

CITATION: Fetterly (Re), 2026 BCRMB 5

Date: 2026-06-17

File # INV24.143.58309

BC FINANCIAL SERVICES AUTHORITY

**IN THE MATTER OF THE *MORTGAGE BROKERS ACT*,
RSBC 1996, c 313 as amended**

AND

IN THE MATTER OF

**ALAN JAMES FETTERLY
(502562)**

CONSENT ORDER

[This Consent Order has been redacted before publication.]

WHEREAS Alan James Fetterly, ("Mr. Fetterly") was at all material times registered as a submortgage broker under the *Mortgage Brokers Act*, RSBC 1996, c 313 (the "MBA");

AND WHEREAS the Registrar of Mortgage Brokers (the "Registrar") issued a Notice of Hearing to Mr. Fetterly on November 17, 2025 (the "Notice of Hearing");

AND WHEREAS the following agreement has been reached between Mr. Fetterly and the staff of the Registrar ("Staff");

AND WHEREAS the Registrar agrees to the following terms of a consent order:

I. FINDINGS

The Registrar makes the following findings against Mr. Fetterly, and Mr. Fetterly accepts the following findings made against him:

1. In his capacity as submortgage broker, Mr. Fetterly conducted mortgage business in British Columbia in a manner prejudicial to the public interest, contrary to section 8(1)(i) of the MBA, when with respect to one or more of the mortgage applications listed in Schedule "A" he failed to make proper disclosure to the lender under section 17.1 of the MBA in an Investor/Lender Information Statement Form 9 as follows:
 - a. in the [Borrower 1] Application:
 - i. the Form 9 was provided to the lenders after advancement of funds contrary to subsection 17.1(2) of the MBA;
 - ii. the Form 9 failed to disclose relevant information material to a decision to lend funds or the creditworthiness of the borrower, which information included the financial interest of a third party in the subject property;
 - b. in the [Borrower 2] Application, the Form 9 was provided to the lender after advancement of funds contrary to subsection 17.1(2) of the MBA;

- c. in the [Borrower 3] Application, the Form 9 was provided to the lender after advancement of funds contrary to subsection 17.1(2) of the MBA;
 2. In his capacity as submortgage broker, Mr. Fetterly conducted mortgage business in British Columbia in a manner prejudicial to the public interest, contrary to section 8(1)(i) of the MBA, when with respect to one or more of the mortgage applications listed in Schedule "A" he failed to make proper disclosure to the lender of an interest in trade in the transaction under section 17.4 of the MBA in a Conflict of Interest Disclosure Statement Form 10 as follows:
 - a. in the [Borrower 1] Application, the Form 10 was not provided to the lender within the time prescribed in the *Mortgage Broker Act Regulation* (the "Regulations");
 - b. in the [Borrower 2] Application, the Form 10 was not provided to the lender within the time prescribed by the Regulations;
 3. In his capacity as submortgage broker, Mr. Fetterly conducted mortgage business in British Columbia in a manner prejudicial to the public interest, contrary to section 8(1)(i) of the MBA, when with respect to one or more of the mortgage applications listed in Schedule "A" he failed to make proper disclosure of an interest in trade to the borrower in the transaction under section 17.3 of the MBA in a Conflict of Interest Disclosure Statement Form 10 as follows:
 - a. in the [Borrower 1] Application:
 - i. the Form 10 was not provided to the borrower within the time prescribed in the Regulations;
 - ii. the Form 10 failed to disclose that one of the co-lenders was a related party; and
 - b. in the [Borrower 3] Application, in circumstances where the lender was a related party, the Form 10 was not provided to the borrower within the time prescribed in the Regulations.

II. ORDERS AND PENALTY

Pursuant to sections 4, 6(9), and 8(1.1) of the MBA, Mr. Fetterly hereby consents to, and the Registrar hereby makes the following orders:

1. Mr. Fetterly shall pay an administrative penalty of \$20,000.00;
2. Mr. Fetterly shall pay partial investigation costs in the amount of \$8,370.38; and
3. All amounts are immediately due and payable, and all payments must be made by cheque, bank draft, or money order, payable to BC Financial Services Authority. This order may be filed with the court pursuant to the MBA, and steps to enforce this order may be taken if payment is not made in full within thirty (30) calendar days.

III. AGREED FACTS

As a basis for this Consent Order, Mr. Fetterly acknowledges the following facts as correct and makes the following admissions:

1. Mr. Fetterly became registered as a submortgage broker on June 20, 2017.
2. At all material times, Mr. Fetterly was registered as a submortgage broker with VERICO Compass Mortgage Group Corporation ("Verico").
3. This matter involves Mr. Fetterly's failure to make proper and/or timely disclosures to borrowers and lenders in respect of mortgage applications for three properties in 2022–2023.

