

**BC FINANCIAL SERVICES AUTHORITY**  
  
**IN THE MATTER OF THE *REAL ESTATE SERVICES ACT***  
**SBC 2004, c 42 as amended**  
  
**AND IN THE MATTER OF**  
**MICHELLE PERREAULT**  
**(139901)**  
  
**REASONS FOR DECISION REGARDING**  
**ADMINISTRATIVE PENALTY RECONSIDERATION REQUEST**  
  
**[These Reasons have been redacted before publication.]**

DATE AND PLACE OF HEARING: Via Written Submissions

HEARING OFFICER: Gareth Reeves

### Introduction

1. On December 16, 2024, the BC Financial Services Authority (“**BCFSA**”) issued a Notice of Administrative Penalty (the “**NOAP**”) in the total amount of \$4,000 to Michelle Perreault pursuant to section 57(1) and 57(3) of the *Real Estate Services Act*, RSBC 2004, c 42 (“**RESA**”).
2. In the NOAP, BCFSA determined that Ms. Perreault had contravened the *Real Estate Services Rules*, BC Reg 209/2021 (the “**Rules**”) as follows:
  - a. section 40(2) by failing to list her brokerage’s name on her Instagram profile page,
  - b. section 40(3)(b) by failing to show the name “Michelle Perreault Personal Real Estate Corporation” on her Instagram profile page,
  - c. section 41 by including two former members of Michelle Perreault Real Estate Group in a video advertisement on her website after they left the team, and
  - d. section 42.2(1)(a) by including an unregistered team member on advertisements on her website and Facebook page.
3. BCFSA issued a \$1,000 administrative penalty for each alleged contravention.
4. Ms. Perreault applied for a reconsideration of the NOAP under section 57(4) of RESA on February 25, 2025, 39 days after the 30-day deadline for her request for an opportunity to be heard under section 57(2)(d) of RESA. On April 8, 2025, I extended the deadline for Ms. Perreault to file her reconsideration request: *Perreault (Re)*, 2025 BCSRE 63.
5. These are my reasons regarding Ms. Perreault’s application for reconsideration.

## Issues

6. The issue is whether the December 16, 2025 NOAP should be cancelled or confirmed.

## Jurisdiction and Standard of Proof

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

## Background

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

### *Licensing and Discipline History*

12. Ms. Perreault has been licensed as a representative in the trading services category since July 12, 2004. Michelle Perreault Personal Real Estate Corporation was first licensed on July 12, 2012 and has been licensed in the same fashion as Ms. Perreault since that date.
13. Ms. Perrault has no formal discipline history before BCFSA or its predecessor, the Real Estate Council of British Columbia (“**RECBC**”). She has, however, received two prior notices of alleged non-compliance. Neither of these constitute formal discipline or resulted from an enforcement process under RESA and I therefore do not conclude that Ms. Perreault in fact contravened RESA or the Rules as indicated in the notices, but I do conclude that she was reminded of her obligations under the relevant sections at the times indicated below.
14. The first notice Ms. Perreault received was an email from RECBC dated May 17, 2019 in which she was reminded of her obligations under then sections 4-6(2), 4-6(3)(b), and 4-6(4) of the Rules. Section 4-6 of the Rules prior to August 1, 2021 corresponds to section 40 of the Rules on and after that date.
15. The second notice Ms. Perreault received was a letter of advisement from BCFSA dated December 23, 2021 regarding alleged limited dual agency issues. The letter of advisement reminded Ms. Perreault of her obligations under sections 30(a), 30(i), and 30(j) of the Rules.

