

CITATION: Mak (Re), 2025 BCSRE 70

Date: 2025-04-16

File # 21-2360

**BC FINANCIAL SERVICES AUTHORITY**

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

**AND**

**IN THE MATTER OF**

**SELINA LI MAK  
(091667)**

**CONSENT ORDER**

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

RESPONDENTS: Selina Li Mak, Managing Broker, Selmak Realty Limited

DATE OF CONSENT ORDER: April 16, 2025

COUNSEL: Jenna Graham, Legal Counsel for the BC Financial Services Authority

**PROCEEDINGS:**

On April 16, 2025, the Superintendent of Real Estate (the "Superintendent"), or the Superintendent's authorized delegate, of the BC Financial Services Authority ("BCFSA") accepted the Consent Order Proposal (the "Proposal") submitted by Selina Li Mak.

**WHEREAS** the Proposal, a copy of which is attached hereto, has been executed by Selina Li Mak.

**NOW THEREFORE**, having made the findings proposed in the attached Proposal, and found that Selina Li Mak committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* ("RESA") and section 28(1)(b) of the *Real Estate Services Rules* (the "Rules"), pursuant to section 43 of the RESA the Superintendent orders that:

1. Selina Li Mak pay a discipline penalty to BCFSA in the amount of \$15,000 within three (3) months from the date of this Order;
2. Selina Li Mak pay enforcement expenses to BCFSA in the amount 4,000 within two (2) months from the date of this Order.

If Selina Li Mak fails to comply with any term of this Order, the Superintendent may suspend or cancel their licence without further notice to them, pursuant to sections 43(3) and 43(4) of the RESA.

Dated this 16<sup>th</sup> day of April, 2025 at the City of Victoria, British Columbia.

Superintendent of the BC Financial Services Authority

“Original signed by Jonathan Vandall”

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Jonathan Vandall  
Delegate of the Superintendent of Real Estate  
Province of British Columbia

Attch.

File # 21-2360

**BC FINANCIAL SERVICES AUTHORITY****IN THE MATTER OF THE *REAL ESTATE SERVICES ACT*  
SBC 2004, c 42 as amended****AND****IN THE MATTER OF****SELINA LI MAK  
(091667)****CONSENT ORDER PROPOSAL BY SELINA LI MAK****BACKGROUND AND FACTS**

This Consent Order Proposal (the "Proposal") is made by Selina Li Mak ("S Mak") to the Superintendent of Real Estate (the "Superintendent") of the BC Financial Services Authority ("BCFSA") pursuant to section 41 of the *Real Estate Services Act* ("RESA").

For the purposes of the Proposal, S Mak and the Superintendent have agreed upon the following facts:

1. S Mak (091667) has been licensed as a managing broker in the trading and rental property management categories since September 7, 1995.
2. S Mak was at all relevant times licensed as a managing broker with Selmak Realty Limited (the "Brokerage").
3. At all relevant times, S Mak was the managing broker to Etsuko Kubotani ("E Kubotani").
4. On or around August 2021, E Kubotani represented purchaser [Client 1] (the "Purchaser") who sought to purchase a property located at [Property 1], Burnaby BC (the "Property").
5. On or around August 13, 2021, E Kubotani drafted a Contract for Purchase and Sale for the Property (the "Offer") which included the following terms:
  - a. a purchase price of \$650,000;
  - b. a subject removal deadline of August 20, 2021;
  - c. a completion date of September 3, 2021; and
  - d. "The sale price to include all applicable GST if any." (The "GST Clause")
6. On or around the same day, the seller of the Property made a counteroffer to the Offer. In the counteroffer, the seller made the following relevant revisions:
  - a. The purchase price was changed to \$665,000; and
  - b. the GST Clause was crossed out.

