Citation: Applicant 25 (Re), 2025 BCSRE 52
Date: 2025-03-27
File # 24-5686

**BC FINANCIAL SERVICES AUTHORITY**

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

**AND**

**IN THE MATTER OF**

**[APPLICANT 25]**
**[(License number)]**

# NOTICE OF ADMINISTRATIVE PENALTY

## [This Notice has been redacted before publication.]

The Superintendent of Real Estate ("Superintendent") of the BC Financial Services Authority ("BCFSA") issues this Notice of Administrative Penalty ("Notice") pursuant to sections 57(1) and (3) of the *Real Estate Services Act*, SBC 2004, c 42 ("RESA").

**TAKE NOTICE** that the Superintendent is satisfied that you, [Applicant 25], have contravened one or more provisions designated as subject to administrative penalties under section 56(1)(a) of the RESA and section 26 of the *Real Estate Services Rules* ("Rules"), collectively, the "Designated Provisions".

**TAKE NOTICE** the Superintendent is imposing the following administrative penalties based on your having contravened the Designated Provisions:

1. RESA: Section 37(4); First contravention: Yes; Penalty: $1,000;

   **Details:** [Applicant 25] failed to provide the addresses at which he resided from January 2021 to present, despite a January 6, 2025 written demand for same in an Investigation Letter, and numerous written reminders since. In doing so, he withheld, concealed, or refused to provide information reasonably required for the purposes of an investigation.

2. RESA: Section 37(4); First contravention: Yes; Penalty: $1,000;

   **Details:** [Applicant 25] failed to provide a detailed statement of his involvement in regard to the matter under investigation, as set out in the January 6, 2025 Investigation Letter. The statement was first demanded on that date, and was not provided despite an extension. Further demands for this information, and further clarification in respect of same, were made by BCFSA investigators. However, the information remained outstanding at the time of a March 17, 2024 Non-Compliance Warning Letter, and remains outstanding. In failing to provide same, [Applicant 25] withheld,

concealed, or refused to provide information reasonably required for the purposes of an investigation.

3. RESA: Section 37(4); First contravention: Yes; Penalty: $1,000;

   **Details:** [Applicant 25] failed to attend a scheduled virtual interview with investigators by cancelling his attendance 50 minutes prior to the start of the agreed March 13, 2025 planned interview, citing illness. Although substantiation of said illness was requested, none was ever received. In failing to attend the March 13, 2025 interview, [Applicant 25] withheld, concealed, or refused to provide information reasonably required for the purposes of an investigation. [Applicant 25] failed to provide sufficient mitigating factors to excuse this failure, and failed also to provide medical substantiation of same.

4. RESA: Section 37(4); First contravention: Yes; Penalty: $1,000;

   **Details:** BCFSA was informed that [Applicant 25] travelled internationally for recreation on March 14, 2025, however only partial and inadequate substantiation of this travel was provided. In light of the circumstances surrounding the late hour cancellation of the March 13, 2025 interview, BCFSA set two alternate interview dates of March 18 and 20, 2025 and made accommodation to the existing virtual format to allow for convenient attendance. [Applicant 25] failed to attend a virtual interview on the alternate interview dates that were offered of March 18 and 20, 2025. [Applicant]'s legal counsel stated [Applicant 25] would not attend, as he was on vacation. In failing to attend the March 18 and 20, 2025 interview, [Applicant 25] withheld, concealed, or refused to provide information reasonably required for the purposes of an investigation. [Applicant 25] failed to provide sufficient mitigating factors to excuse this failure, and failed also to provide adequate travel itinerary substantiation of same.

5. RESA: Section 37(4); First contravention: Yes; Penalty: $1,000;

   **Details:** [Applicant 25] failed to provide the required substantiation for medical issues cited. Multiple attempts were made by BCFSA to have [Applicant 25] provide proof of a substantiated medical issue for his failure to attend the March 13, 2025 scheduled interview. However, the information remained outstanding at the time of March 17, 2024 Non-Compliance Warning Letter, and remains outstanding to the date of this report. In failing to provide same, [Applicant 25] withheld, concealed, or refused to provide information reasonably required for the purposes of an investigation.

**Total administrative penalties:** $5,000

**TAKE FURTHER NOTICE** you may respond to this Notice by requesting an opportunity to be heard as follows (a "Reconsideration Request"):

a. *Time limit:* You must deliver any Reconsideration Request so that BCFSA receives it within thirty (30) calendar days of the date you received this Notice (the "Response Deadline").
b. *Format:* A Reconsideration Request Form must be completed.
c. *Content:* A Reconsideration Request should explain how you exercised due diligence to prevent contravention of the Designated Provisions. You may also provide any other information you believe the Superintendent should consider.
d. *Delivery:* A Reconsideration Request may be delivered by email to apreconsiderations@bcfsa.ca and/or delivered to BCFSA's offices at 600 – 750 West Pender Street, Vancouver, BC V6C 2T8, Attention: Legal Services – Reconsiderations.

The date you received this Notice is the earliest date on which:

- the Superintendent personally served you with the Notice (s 57(3)(a) or (b) of the RESA);
- the Superintendent provided "substituted service" by a method provided for in a court order (s 12 of the RESA); or
- the Superintendent provided this Notice to Canada Post for delivery to your mailing address (ss. 18 and 19 of the Rules). This will normally also be the day it was emailed to you.

If BCFSA receives your Reconsideration Request by the Response Deadline, the Superintendent will consider your Reconsideration Request and may cancel or confirm each of the administrative penalties. If BCFSA confirms an administrative penalty, payment is due immediately.

**TAKE FURTHER NOTICE** if you fail to deliver a Reconsideration Request by the Response Deadline, you are deemed to acknowledge your having contravened the specified Designated Provisions (s 57(2)(d) of the RESA).

**TAKE FURTHER NOTICE** that unless you deliver a Reconsideration Request by the Response Deadline, you must pay the administrative penalties within thirty (30) calendar days of the date you received this Notice. The Reconsideration Request may be by email or otherwise in writing and should attach or include information respecting the due diligence exercised to avoid the contravention, any extenuating circumstances that prevented compliance, and any other information that you wish BCFSA to consider.

Dated this 27th day of March, 2025 at the City of Vancouver, British Columbia.

Superintendent of the BC Financial Services Authority

"Originally signed by RAHEEL HUMAYUN"

Per: Raheel Humayun
Delegate of the Superintendent of Real Estate
Province of British Columbia