### **General Background**

16. On March 19, 2024, [Licensee 1] left the Michelle Perreault Real Estate Group (the “**Team**”).
17. On April 2, 2024, [Licensee 2] left the Team.
18. On May 29, 2024, BCFSA received an anonymous complaint regarding Ms. Perreault’s and the Team’s real estate advertising. The complaint alleged that the advertising on Ms. Perreault’s website, the Team’s Facebook page, and her Instagram page included former members of Michelle Perreault Real Estate Group, [Licensee 1] and [Licensee 2] (collectively, the “**Former Team Members**”). The complaint alleged the Former Team Members had left the Team two months prior. The complaint attached screenshots of the following:
  - a. the website [www.michelleperreault.com](http://www.michelleperreault.com) (the “**Website**”) showing the Former Team Members, and
  - b. three posts on the Team’s Facebook page dated April 10, April 15, and May 4, 2024 advertising a garage sale showing the Former Team Members as part of the Team.
19. On July 3, 2024, BCFSA Investigations took a screen recording while scrolling through the Website. The Website included a video in which the Former Team Members professed to be part of the Team and gave statements regarding their background.
20. On August 28, 2024, BCFSA Investigations took a screenshot of the Team’s Facebook page. The Team’s Facebook page included a top banner showing photos of several individuals including [Licensee 3] and indicating that [Licensee 3] was a “Realtor”. In my view, the banner purports to indicate the members of the Team. It also included an August 12, 2024 video post. In the screenshot, the video time stamp is at 0:00 and shows [Licensee 3] along with the other individuals shown in the banner. The Former Team Members were not shown on the Team’s Facebook page.
21. On August 28, 2024, BCFSA Investigations took a screenshot of Ms. Perreault’s Instagram page. The Instagram page does not display Ms. Perreault’s brokerage’s name nor does it use the licensee name of Michelle Perreault Personal Real Estate Corporation. The profile picture on Ms. Perreault’s Instagram page shows her holding a red “SOLD” sign, includes the statement “Helping you navigate the ins and outs of the home selling and buying process in the Fraser Valley” in the profile information, and provides a link to the Website. I note also that the screenshot shows a thumbnail of a post that includes the same photographs of the same individuals which appeared on Ms. Perreault’s Facebook page, including [Licensee 3]. I am not able to see the date of the image but I note that the thumbnail shows a portion of the text in the image of the post which states “... us July 26<sup>th</sup> at 1pm to 4pm for our Summer Client Appreciation Event at Aldergrove Otter Co-op Community Center”.
22. The Former Team Members are not visible on the screenshot of Ms. Perreault Instagram’s page.
23. On September 3, 2024, BCFSA Investigations sent Ms. Perreault a non-compliance warning letter (the “**NCWL**”) indicating to Ms. Perreault that BCFSA Investigations took the position that she was contravening sections 40(2), 40(3)(b), 41, and 42.2(1)(a) essentially as alleged in the NOAP. It also took the position that Ms. Perreault had contravened section 41 of the Rules by including [Licensee 3] as a Team member on the Team website, on the Team Facebook page, and on [fraservalleymlslistings.ca](http://fraservalleymlslistings.ca). The NOAP has not made any allegations under section 41 of the Rules with regard to [Licensee 3] or in relation to [fraservalleymlslistings.ca](http://fraservalleymlslistings.ca) and so I do not need to address that allegation.
24. The NCWL provided a September 10, 2024 deadline for Ms. Perreault to come into compliance. It noted that if she came into compliance before that date, BCFSA may still pursue an administrative penalty against her.

25. On September 10, 2024, BCFSA Investigations followed up with Ms. Perreault on the NCWL via email.
26. On September 12, 2024, Ms. Perreault replied to note that she was out of the country on a cruise in Europe and would be back in the country on September 25, 2024 with limited internet access until then. She stated that her Instagram page was a personal page, not a business one, and was linked to her personal Facebook page. She further stated that [Licensee 3] had told her he was licensed and asked BCFSA Investigations to confirm the marketing material was compliant in regard to [Licensee 3].
27. On September 13, 2024, BCFSA Investigations replied to note that it was considering an extension and that [Licensee 3]'s application to join the Team appeared to remain pending and to ask for further information regarding her travel.
28. On September 13, 2024, [Licensee 3] became registered as a member of the Team.
29. On September 14, 2024, Ms. Perreault replied to state that she was on a 25-day cruise in Europe with limited internet access and would return back on September 24, 2024. She stated she was diligently working to resolve the compliance issues.
30. On September 19, 2024, BCFSA extended the deadline in the NCWL to September 26, 2024. It appears that there was an intervening email from Ms. Perreault on September 18, 2024. I have not been provided with that email.
31. On September 27, 2024, Ms. Perreault emailed BCFSA Investigations to state that [Licensee 3] was now part of the Team and the video on her website showing the Former Team Members had been replaced. She noted that she had spoken to BCFSA Investigations that morning about her Instagram page and had made the necessary changes to come into compliance.
32. On October 1, 2024, BCFSA Investigations took a screenshot of Ms. Perreault's Instagram page. The page now included text in the profile information stating "Michelle Perreault – Personal Real Estate Corporation", "the Michelle Perreault Real Estate Group at Stonehaus Realty Corp", and "Realtor/Team Leader" along with a link to the Website.
33. On the same day, BCFSA Investigations viewed the Website and noted that the Former Team Members remained in the video posted to Ms. Perreault's website. Ms. Perreault followed up with her website manager that day who noted that the video had been updated and suggested Ms. Perreault attempt clearing her browser cache. Ms. Perreault forwarded that suggestion to BCFSA Investigations.
34. On October 2, 2024, BCFSA Investigations took a screen recording of the Website showing that the video on the Website had been changed to, among other things, delete the portion including the Former Team Members.

