include monetary penalties; therefore, the monetary penalty set by the combined effect of sections 26 and 27 of the Rules does not directly impose a statutory floor for a formal regulatory response.
127. Third, administrative penalties are generally not used for serious misconduct. Administrative penalties may therefore tend to be lower than monetary discipline penalties imposed for contraventions of the same sections.
128. Therefore, the amount of the possible administrative penalty can provide some guidance on the appropriate sanction; it is a point of information to weigh, but is not determinative.
129. In this regard, that I am not persuaded that the administrative penalty regime is necessarily an appropriate measure for the contraventions of sections 4-6 and 4-7 (now 40 and 41) of the Rules for three reasons.
130. First, these sections were designated as Category D contraventions from February 1, 2021 onward and neither RECBC nor BCFSa took any action under those sections to proceed under the

administrative penalty regime, such as issuing a warning letter to attempt to get Mr. Dhaliwal into compliance.

131. Second, Mr. Dhaliwal's conduct, although prolonged and demonstrating intentional disregard for the truth and his regulatory obligations, is not the kind of conduct that would warrant a \$100,000 monetary penalty. I note that BCFSA accepts this proposition by seeking a \$35,000 global monetary penalty in this proceeding.
132. Third, the gulf between the base administrative penalty of \$1,000 and the maximum penalty of \$100,000 provides effectively no guidance on how to choose the appropriate remedy in between those extremes in this case, assuming a monetary penalty is appropriate.
133. That said, I do acknowledge, as I do in regard to the other contraventions, that some insight can be drawn regarding the significance of a contravention within the regulatory regime as indicated by the amounts of the penalties that could be imposed.
134. To summarize, I find the reference to the Category B contraventions to be helpful and instructive but not binding or determinative. I find the reference to the Category D contravention to be largely unhelpful in these circumstances.

Sanction Decision

135. I reiterate that public protection and encouraging compliance are the primary goals of regulatory sanctions. I also reiterate that such sanctions should not be purely retributive or denunciatory. Even if they impose a significant burden on an individual, that burden should be imposed to achieve specific deterrence and general deterrence, rehabilitate the respondent, protect the public, and enhance public confidence in the process, the industry, and the regulator: *Thow v BC (Securities Commission)*, at para 38.
136. BCFSA submitted that Mr. Dhaliwal's conduct is serious. I agree that it is serious though not quite as serious as BCFSA submits. In particular, Mr. Dhaliwal's conduct was not, in all instances, as intentional as BCFSA submitted it was. That said, Mr. Dhaliwal demonstrated a significant and ongoing, and at times intentional, disregard for regulatory obligations and for the truth.
137. As indicated above, I find that Mr. Dhaliwal's conduct warrants a suspension. I agree with BCFSA that Mr. Dhaliwal's conduct would have warranted a suspension if he had been licensed. Given the lengthy disregard for his regulatory obligations, the repetition and disregard for the truth involved in his disclosure failures, and the intentionality inherent in his false advertising contravention and use of an unregistered team name, I find that a significant suspension is warranted. In this regard, I note that the kind of conduct at issue falls generally into the type of conduct that would warrant a suspension as identified in *Nguyen (Re)*, at para 44.
138. In my view, *O'Neill (Re)*, *Sandher (Re)*, and *Kyung Kim (Re)* do not provide adequate guidance on the appropriate suspension. They were decided in the context of the previous sanction regime, prior to a significant increase in the monetary penalties that indicates a legislative signal that the prior orders were insufficient for the purposes. In addition, although *O'Neill* involved similar misconduct as it related to the disclosure failures, it did not involve the intentional use of an unregistered team name to market what was in fact not a team but an individual. In my view, a substantially larger suspension is warranted than was imposed in those cases and the orders made in those cases are not reasonable in this case, as submitted by Mr. Dhaliwal.
139. Regarding *Sandher (Re)*'s use of a future suspension, I have no evidence that Mr. Dhaliwal intends to apply in the future and therefore I see no purpose in such an order. I also note that Mr. Dhaliwal

could just plan around such an order, which would nullify or diminish its effect. I therefore see little value in such an order in these circumstances.

