

CITATION: Svrta (Re), 2025 BCSRE 129

Date: 2025-08-06

File # 19-465

**BC FINANCIAL SERVICES AUTHORITY**

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

**AND**

**IN THE MATTER OF**

**CANDICE MARIE SVRTA also known as CANDI DRATH  
(174082)**

**AND**

**CANDICE SVRTA PERSONAL REAL ESTATE CORPORATION  
(174082PC)**

**CONSENT ORDER**

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

RESPONDENTS: Candice Marie Svrta also known as Candi Drath, Trading Representative,  
Qualicum Realty Ltd dba RE/MAX Anchor Realty, while licensed with  
Pemberton Holmes Ltd (Bowser)

Candice Svrta Personal Real Estate Corporation

DATE OF CONSENT ORDER: August 6, 2025

COUNSEL: Simon Adams, Legal Counsel for BC Financial Services Authority  
Stefanie Gladders, Legal Counsel for the Respondents

**PROCEEDINGS:**

On August 6, 2025, the Superintendent of Real Estate (the "Superintendent"), or the Superintendent's authorized delegate, of BC Financial Services Authority ("BCFSA") accepted the Consent Order Proposal (the "Proposal") submitted by Candice Marie Svrta also known as Candi Drath, on their own behalf and on behalf of Candice Svrta Personal Real Estate Corporation.

**WHEREAS** the Proposal, a copy of which is attached hereto, has been executed by Candice Marie Svrtta also known as Candi Drath, on their own behalf and on behalf of Candice Svrtta Personal Real Estate Corporation.

**NOW THEREFORE**, having made the findings proposed in the attached Proposal, and in particular having found that Candice Marie Svrtta also known as Candi Drath and Candice Svrtta Personal Real Estate Corporation committed professional misconduct within the meaning of sections 35(1)(a) and/or (d) of the *Real Estate Services Act* ("RESA") and sections 30(a), 30(h), and 34 of the *Real Estate Services Rules* (the "Rules"), pursuant to section 43 of the RESA the Superintendent orders that:

1. Candice Marie Svrtta and Candice Svrtta Personal Real Estate Corporation jointly and severally pay a discipline penalty to BCFSa in the amount of \$20,000 within three (3) months from the date of this Order;
2. Candice Marie Svrtta, at their own expense, register for and successfully complete the Real Estate Trading Services Remedial Education Course as provided by the Sauder School of Business at the University of British Columbia within three (3) months from the date of this Order; and
3. Candice Marie Svrtta and Candice Svrtta Personal Real Estate Corporation jointly and severally pay enforcement expenses to BCFSa in the amount of \$1,500 within three (3) months from the date of this Order.

If Candice Marie Svrtta and/or Candice Svrtta 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 6<sup>th</sup> day of August, 2025 at the City of Victoria, British Columbia.

Superintendent of Real Estate

"Original signed by Jonathan Vandall"

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

Attch.

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**CANDICE MARIE SVRTA also known as CANDI DRATH  
(174082)**

**AND**

**CANDICE SVRTA PERSONAL REAL ESTATE CORPORATION  
(174082PC)**

**CONSENT ORDER PROPOSAL BY CANDICE MARIE SVRTA  
AND CANDICE SVRTA PERSONAL REAL ESTATE CORPORATION**

**BACKGROUND AND FACTS**

This Consent Order Proposal (the "Proposal") is made by Candice Marie Svrta also known as Candi Drath ("Candice Svrta") on their own behalf and on behalf of and Candice Svrta Personal Real Estate Corporation ("Svrta 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, Candice Svrta on their own behalf and on behalf of Svrta PREC and the Superintendent have agreed upon the following facts:

1. Candice Svrta (174082) has been licensed as a trading representative since June 7, 2016.
2. Svrta PREC (174082PC) became licensed on May 14, 2022, and remains licensed to date.
3. At all relevant times, Candice Svrta and Svrta PREC were licensed at Pemberton Holmes Ltd (Bowser).
4. This matter arises from a complaint received on September 27, 2019, made to the Real Estate Council of British Columbia ("RECBC"), predecessor of BCFSA, by [Client 1], the buyers of a property located at [Property 1], Qualicum Beach, BC [Redacted] (the "Property"), which was situated along the coast of Vancouver Island.
5. Candice Svrta and [Client 1] first met in June 2017 when [Client 1] visited the Qualicum Beach area. They were interested in buying oceanfront property with the potential to renovate or build.
6. In her dealings with [Client 1] in 2017, Candice Svrta discussed the caution needed when developing waterfront properties, as the land may be of archaeological significance and subject to