## Submissions

35. In Ms. Perreault's initial submissions, she submits as follows:
  - a. Regarding the alleged section 40(2) and 40(3)(b) contraventions, she submits that the Instagram page at issue is a personal page which is not used for business. She submits that it is linked to her personal Facebook page and when she shares material to her personal Facebook page from her business Facebook page it uploads to her Instagram. She submits that she came into compliance as soon as she was notified of the issue.
  - b. Regarding the alleged contravention of section 41 of the Rules, she states that the contravention was inadvertent and occurred because the video was produced prior to the

subject licensees departing her team and she did not know it was publicly accessible. She submits she took immediate action to address the situation.

- c. Regarding the alleged contravention of section 42.2(1)(a) of the Rules, she states that the contravention was inadvertent and arose because the subject licensee had told her he had joined the team. She submits she did not intend to mislead the public and that she took immediate corrective steps once the error was brought to her attention.
36. Ms. Perreault further submits that she has learned from the experience and has implemented stricter compliance mechanisms moving forward. She submits that the delay in her application is due to a family mental health crisis.
37. In Ms. Perreault's application for an extension of the deadline to file her reconsideration application, she provided a variety of documents related to a mental health crisis suffered by her [family member]. The details of that crisis and my findings of fact in regard to it are detailed in my extension decision: *Perreault (Re)*, 2025 BCSRE 63 at paras 18-23

## Reasons and Findings

### *Applicable Legislation*

38. Section 56 of RESA provides that BCFSA may designate specific provisions of RESA, the *Real Estate Services Regulation* (the "**Regulations**"), or the Rules as being subject to administrative penalties, and may establish the amounts or range of amounts of administrative penalty that may be imposed in respect of each contravention of a specified provision. Pursuant to section 56(2), the maximum amount of an administrative penalty is \$100,000.
39. Section 26(1) of the Rules indicates that for the purposes of section 56(1) of RESA, contraventions of the Rules listed in section 26(2) of the Rules are designated contraventions to which Division 5 (Administrative Penalties) of Part 4 of RESA applies.
40. Section 26(2) of the Rules identifies six categories, Category A, B, C, D, E and F, for designated contraventions for the purpose of determining the amount of an administrative penalty. Sections 40, 41, and 42.2 of the Rules were placed in Category D. Section 27(2) of the Rules provides that the amount of an administrative penalty for a Category D contravention is \$1,000 for a first contravention and \$2,000 for a subsequent contravention plus a \$250 daily penalty for each day that the contravention continues.
41. Section 57(1) of RESA sets out that if the superintendent is satisfied that a person has contravened a provision of RESA, the Regulations, or the Rules designated under section 56(1)(a) of RESA, the superintendent may issue a notice imposing an administrative penalty on the person. Section 57(2) requires that a notice of administrative penalty indicate the rule that has been contravened, indicate the administrative penalty that is imposed, and advise the person of the person's right to be heard respecting the matter.
42. Sections 40, 41, and 42.2 of the Rules provide, in part, as follows:

#### **Restrictions and requirements**

- 40(1)** A licensee must not publish real estate advertising unless the advertising complies with this section.
  - (2) In all cases, the licensee name of the brokerage must be displayed in a prominent and easily readable way.
  - (3) Real estate advertising that identifies a managing broker, associate broker or representative must do so,

- (a) if that person is an individual, by using the licensee name of the individual, or
- (b) if that person is a personal real estate corporation or a controlling individual of a personal real estate corporation, by using the licensee name of the personal real estate corporation only.