140. *Kanda (Re)*, as noted above, involved more serious conduct both in terms of intent and duration. It did not involve the use of an unregistered team name, but in my view Mr. Kanda's conduct demonstrated much greater disregard for the regulator. I note that BCFSa has indicated that they take the position that *Kanda (Re)* was wrongly decided in not ordering a cancellation. In my view, I do not need to decide that issue. This case is simply not close enough to *Kanda (Re)* to require that assessment.
141. Considering the above, I am of the view that Mr. Dhaliwal's conduct warrants a six-month suspension during which he is not permitted to reapply to be licensed. Although Mr. Dhaliwal has acknowledged his conduct, he has not clearly demonstrated that he understands its seriousness. Further, the conduct demonstrated a serious disregard for Mr. Dhaliwal's known statutory obligations and for the truth. In my view, had Mr. Dhaliwal been licensed, his conduct would indicate he needs some time away from the industry to understand the import of his obligations.
142. I reiterate that Mr. Dhaliwal voluntarily gave up his licence and has expressed no clear intention to reapply; therefore, the above suspension is of little practical impact on Mr. Dhaliwal and will not sufficiently serve the purposes of rehabilitating Mr. Dhaliwal, specific or general deterrence, or maintaining public confidence. There will be some impact on Mr. Dhaliwal in that he will have to disclose the suspension on future applications, but I have no evidence of Mr. Dhaliwal's plans in that regard and I therefore do not find that this impact will be significant to him.
143. Turning to the issue of the monetary penalty, again, I find that *O'Neill (Re)*, *Sandher (Re)*, and *Kyung Kim (Re)* are not particularly useful guides to the appropriate monetary sanction here and for the reasons indicated above.
144. I find that *Kanda (Re)* is also not a particularly useful guide in determining the monetary penalty. I say this for two reasons. First, it is not clear to me on reading *Kanda (Re)* whether the presiding Hearing Officer in that case considered the suspension to have an actual impact on Mr. Kanda. BCFSa submitted in this proceeding that Mr. Kanda did not appear in his disciplinary proceeding and therefore provided no evidence of an intent to return to the industry. On a review of *Kanda (Re)*, there is no evidence set out stating whether Mr. Kanda expected to return or not. But reading the decision as a whole suggests to me that the Hearing Officer was of the view that the suspension had some specific deterrent effect: see paras 36-40 in particular. I note also, that BCFSa only sought a \$15,000 penalty in that case, presumably on the basis that a cancellation would have a significant impact on Mr. Kanda. As indicated above, it appears that suspensions also follow former licensees in their regulatory future so it is not clear that there is a firm distinction there; however, I will note that a cancellation carries a greater degree of disapprobation than a suspension because it indicates that the licensee or former licensee should not be licensed at all.
145. As indicated above, I find that the administrative penalty regime provides some guidance on the appropriate monetary penalty in this case. In particular, it is helpful in assessing the range of appropriate responses to Mr. Dhaliwal's failure to disclose his criminal charges in that the maximum penalty would have been \$10,000, had those contraventions been subject to administrative penalty at the time and had they warranted such a penalty. In my view, Mr. Dhaliwal's conduct warrants a more significant response than an administrative penalty given its duration, his intentionality, and his disregard for the truth and his duty to be candid in his applications. Therefore, the monetary penalty for those contraventions should exceed \$10,000.
146. Although the above means that the monetary penalty required in this case will be greater than in *Kanda (Re)*, it is not clear to me the extent to which the Hearing Officer in that case considered the

suspension ordered to have an impact on Mr. Kanda. If that decision stands for the proposition that a \$10,000 penalty is appropriate in the circumstances of that case where the licensee has surrendered their licence and has no clear intent to reapply during the suspension period, I disagree with *Kanda (Re)*.