7. Shortly thereafter, the Purchaser countered the seller's purchase price at \$658,000 and agreed to omit the GST Clause from the Offer. The counteroffer was accepted by the seller.
8. On or around August 20, 2021, E Kubotani advised the Purchaser that there was an issue with the GST.
9. On or around August 20, 2021, E Kubotani contacted S Mak to discuss the GST issue. During a phone call, E Kubotani informed S Mak that the seller had crossed out the GST Clause in the Offer and that the seller had provided proof that the seller had paid the GST on the Property when they first purchased the Property.
10. In order for the Purchaser to avoid having to pay GST on the Property, S Mak advised E Kubotani to include the following clause in the Contract for Purchase and Sale of the Property:

“The Seller provides proof of documentation that GST was paid by the Seller at the time of completion on this property. The Seller confirms that at the time of the purchase, GST was paid in full on fair market value and the Seller has not applied/claimed any GST input credits/rebates in respect of this property.” (the “GST Clause Amendment”)
11. In an email that followed, S Mak sent the wording of the GST Clause Amendment to E Kubotani.
12. At the direction of S Mak, E Kubotani drafted a Contract of Purchase and Sale Addendum which included the GST Clause Amendment. The Contract of Purchase and Sale Addendum was signed by both the seller and the Purchaser and subjects were removed by the Purchaser.
13. On or around September 2, 2021, the Purchaser learned through the seller's notary that the Purchaser was responsible for paying the \$32,900 in GST on the transaction. Prior to learning of this, the Purchaser was of the belief that the GST had already been paid by the seller, that the GST Clause Amendment addressed this payment, and that the Purchaser would therefore not be responsible for paying any GST on the Property.
14. A Notice of Discipline Hearing was issued on June 6, 2024 and served on S Mak.
15. S Mak has no discipline history.

#### **PROPOSED FINDINGS OF MISCONDUCT**

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

1. S Mak committed professional misconduct within the meaning of section 35(1)(a) of the RESA in that, while licensed as a managing broker of Selmak Realty Limited (the “Brokerage”), S Mak gave advice to a trading services representatives at the Brokerage that represented the buyer of the property located at [Property 1], Burnaby regarding a GST contract clause to be included as an amendment to the contract of purchase and sale which did not have the intended effect, in and around August 2021, contrary to section 28(1)(b) [*ensure that the business of the brokerage is carried out competently*] of the Rules.

#### **PROPOSED ORDERS**

Based on the facts herein and the Proposed Findings of Misconduct, S Mak proposes that the Notice of Discipline Hearing in this matter be resolved through the following Orders being made by the Superintendent, pursuant to section 43 of the RESA:

1. S Mak pay a discipline penalty to BCFSA in the amount of \$15,000 within three (3) months from the date of this Order.
2. S Mak pay enforcement expenses to BCFSA in the amount of \$4,000 within two (2) months from the date of the Order.
3. If S Mak fails to comply with any of the terms of the Order set out above, the Superintendent may suspend or cancel their licence without further notice to them.

#### **ACKNOWLEDGEMENTS AND WAIVER OF APPEAL RIGHT**

1. S Mak acknowledges and understands that the Superintendent may accept or reject the Proposal. If the Proposal is rejected by the Superintendent, the matter may be referred to a disciplinary hearing.
2. S Mak acknowledges that they have been urged and given the opportunity to seek and obtain independent legal advice with respect to the disciplinary process, the allegations contained in the Notice of Discipline Hearing, and the execution and submission of the Proposal to the Superintendent; and, that they have obtained independent legal advice or has chosen not to do so, and that they are making the Proposal with full knowledge of the contents and the consequences if the Proposal is accepted.
3. S Mak acknowledges and is aware that BCFSA will publish the Proposal and the Consent Order or summaries thereof on BCFSA's website, on CanLII, a website for legal research and in such other places and by such other means as BCFSA in its sole discretion deems appropriate.
4. S Mak hereby waives their right to appeal pursuant to section 54 of the RESA.
5. If the Proposal is accepted and/or relied upon by the Superintendent, S Mak will not make any public statement(s) inconsistent with the Proposal and its contents. Nothing in this section is intended to restrict S Mak from making full answer and defence to any civil or criminal proceeding(s).
6. The Proposal and its contents are made by S Mak for the sole purpose of resolving the Notice of Discipline Hearing in this matter and do not constitute an admission of civil liability. Pursuant to section 41(5) of the RESA, the Proposal and its contents may not be used without the consent of S Mak in any civil proceeding with respect to the matter.

"Original signed by Selina Mak"

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**Selina Li Mak**

**Dated 14 day of April, 2025**