...

### **False or misleading advertising prohibited**

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

### **Requirement to register**

- 42.2(1)** A group of two or more licensees must register with the superintendent as a real estate team if the licensees in the group do any of the following in the course of providing trading services:

- (a) subject to subsection (2), represent themselves to the public as a single entity;
- (b) are regularly engaged as designated agents of the same client;
- (c) regularly work together in a manner that is consistent with the licensees being implied agents of the same party.

(2) Subsection (1) (a) does not apply if the single entity is a brokerage.

### **Analysis**

43. The imposition of an administrative penalty under section 57 of RESA is a discretionary decision. A request to reconsider the imposition of an administrative penalty requires a Hearing Officer to consider not only whether a contravention of RESA, the Regulations, or the Rules has occurred, but also whether a licensee exercised due diligence, that is: took reasonable steps or precautions, to prevent the contravention of the designated sections identified in the notice of administrative penalty. A Hearing Officer may also consider information on any extenuating circumstances that prevented compliance, or any other information the licensee believes a Hearing Officer should consider.
44. To establish a contravention of sections 40(2), 40(3)(b), and 41, BCFSA must first establish that the material in question was real estate advertising and was published within the meaning of the Rules.
45. To establish a contravention of section 40(2), BCFSA then must establish that the material did not display the licensee's brokerage's name in a prominent and easily readable fashion.
46. To establish a contravention of section 40(3)(b), BCFSA must establish that the licensee failed to include the full name of their personal real estate corporation.
47. If BCFSA establishes a contravention of section 40(2) or 40(3)(b), the licensee may rebut a finding of liability by establishing that they exercised due diligence in regard to the contraventions.

48. To establish a contravention of section 41 of the Rules, BCFSa must show the following, in addition to proving that the material was real estate advertising published by the licensee:
- The content made a false or misleading statement or misrepresentation concerning real estate, a trade in real estate, or the provision of real estate services; and
  - The licensee knew or ought to have known the material contained the above noted false or misleading statement(s) or misrepresentation(s): *Ryan (Re)*, 2025 BCSRE 12 at para 58.
49. The question of due diligence arises in two contexts within section 41 analysis. First, it arises in the knowledge analysis when addressing whether the licensee exercised due care regarding the content published. If BCFSa proves that the material contained false or misleading statements or misrepresentations, the question is whether the licensee exercised due care in ensuring whether the statements were true and accurate when publishing those statements or representations. Second, it arises in the publication analysis when addressing whether the licensee exercised due care in causing or permitting publication. The question in this context is whether the licensee exercised due care in causing, permitting, or continuing publication: *Ryan (Re)*, at para 59.
50. Often the primary concern in false advertising matters is the content question, because the licensee is directly involved in the production or dissemination of the material. In that context, the question of care in publishing does not arise; however, in some cases the question of care in publication arises because the licensee shares, disseminates, or otherwise permits or allows the publication, sometimes after it is published. As will become apparent during the discussion regarding the alleged section 41 contravention, this matter involves primarily the second question.

### ***Publication of Real Estate Advertising***

51. I have no trouble concluding that the Website and Facebook page were real estate advertising. They include content that references the Team and shows its members. In my view, there would be no reason to have a website or Facebook page devoted to a real estate team except to advertise real estate services because providing real estate services is the purpose of real estate teams. In addition, the Website includes real estate listings advertising specific properties.
52. Regarding Ms. Perreault's Instagram page, it included references to her role as a licensee in her holding a "SOLD" sign and an explicit statement promoting her services as a licensee. It also included posts concerning the Team.
53. Ms. Perreault argues that her Instagram page was a personal page. She submits that the contraventions in relation to her Instagram page were unintentional. She submits that the material on that page is effectively pushed from her personal Facebook page when she shares material there from her business Facebook page. In my view, real estate licensees are required to monitor what they are posting and where. The fact that the posts were made automatically when posting to another platform is not relevant in that regard. Ms. Perreault should have known where her posts were being published.
54. In any event, even if the unintentional cross posting established a due diligence defence regarding the posts, it would not speak to the text contained in Ms. Perreault's profile information which clearly promotes her real estate services. By including that text in her Instagram profile information, Ms. Perreault was advertising her real estate services on her Instagram, regardless of what the content of the posts were. In my view, even if Ms. Perreault's Instagram page included personal posts, which it appears to have included, the fact that she also included information regarding and promoting her real estate services made the page real estate advertising.
55. Regarding publication, "publish" is defined in section 1 of the Rules to include "causing or permitting" publication or display of real estate advertising. As noted in *Mehrbod (Re)*, 2024 BCSRE



93 at para 73, permitting includes “both directly consenting to something and to allowing something to happen with knowledge, actual or implied, that it will occur or is occurring.” “Permitting” does not require consenting in advance or actively pursuing publication: *Mehrbod (Re)*, at para 73.