147. I take little guidance from the administrative penalty regime as it regards Mr. Dhaliwal's use of an unregistered team name. The regime simply does not provide enough structure to be guiding.
148. That said, advertising is often the first contact the public has with a licensee and therefore accuracy and honesty are important in that sphere. Further, as indicated by the administrative penalty regime, the longer inaccurate, false, or misleading advertising remains published, the more serious the risk to the public and the more serious the contravention becomes. Given the duration of the contravention and the degree of intentionality involved in both Mr. Dhaliwal's disregard for the truth and for his known regulatory obligations, I find that Mr. Dhaliwal's conduct was slightly more serious than his disclosure contraventions and therefore requires a more significant response.
149. I note that Mr. Dhaliwal has indicated that a monetary penalty of the amount BCFSA seeks would have a "huge" impact on him. I do not doubt that the impact of such an order to Mr. Dhaliwal would be significant, but I also do not have any evidence that he would be unable to pay that amount.
150. Balancing the above considerations, including the mitigating effect of Mr. Dhaliwal's admission and the fact that a suspension impacts Mr. Dhaliwal to some extent, though that extent is minimal in this case, considering the fact that there was no discreet harm proven in this case, and considering the matter globally, I find that a monetary penalty of \$30,000 is an appropriate total monetary penalty that is proportionate to the seriousness of Mr. Dhaliwal's conduct and is necessary to achieve sufficient specific and general deterrence and to properly maintain public confidence.
151. In summary, I find that an order imposing a six-month suspension and period of ineligibility and a \$30,000 monetary penalty are appropriate in this case and will achieve the necessary degree of specific deterrence, general deterrence, rehabilitation, and maintenance of public confidence.

Discussion: Enforcement Expenses

152. Sections 43(2)(h), 44(1), and 44(2) of RESA permit the superintendent to require a licensee to pay the expenses, or part of the expenses, incurred by BCFSA in relation to either or both of the investigation or the hearing to which the order relates. Section 44(2)(a) provides that the amounts ordered must not exceed the prescribed limits for the type of expenses claimed. Those limits are prescribed by section 4.4 of the *Real Estate Services Regulation*, BC Reg 506/2004.
153. BCFSA has submitted an appendix of enforcement expenses setting out the hours claimed for the investigation and for legal services for the liability and sanction hearing of this matter along with \$4,000 for two days, or partial days, of hearing and certain disbursements. Those disbursements include several attempts to serve Mr. Dhaliwal with the notices of discipline hearing issued in this matter and the court reporter expenses associated with the Liability Hearing. I note that BCFSA does not appear to have claimed for court reporter expenses for the sanction portion of this proceeding.
154. In *Siemens (Re)*, 2020 CanLII 63581 at paras 62-63, the panel stated as follows, regarding ordering enforcement expenses:
 62. Enforcement expenses are a matter of discretion. A discipline committee will ordinarily order expenses against a licensee who has engaged in professional misconduct or conduct unbecoming a licensee. Orders for enforcement expenses serve to shift the expense of disciplinary proceedings from all licensees to wrongdoing licensees. They

also serve to encourage consent agreements, deter frivolous defenses, and discourage steps that prolong investigations or hearings.

63. The practice of discipline committees has also been to assess reasonableness of enforcement expenses by examining the total amounts in the context of the duration, nature, and complexity of the hearing and its issues. While a discipline committee may reduce any award of enforcement expenses to account for special circumstances, such as where the Council fails to prove one or more allegations corresponding to a significant and distinct part of a liability hearing, no such special circumstances arise in this case.

