

CITATION: Zivkovic (Re), 2025 BCSRE 99

Date: 2025-06-02

File # 21-2633

BC FINANCIAL SERVICES AUTHORITY

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

AND

IN THE MATTER OF

**ROBERT TOMISLAV ZIVKOVIC
(151875)**

AND

**ROBERT T. ZIVKOVIC PERSONAL REAL ESTATE CORPORATION
(EXPIRED)**

CONSENT ORDER

[This Order has been redacted before publication.]

RESPONDENTS: Robert Tomislav Zivkovic, Managing Broker, Associated Property Management (2001) Ltd.

Robert T. Zivkovic Personal Real Estate Corporation

DATE OF CONSENT ORDER: June 2, 2025

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

PROCEEDINGS:

On June 2, 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 Robert Tomislav Zivkovic, on their own behalf and on behalf of Robert T. Zivkovic Personal Real Estate Corporation.

WHEREAS the Proposal, a copy of which is attached hereto, has been executed by Robert Tomislav Zivkovic, on their own behalf and on behalf of Robert T. Zivkovic Personal Real Estate Corporation.

NOW THEREFORE, having made the findings proposed in the attached Proposal, and in particular having found that Robert Tomislav Zivkovic and Robert T. Zivkovic Personal Real Estate Corporation committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* ("RESA") and sections 3-3(a), 3-3(b), and 3-1(1)(a - c) of the *Real Estate Services Rules* (the "Rules"), pursuant to section 43 of the RESA the Superintendent orders that:

1. Robert Tomislav Zivkovic and Robert T. Zivkovic Personal Real Estate Corporation jointly and severally pay a discipline penalty to BCFSA in the amount of \$6,500 within three (3) months from the date of this Order; and
2. Robert Tomislav Zivkovic and Robert T. Zivkovic Personal Real Estate Corporation be jointly and severally liable to pay an additional penalty to BCFSA equivalent to three months of fees paid by the Strata for property management services for April, May, and June 2021 in the amount of \$8,820, within three (3) months from the date of this Order;

If Robert Tomislav Zivkovic and/or Robert T. Zivkovic Personal Real Estate Corporation fails to comply with any term of this Order, the Superintendent may suspend or cancel their licences without further notice to them, pursuant to sections 43(3) and 43(4) of the RESA.

Dated this 2nd day of June, 2025 at the City of Vancouver, British Columbia.

Superintendent of the BC Financial Services Authority

"Original signed by Jonathan Vandall"

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

Attch.

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**IN THE MATTER OF THE REAL ESTATE SERVICES ACT
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**ROBERT TOMISLAV ZIVKOVIC
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**ROBERT T. ZIVKOVIC PERSONAL REAL ESTATE CORPORATION
(EXPIRED)**

CONSENT ORDER PROPOSAL BY ROBERT TOMISLAV ZIVKOVIC

BACKGROUND AND FACTS

This Consent Order Proposal (the "Proposal") is made by Robert Tomislav Zivkovic ("R. Zivkovic") on their own behalf and on behalf of Robert T. Zivkovic Personal Real Estate Corporation RZ PREC ("RZ PREC") 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, R. Zivkovic, RZ PREC, and the Superintendent have agreed upon the following facts:

1. R. Zivkovic (151875) has been licensed as a representative for strata management services since December 2007.
2. In February 2014, R. Zivkovic became licensed as an associate broker for rental property and strata management services.
3. In December 2017, R. Zivkovic became licensed as a managing broker for rental property and strata management services.
4. R. Zivkovic was at all relevant times licensed as a Managing Broker with Associated Property Management (2001) Ltd ("APM"). R. Zivkovic has been a director of APM since December 29, 2017 and is an owner of APM.
5. Robert T. Zivkovic Personal Real Estate Corporation (151875PC) ("RZ PREC") became licensed on June 20, 2017 and its license expired on December 3, 2021.
6. On December 20, 2021, BCFSA received a complaint from Strata Council Vice President [Complainant 1] ("Complainant 1") on behalf of [Strata 1] (the "Strata") against APM and R. Zivkovic about the lack of service provided from April to June 2021 (the "Complaint").