56. I have no difficulty finding Ms. Perreault published her Website and Facebook page. Ms. Perreault was clearly in control of those pages and able to cause changes to them. In my view, she therefore caused their publication.
57. For similar reasons, I conclude that Ms. Perreault published her Instagram page. She had sufficient control of it to post to that page from her Facebook and to change the profile information displayed there.

**Contravention: Sections 40(2) and 40(3)(b)**

58. It is apparent from the evidence before me that Ms. Perreault’s Instagram did not display her brokerage’s name or her personal real estate corporation’s name on August 28, 2024. It is not clear to me when exactly she came into compliance, but it was definitely after BCFSa issued its NCWL on September 3, 2024.
59. Based on Ms. Perreault’s September 27, 2024 telephone call and email with BCFSa Investigations, it is likely that she came into compliance on September 27, 2024 after the call with BCFSa Investigations and before sending the email. I therefore find that Ms. Perreault was not in compliance with sections 40(2) and 40(3)(b) of the Rules in regard to her Instagram page from at least August 28, 2024 until September 27, 2024.

**Due Diligence: Sections 40(2) and 40(3)(b)**

60. Ms. Perreault has not argued that she exercised due diligence in regard to her compliance with sections 40(2) and 40(3)(b) of the Rules. She argues that her non-compliance was unintentional, but she does not provide any evidence regarding what steps she took to ensure she complied with those sections. She has not submitted any evidence that she had systems in place to avoid the contraventions or to review her social media to ensure she was compliant.
61. I therefore find that Ms. Perreault has not established that she exercised due diligence in regard to her compliance with sections 40(2) and 40(3)(b) on her Instagram page. I find that she contravened section 40(2) by failing to include her brokerage’s name and section 40(3)(b) by failing to include her personal real estate corporation’s name on her Instagram page from at least August 28, 2024 to September 27, 2024.

**Contravention: Section 41**

62. As noted above, I find that the Website constitutes real estate advertising published by Ms. Perreault within the meaning of the Rules.
63. Ms. Perreault submits that the video was produced prior to the Former Team Members’ departure from the Team and was left on the Website because of an oversight. I find that this was the case and that the video was posted to the Website before March 19, 2024. The evidence establishes that it remained up until after the NCWL was sent on September 3, 2024. It is not clear to me when exactly it was removed from the Team’s website, but given daily penalty amounts are not included in the administrative penalty for the alleged section 41 contravention, the exact dates of the inclusion are not relevant. I find that it remained up from at least March 19, 2024 to at least September 3, 2024.
64. The video posted to Ms. Perreault’s website represented that the Former Team Members were current members of the Team. This was false and misleading starting on March 19, 2024 in that the



first of the Former Team Members had left the team on that date. It became further misleading when the other Former Team Member left on April 2, 2024.

**Due Diligence: Section 41**

65. With regard to due diligence in publication, I find that the video was not false or misleading when Ms. Perreault first published it on the Website. At that time, the Former Team Members were current team members and it accurately portrayed them as such. Instead, the video became misleading over time as the Former Team Members departed.
66. In my view, Ms. Perreault ought to have known that the video was present on the Website after the Former Team Members left the team because she should have reviewed her real estate advertising after the change in the Team's structure to ensure that it remained accurate and up to date.
67. I do note in this regard that Ms. Perreault indicates that the Website is in fact not for the team and instead [www.fraservalleymlslistings.ca](http://www.fraservalleymlslistings.ca) is the Team's website. I have not seen the latter because its contents are not in the record before me. That said, whether the Team has another website is not relevant. What is relevant is that the video showing the Former Team Members was posted on the Website and, in my view, licensees bear the responsibility of ensuring that their advertising is and remains accurate and not misleading wherever it is published.
68. Ms. Perreault has not provided any evidence to establish what steps she took to ensure that the Website was compliant after the Former Team Members left the team. She also has not indicated that she had systems in place to ensure that her real estate advertising was reviewed on a timely basis to capture issues of this nature. The fact that the contravention persisted for several months before being addressed suggests that Mr. Perreault does not have such a system in place. I therefore find that she failed to exercise due diligence in the ongoing monitoring of her real estate advertising and ought to have known that the video remained posted.
69. I therefore find that Ms. Perreault contravened section 41 of the Rules when she published false and misleading real estate advertising on the Website by publishing a video on the Website representing that the Former Team Members were current members of the Team from at least March 19, 2024 to at least September 3, 2024.