155. In assessing the reasonableness of the amounts ordered in this case, I note that BCFSA was substantially successful in terms of the liability findings and the sanction order made. I note also that BCFSA withdrew the allegations in paragraph 1(c) of the Third Amended Notice of Hearing in this matter on the morning of the Liability Hearing. I have reviewed the Investigation Report which formed part of the book of documents in this case. In my view, the portion of the investigation related to those withdrawn allegations was likely small because it involved internet searches and simple documentary and factual requests. Some of those searches and requests overlapped with the investigation of the matters that resulted in liability findings in this matter.
156. As regards the legal services, the matter was factually straightforward, but there was some, likely limited, procedural complication caused by the need to obtain substituted service. The 15 hours claimed by BCFSA legal counsel for the Liability Hearing are reasonable given Mr. Dhaliwal was not in contact with BCFSA legal counsel in advance of the Liability Hearing such that BCFSA counsel had to prepare for that hearing as if it were going to proceed. In my view, the withdrawn allegations make no difference regarding the reasonableness of the time claimed here, given the simplicity of those allegations. I find that the hours claimed for the legal services in relation to the Liability Hearing are reasonable.
157. The five hours claimed for the sanction portion are also reasonable, accounting for the relatively short duration of that hearing.
158. Regarding the disbursements for the various service attempts made by BCFSA, I find that these were reasonably incurred. The simple fact is that proper service of the notice is required in all cases, Mr. Dhaliwal could have avoided these expenses if he accepted service.
159. The two partial hearing days were necessitated by Mr. Dhaliwal's failure to engage with this matter prior to the date of the Liability Hearing. Although Mr. Dhaliwal's admission of the misconduct at the Liability Hearing likely reduced the total days required for the matter, that is reflected in the fact that only two days were required. The two hearings still had to be held.
160. I recognized that expenses awards are discretionary. In my view, the expenses claimed are largely reasonable. Giving some credit for the likely minimal increased investigation expenses related to the withdrawn charges, I find that an expenses order under section 43(2)(h) in the amount of \$15,000 is appropriate given the nature, duration, and complexity of the matter, including the investigation and the hearing process.

Orders

161. In *Dhaliwal (Re)*, 2025 BCSRE 10, I found that Swaran Singh Dhaliwal committed professional misconduct within the meaning of section 35(1) and 35(1)(a) of RESA in that he:

- a. made a false or misleading statement in his renewal applications submitted to the RECBC on May 10, 2019 and June 28, 2019 by failing to disclose his having been charged with two criminal offences;
- b. failed to disclose to RECBC, that he had been charged with criminal offences on two occasions contrary to then sections 2-21(2)(d) (now 23(2)(d)) of the Rules;
- c. failed to disclose to his managing brokers at the relevant times that he had been charged with criminal offences on two occasions contrary to section 3-2(5)(a) (now 29(5)(a)) of the Rules; and
- d. published false or misleading advertising by publishing real estate advertising using the team name “Innovative Real Estate Advisors” despite being advised that this team name had not been approved contrary to sections 4-6 and 4-7 (now 40 and 41) of the Rules.

162. Having made those findings, I make the following orders:

- a. Pursuant to section 43(2)(i) of RESA, Swaran Singh Dhaliwal pay a discipline penalty to BCFSa in the amount of \$30,000 within 90 days of the date of this order;
- b. Pursuant to section 43(2)(b) of RESA, Swaran Singh Dhaliwal’s licence is suspended for a period of six months from the date of this order;
- c. Pursuant to section 43(2)(g) of RESA, Swaran Singh Dhaliwal be prohibited from applying to be licensed under RESA for a period of six months from the date of this order; and
- d. Pursuant to section 43(2)(h) of RESA, Swaran Singh Dhaliwal pay enforcement expenses in the amount of \$15,000 within 90 days of the date of this order.

163. Pursuant to section 54(1)(e) of RESA, Mr. Dhaliwal has the right to appeal the above orders to the Financial Services Tribunal. Mr. Dhaliwal has 30 days from the date of this decision to file any such 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 14th day of March, 2025.

“Original signed by Gareth Reeves”

Gareth Reeves
Hearing Officer