

**BC FINANCIAL SERVICES AUTHORITY**

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

**AND**

**IN THE MATTER OF**

**Terrance Gerald Mitterer  
(058996)**

**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. Rules: section 34; First contravention: Yes; Penalty: \$5,000, the below prescribed remedial course and the below prescribed licence conditions.**

**Details:** You failed to act with reasonable care and skill when, acting for one spouse in a marital breakdown, you re-listed a Vancouver property, (the “Property”) in a manner that was contrary to certain terms of your client’s Separation Agreement and Consent Order.

As early as June 2024, you were aware that your client’s ability to list and sell the Property was impacted by the Separation Agreement and prior to the co-listing in July 2024, you were informed of a Consent Order being filed in the Supreme Court. The terms of the Consent Order governing the sale of the Property were communicated to you, and you had a partial copy of the Consent Order that included relevant terms in respect of each party’s entitlement to retain their own agent and the two agents were to jointly list the Property for sale. This term was initially adhered to by all the parties. You were further aware that your client’s former spouse and their agent agreed to

cancel the existing co-listing on the basis that the Property would be re-listed with the same parties for a new price. On September 16, 2024, you instead re-listed the Property solely in you client's name as seller and your name as listing agent, rather than jointly listing the Property with the client's former spouse and their agent. You did so on the instructions of your client, who stated at that time their intention to seek the Court's approval to amend the Consent Order to remove the former spouse's signing authority for the sale of the Property. This should have further drawn your attention to the terms of the Consent Order in place at the time of the at-issue September 16, 2024, re-listing. While your client later sought and received a court order amending the Consent Order to remove the former spouse's signing authority, that order was granted on October 18, 2024, approximately one month after the re-listing occurred. You did not notify the former spouse nor their agent of the re-listing until there was an accepted offer.

Further, your actions lead to a remuneration dispute with the other agent, which further escalated the conflict between your client and their former spouse, and exposed your client to potential legal action for breaching the Separation Agreement and Consent Order.

(Collectively the "Contraventions")

**Total administrative penalties:**

- **\$5,000;**
- At your own expense, you are required to register 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 by July 31, 2026**. Completion of this course will not contribute to satisfying BCFSA's requirements for licence renewal; and
- Imposing the following **conditions on your licence**:
  1. Terrance (Terry) Mitterer ("MITTERER") will, on or before July 31, 2026, provide the BC Financial Services Authority with verification, satisfactory to the Superintendent, that MITTERER has completed the Real Estate Trading Services Remedial Education Course as provided by the Sauder School of Business at the University of British Columbia.
  2. After March 31, 2026, MITTERER may not renew, transfer or amend their licence until the Superintendent has been provided with satisfactory verification that MITTERER has completed Real Estate Trading Services Remedial Education Course as provided by the Sauder School of Business at the University of British Columbia.

**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 BCFSAs 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 BCFSAs 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 BCFSAs 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 BCFSAs to consider.

Dated this 19th day of January, 2026 at the City of Vancouver, British Columbia.

Superintendent of the BC Financial Services Authority

“Original signed by Raheel Humayun”

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