**Contravention: Section 42.2(1)(a)**

70. Section 42.2(1)(a) of the Rules requires licensees to register as a real estate team if they "represent themselves to the public as a single entity".
71. The Team's Facebook page was named "The Michelle Perreault Real Estate Group" and showed Ms. Perreault along with several licensees, including [Licensee 3]. I have no trouble concluding that that represented Ms. Perreault and each of those other licensees as operating as a single entity or group by representing that they were a real estate team.
72. The drafting of section 42.2(1) and its use of the conditional "if" indicates on a surface reading that the subsections thereto include triggers which, once performed, require licensees to become registered as a team. On that surface reading, it is the act of two or more licensees representing themselves as an entity that then requires them to proceed to registration and, on that naïve reading, indicates that the representation may precede the registration.
73. In my view, that surface reading does not comport with a purposive and remedial understanding of that section as required by the modern principled approach to statutory interpretation: *Re Rizzo & Rizzo Shoes Ltd*, 1998 CanLII 837 (SCC) at para 21. The purpose of the section is to require that licensees who operate together or hold themselves out as operating together be registered with the superintendent as a team. The goal in that regard is to ensure that the public is not misled into

believing that they are represented by more than one licensee when they are not and, together with section 42.4, to regularize the practice of operating as teams within the industry such that consumers know who represents them and licensees know what duties they owe to the members of the public. In my view, allowing licensees to operate or hold themselves out as teams prior to them becoming registered as such would undermine the efficacy of the teams rules, such that section 42.2(1) should be read to require registration as a team before licensees can engage in the conduct listed in subsections 42.2(1)(a)-(c).

74. In my view, the above purposive reading is consistent with the wording of section 42.2(1) and serves to clarify that the acts described in subsections 42.2(1)(a)-(c) are not permitted without registration as a team and the failure to be registered while engaging in any of that conduct contravenes section 42.2(1).
75. In this case, the Team's Facebook page featured [Licensee 3] as noted above prior to his registration on September 13, 2024 and represents that he is a member of the Team. The evidence establishes that [Licensee 3] had appeared on the Team's Facebook page in this fashion since at least August 12, 2024 until September 12, 2024, the day before he became a registered member of the Team, contrary to the requirements of section 42.2(1)(a).
76. The NOAP also alleged that the Website advertised [Licensee 3] as part of the Team. I have no evidence of that. I therefore do not find that [Licensee 3] appeared on the Website and therefore there was no contravention of section 42.2(1)(a) in regard to the Website.

#### **Due Diligence: Section 42.2(1)(a)**

77. Ms. Perreault does not deny that [Licensee 3] appeared on the Team's Facebook page, but argues that he appeared there as result of an "administrative misunderstanding regarding his registration status with BCFSA." She submits that he had signed a contract to become part of the team and had told her that he had joined the team through BCFSA's website.
78. In my view, licensees are required to ensure that their team members are properly registered before they begin acting as part of the team and before they begin advertising themselves as part of the team. Ms. Perreault has not submitted that she took any steps to confirm that [Licensee 3] was in fact part of the Team as opposed to having merely submitted his application to join. That information is readily available through BCFSA's website on the "Find a Professional" portion of the site. In my view, a reasonable exercise of due diligence would have required Ms. Perreault to confirm that [Licensee 3], as a prospective new member of the Team, had in fact achieved registration before she published real estate advertising that included him. I note that it may seem acceptable to have simply relied on [Licensee 3]'s representations in this regard, but given how simple it would be for Ms. Perreault to have checked this information and given it may be a natural source of confusion as to whether a person means they have applied or that they have actually achieved registration, I find that an exercise of due diligence required some independent confirmation by Ms. Perreault.
79. I therefore find that Ms. Perreault has not established that she exercised due diligence in regard to her compliance with section 42.2(1)(a) of the Rules. I find that she contravened section 42.2(1)(a) of the Rules when she published real estate advertising that represented that [Licensee 3] was part of the Team.