The [Borrower 1] Application

4. In or about July 2022, registered submortgage broker [Borrower 1] (“WR”) and WR’s business associate JA entered into arrangement pursuant to which they agreed to purchase a property located at [Property 1], Kelowna BC as an investment property. Pursuant to their arrangement, WR obtained legal title while JA obtained beneficial ownership. WR as borrower secured three mortgages on the property.
5. Mr. Fetterly acted as submortgage broker for the third mortgage. One of the three co-lenders was related to Mr. Fetterly, giving rise to a conflict in interest. None of the co-lenders was a “sophisticated person” as defined in section 15 of the Regulations.
6. The mortgage was registered on March 24, 2023.
7. A Form 10 Conflict of Interest and Disclosure Statement was provided to the borrower on July 3, 2023, almost four months after funding. The Form 10 failed to disclose that one of the co-lenders was related to Mr. Fetterly. Mr. Fetterly says he had verbally advised the borrower of the relationship, but failed to document it on the Form 10 due to administrative oversight.
8. A Form 9 Lender Disclosure was provided to the lenders on July 11, 2023, almost four months after mortgage funding and registration. The Form 9 did not disclose JA’s interest in the property.
9. Mr. Fetterly told BCFSA that he was unaware of the nature and extent of JA’s beneficial ownership interest at the time the mortgage was arranged.

[Property 2]

10. Mr. Fetterly acted as submortgage broker in respect of a mortgage application for a property located at [Property 2], Lake Country, BC (“[Property 2]”).
11. The mortgage was registered on January 12, 2022.
12. A Form 10 Conflict of Interest and Disclosure Statement was provided to the lender on February 25, 2022, over one month after mortgage funding.
13. A Form 9 Lender Disclosure was provided to the lender on February 21, 2022, over one month after mortgage funding.

[Property 3]

14. Mr. Fetterly acted as sub mortgage broker in respect of a mortgage application for a property located at [Property 3], Kelowna, BC (the “Steele Property”).
15. The three co-lenders on the mortgage were related to Mr. Fetterly, giving rise to a conflict of interest. None of the co-lenders was a “sophisticated person” within the meaning in section 15 of the Regulations.
16. The mortgage was registered on December 21, 2023.
17. A Form 10 Conflict of Interest and Disclosure Statement disclosing the conflict of interest was provided to the borrowers on December 27, 2023 and January 1, 2024, which was after the borrower signed the mortgage commitment, and after mortgage funding.
18. A Form 9 Lender Disclosure was provided to the lenders on December 22, 20[2]3 and December 23, 2023, which was at least one day after funding.
19. The Form 10 Conflict of Interest and Disclosure Statement was provided to the lenders on January 2, 2024, which was 12 days after funding.

Additional Factors

20. Mr. Fetterly says that the forms were provided late due to administrative oversight.

21. None of the borrowers or lenders suffered any financial loss as a result of the late or incomplete disclosures.

22. Mr. Fetterly does not have prior discipline history with BCFSa.

IV. WAIVER

Mr. Fetterly waives his right to a hearing under sections 4 and 8 of the MBA and waives his right to appeal under section 9 of the MBA.

Approved as to form and content by:

“Original signed by Alan Fetterly”

_____ this 17 day of June, 2026.

Alan James Fetterly

“Original signed by Catherine Davies”

_____ this 17 day of June, 2026.

Catherine Davies

Senior Legal Counsel for the Staff of the Registrar of Mortgage Brokers

Issued this 17 day of June, 2026 at Victoria, British Columbia.

“Original signed by Jonathan Vandall”

Jonathan Vandall

Acting Registrar of Mortgage Brokers

Province of British Columbia

SCHEDULE "A"

Mortgage Application	Borrower(s)	Lender(s)	Property Address	Mortgage Application Date
"[Borrower 1] Application"	[Borrower 1]	[Lender 1]; [Lender 2]	[Property 1], Kelowna BC [redacted]	March 6, 2023
"[Borrower 2] Application"	[Borrower 2]	[Lender 1]	[Property 2], Lake Country, BC [redacted]	December 22, 2021
"[Borrower 3] Application"	[Borrower A] [Borrower B]	[Lender 3]; [Lender 2]; [Lender 4]	[Property 3], Kelowna, BC, [redacted]	December 12, 2023