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7. The Complaint indicated that the Strata paid \$2,940 per month in fees to APM for their services in April, May, and June 2021.
 8. At that time, R. Zivkovic was licensed as a managing broker with APM at the brokerage and branch locations.
 9. [Licensee 1] was licensed with APM for strata management in March 2021, and had been assigned to the Strata as their property manager. On March 31, 2021, she notified the Strata that she would be leaving APM as she found employment elsewhere.
 10. On or about April 19, 2021, a new hire started at APM who was slotted to become the new property manager for APM. The new hire performed administrative work for the Strata while he waited for his strata property management licence to transfer over from his previous brokerage and R. Zivkovic oversaw the work of the new hire during that time. The new hire's licence never transferred over and he left APM within his probation period of three months.
 11. Between April and June 2021, R. Zivkovic and APM provided inadequate services to the Strata, including:
 - a. Delaying the AGM: the Strata planned to have their annual general meeting in May 2021 however due to delays in APM responding to their request to schedule, failing to provide member contact information, failure to distribute information to owners, and the Strata council's lack of access to owner email accounts, they were forced to delay the meeting multiple times until July 2021.
 - b. Delays to paying invoices: as of May 5, 2021, the Strata notified APM that the last invoice or bill sent for approval to the Strata was in March, and the last time any cheques were issued for payment was March 26. The Strata almost lost contractors, and their landscaper informed the Strata that many invoices had gone past 90 days without payment from APM and as a result they would no longer be allowing a forgiveness period. The Strata gave instructions to APM on multiple occasions between April and June 2021 to pay invoices that went unanswered.
 - c. Lack of response: after not hearing back from APM, two Strata council members physically went to the APM office on separate occasions in an attempt to get assistance however R. Zivkovic was not available to meet with them and their request for a follow up phone call was unanswered.
 - d. The Strata council requested information from APM including the list of owners' emails so they could distribute meeting notices and bylaw letters themselves, as APM was not responsive to their requests to help them with this task. They did not receive the requested information and many members missed the meeting in May 2021, and council had no other option but to hand-deliver notices.
 12. During the relevant time period, the coronavirus pandemic affected APM's operations. R. Zivkovic apologized to the Strata that the level of service provided was not at the level the community deserved and took responsibility for the mismanagement.
 13. In June 2021, the Strata left APM and hired a new strata management company.

14. A Notice of Discipline Hearing was issued on April 17, 2025 and served on R. Zivkovic on their own behalf and on behalf of RZ PREC.
15. R. Zivkovic and RZ PREC has had one prior discipline with BCFSA or its predecessor, the Real Estate Council of British Columbia, in that from about March 2011 to June 2017 R. Zivkovic expected and accepted remuneration from a person, other than on behalf of the brokerage in relation to which he was licensed, and RZ PREC expected and accepted remuneration before it was licensed. R. Zivkovic and RZ PREC submitted a consent order proposal to resolve this matter and it was accepted in November 2019.

PROPOSED FINDINGS OF MISCONDUCT

For the sole purposes of the Proposal and based on the facts outlined herein, R. Zivkovic and RZ PREC propose the following findings of misconduct be made by the Superintendent:

1. Robert Tomislav Zivkovic and RZ PREC committed professional misconduct within the meaning of section 35(1)(a) of the RESA in that, while licensed as managing broker of Associated Property Management (2001) Ltd. ("APM"), he:
 - a. Failed to act in accordance with the lawful instructions of the client and in their best interest when in or around April to June 2021, APM did not in a timely manner send meeting notices to committee members or owners of strata [Strata 1] located at [Property 1], [Property 2], [Property 3], and [Property 4], West Kelowna (the "Strata"), process cheques to pay outstanding invoices for the Strata, or send Annual General Meeting packages to the owners at the Strata, contrary to section 30(a) and (b) of the Real Estate Services Rules (the "Rules"), formerly 3-3(a) and (b); and
 - b. Was not actively engaged in the management of the brokerage, did not ensure that the business of the brokerage was carried out competently, and did not ensure that there was adequate supervision for employees who performed duties on behalf of the brokerage, contrary to section 28(1)(a)-(c) of the Rules, formerly section 3-1(1)(a)-(c), when he engaged in any or all of the conduct set out above in paragraph (a).

PROPOSED ORDERS

Based on the Facts herein and the Proposed Findings of Misconduct, R. Zivkovic on its on behalf and on behalf of RZ PREC propose 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. R. Zivkovic and RZ PREC be jointly and severally liable to pay a discipline penalty to BCFSA in the amount of \$6,500 within three (3) months from the date of this Order.
2. R. Zivkovic and RZ PREC be jointly and severally liable to pay an additional penalty to BCFSA equivalent to three months of fees paid by the Strata for property management services for April, May, and June 2021 in the amount of \$8,820, within three (3) months from the date of this Order.
3. If R. Zivkovic or RZ PREC fail to comply with any of the terms of this Order, the Superintendent may suspend or cancel their licences without further notice to them.

ACKNOWLEDGEMENTS AND WAIVER OF APPEAL RIGHT

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

“Original signed by Robert Zivkovic”

**ROBERT TOMISLAV ZIVKOVIC on their own behalf
and on behalf of ROBERT T. ZIVKOVIC PERSONAL
REAL ESTATE CORPORATION**

Dated 20 day of May, 2025