#### **Penalty Amount**

80. The penalty amounts issued in this case were \$1,000 per contravention. That amount is the base penalty amount for a first contravention of sections, 40, 41, and 42.2, which are all Category D contraventions.

81. The contraventions in this case all persisted for several months before BCFSA issued a NCWL. They all concern how real estate licensees represent themselves to the public and the requirements for licensees to make it clear to the public who acts for them and in what capacity. In my view, it is important for the purposes of general deterrence and maintenance of public confidence in the industry that the superintendent take enforcement action where licensees do not comply with the provisions of the Rules concerning advertising and teams, particularly where, as in this case, a licensee has received a warning letter regarding their compliance with advertising rules in the past. Enforcing sections 40(2), 40(3)(b), 41, and 42.2(1)(a) of the Rules helps to ensure the public is aware of whether they obtain real estate services from a personal real estate corporation, whether the licensees they engage operate as a team, and what brokerage supervises those licensees.
82. I accept that Ms. Perreault dealt with the issues promptly once she returned from her trip and had reliable internet access. I also accept that she did not intend to mislead consumers or gain an unfair advantage. I accept that the contraventions in this case were unintentional. I also accept that Ms. Perreault has implemented compliance measures to protect against future issues, although she has not provided evidence of what exactly those measures are, I accept that she has implemented something.
83. I also accept that, while the contraventions were ongoing, Ms. Perreault was dealing with a very stressful situation involving her [family member] which is recited in my prior decision in *Perreault (Re)*, 2025 BCSRE 63. Given the speed with which she addressed the issues once she was back in Canada, I do not find that those circumstances constituted extenuating circumstances that would have prevented her compliance with the Rules in this matter.
84. Ms. Perreault also argues that she is under financial strain and duress brought on by her [Family member]'s mental health crisis. As noted in *Perreault (Re)*, 2025 BCSRE 63, Ms. Perreault has not quantified the extent of that strain or duress nor has she provided any documents or information on which I could conclude the extent of the strain or duress, despite being provided an opportunity to do so. In my view, a licensee would need to provide substantial evidence of impecuniosity to render an administrative penalty of the amount sought in this proceeding inappropriate. Ms. Perreault has not demonstrated that here. In fact, the evidence indicates that she went on a 25-day cruise in September of last year. Although I do not have any information regarding how she financed that trip, her going on the trip suggests that Ms. Perreault is not impecunious and can afford to pay administrative penalties totaling \$4,000, provided enough time to do so.
85. In my view, the above factors, when considered together, tend to indicate that an administrative penalty is appropriate in this case as opposed to BCFSA having proceeded with a discipline hearing. The amounts imposed here are the amounts prescribed as available for a first contravention of the indicated sections and although reasonably large, when viewed in total and in terms of administrative penalties, they are not unduly punitive.

## Conclusion

86. I find that Ms. Perreault contravened the following sections of the Rules:
- Section 40(2) by failing to display her brokerage's name on her Instagram page from at least August 28, 2024 to September 27, 2024;
  - Section 40(3)(b) by failing to display her personal real estate corporation's name on her Instagram page from at least August 28, 2024 to September 27, 2024;
  - Section 41 by publishing a video on her website falsely representing the Former Team Members as members of the Team from March 19, 2024 to at least September 3, 2024;
  - Section 42.2(1)(a) by including [Licensee 3] on the Team's Facebook page and representing that he was part of the Team when he had not been registered as part of the Team from August 12, 2024 to September 12, 2024

87. I find that the administrative penalties totaling \$4,000 are appropriate.

88. I confirm the NOAP.

89. The \$4,000 in administrative penalties imposed by the NOAP are now due and payable to BCFSA.

DATED at North Vancouver, BRITISH COLUMBIA, this 8th day of May, 2025.

“Original signed by Gareth Reeves”

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Gareth Reeves  
Hearing Officer