- more onerous than usual development or building permit requirements. Candice Svrtta advised them to consult with [Company 1], an archaeological consulting company whose office was located in the same building as Candice Svrtta's brokerage at the time, Pemberton Holmes Ltd (Bowser).
7. In April 2018, [Client 1] re-visited the Qualicum Beach area in search of a waterfront property. They advised Candice Svrtta that their maximum budget was \$645,000.
  8. Candice Svrtta showed [Client 1] six properties before they viewed the Property on June 18, 2018, and entered into a client relationship with her on the same day.
  9. [Client 1] advised Candice Svrtta that they intended to renovate the manufactured home that was on the Property.
  10. On July 26, 2018, Candice Svrtta prepared and presented a contract of purchase and sale ("CPS") with a purchase price of \$650,000 to the sellers of the Property, [Seller 1] (the "Sellers"), who were represented by [Licensee 1].
  11. Terms and conditions on the CPS did not include clauses related to the Property being on an archaeologically sensitive area.
  12. The Sellers' property disclosure statement for the Property dated June 10, 2018 had the form crossed out, with their comment of "We do not live here full time".
  13. On August 14, 2018, [Client 1] and the Sellers signed a CPS addendum, where [Client 1] removed all subject clauses, and all the parties agreed to reduce the price to \$645,000 due to septic inspection results.
  14. The sale of the Property completed on August 23, 2018.
  15. After the transaction for the Property completed, [Client 1] inquired with the Regional District of Nanaimo and discovered that the Property was on an archaeological site, which Candice Svrtta did not confirm with them prior to the closing of the sale of the Property.
  16. As a result, [Client 1] faced increased costs to alter the Property, including \$3,500 for a permit each time to excavate, and \$125 per hour each for an archaeologist and a First Nations representative to standby for the duration of an excavation.
  17. On July 2, 2020, [Client 1] commenced a civil action in the BC Supreme Court against Candice Svrtta and Pemberton Holmes Ltd (Bowser) claiming damages (the "Civil Action"). The Civil Action was resolved by a private settlement agreement in December 2023.
  18. On June 28, 2023, BCFSa Investigations confirmed with [Company 1] that they did not have any records of inquiries relating to the Property or [Client 1].
  19. On July 12, 2023, the Archaeology Branch at the Ministry of Forests, Land and Natural Resource Operations confirmed with BCFSa Investigation that the Property is on the archaeological site [site ID number redacted], and that "[site ID number] is protected under the *Heritage Conservation Act* and must not be damaged or altered without a Provincial heritage permit issued by the Archaeology Branch".
  20. A Notice of Discipline Hearing ("NODH") was issued to Candice Svrtta and Svrtta PREC on December 11, 2024. An amended NODH was issued on January 29, 2025 to amend the hearing dates.

21. Neither Candice Svrtá nor Svrtá PREC have a discipline history.

### **PROPOSED FINDINGS OF MISCONDUCT**

For the sole purposes of the Proposal and based on the Facts outlined herein, Candice Svrtá and Svrtá PREC propose the following findings of misconduct be made by the Superintendent:

1. Candice Svrtá and Svrtá PREC committed professional misconduct within the meaning of section 35(1)(a) and/or (d) of the RESA when while acting as buyer's agent licensed with Pemberton Holmes Ltd, they:
  - a. failed to take adequate or any steps to discover and disclose to their clients, [Client 1], that the property they were purchasing, located at [Property 1], Qualicum Beach, BC (the "Property"), was situated on an archaeological site protected under the *Heritage Conservation Act*, contrary to any or all of sections 30(a) [*duty to act in the best interests of the client*] (previously 3-3(a)), 30(h) [*duty to use reasonable efforts to discover relevant facts respecting real estate that the client is considering acquiring*] (previously 3-3(h)), and 34 [*duty to act honestly and with reasonable care and skill*] (previously 3-4) of the Rules.

### **PROPOSED ORDERS**

Based on the Facts herein and the Proposed Findings of Misconduct, Candice Svrtá and Svrtá 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. Candice Svrtá and Svrtá PREC be jointly and severally liable to pay a discipline penalty to BCFSA in the amount of \$20,000 within three (3) months from the date of this Order.
2. Candice Svrtá, at their own expense, register for and successfully complete the Real Estate Trading Services Remedial Education Course as provided by the Sauder School of Business at the University of British Columbia within three (3) months from the date of this Order.
3. Candice Svrtá and Svrtá PREC be jointly and severally liable to pay enforcement expenses to BCFSA in the amount of \$1,500 within three (3) months from the date of this Order.

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

1. Candice Svrtá and Svrtá 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. Candice Svrtá and Svrtá 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. Candice Svrtá and Svrtá 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. Candice Svrtá and Svrtá 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, Candice Svrtá and Svrtá PREC will not make any public statement(s) inconsistent with the Proposal and its contents. Nothing in this section is intended to restrict Candice Svrtá and Svrtá PREC from making full answer and defence to any civil or criminal proceeding(s).
  6. The Proposal and its contents are made by Candice Svrtá and Svrtá 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 Candice Svrtá and Svrtá PREC in any civil proceeding with respect to the matter.

"Original signed by Candice Svrtá"

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**CANDICE MARIE SVRTÁ also known as CANDI  
DRATH on their own behalf and on behalf of  
CANDICE SVRTÁ PERSONAL REAL ESTATE  
CORPORATION**

**Dated   5   day of August, 2025**