

**BC FINANCIAL SERVICES AUTHORITY**

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

**AND**

**IN THE MATTER OF**

**Gary Chan  
(180752)**

**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 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/Real Estate Services Regulation/Rule: Section 34; First contravention: Yes; Penalty: \$5,000;

**Details:** You failed to use reasonable care and skill when you became aware of the archaeological constraints to the property, but did not disclose it the buyer’s agent or the buyer even though you were made aware of the buyer’s intention to build a new home on the Property.

2. RESA/Real Estate Services Regulation/Rule: Section 41; First contravention: Yes; Penalty: \$1,000;

**Details:** You published a misleading real estate advertisement when you listed the Property and stated, “Builder and investor alert! It is a one-of-a-kind opportunity to own and build your dream home on the 9,240 sq ft RS5 zoned lot (66 x 140). Oil Tank Removal Certificate available upon accepted offer.” You became aware of the archeological constraints on the Property in June 2023, and failed to update the advertisement.

3. RESA/Real Estate Services Regulation/Rule: Section 34; First contravention: Yes; Penalty: \$5,000;

**Details:** You failed to provide the oil tank removal certificate in October 2023, when the offer was accepted and prior to conditions being removed. You also refused to provide the buyers agent and buyer a copy of the oil tank removal certificate when requested in June 2024, even though you had advertised you would provide it upon accepted offer. In so doing, you failed to use reasonable care and skill.

(Collectively the “Contraventions”).

**Total administrative penalties: \$11,000**

**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](mailto: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 28th day of October, 2025 at the City of Vancouver, British Columbia.

Superintendent of the BC Financial Services Authority

“Original signed by Raheel Humayun”

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