

BC FINANCIAL SERVICES AUTHORITY

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

AND

IN THE MATTER OF

**FABIAN SAUL DIAZ DE LEON
(164085)**

FIRST AMENDED NOTICE OF DISCIPLINE HEARING

[This Notice has been redacted before publication.]

To: Fabian Saul Diaz de Leon
c/o Century 21 Coastal Realty Ltd
105 - 7928 128 Street
Surrey, BC V3W 4E8

TAKE NOTICE that the Superintendent of Real Estate (the "Superintendent") of BC Financial Services Authority ("BCFSA") will hold a discipline hearing under Part 4 of the *Real Estate Services Act* ("RESA") on **October 14-16, 2026 commencing at 9:30 am** in the virtual Hearing Room at BCFSA's offices located at **600 – 750 West Pender Street, Vancouver, British Columbia** to determine whether your conduct contravened the RESA, the *Real Estate Services Regulation* (the "Regulation"), or the *Real Estate Services Rules* (the "Rules").

AND TAKE NOTICE that the allegations against you are as follows:

1. In or around July 2018 to February 2019, Fabian Saul Diaz de Leon committed professional misconduct within the meaning of section 35(1) and/or conduct unbecoming within the meaning of section 35(2) of the RESA in relation to the sale and assignment of [Property 1] and [Property 2], Kent, BC (the "[Property 1]" and "[Property 2]") in that:
 - a. Fabian Saul Diaz de Leon accepted, directly or indirectly, a total of \$692,500 in remuneration in relation to real estate services for [Property 1] and [Property 2] from [Company 1], an entity that was not the brokerage with which he was licensed, contrary to section 7(3)(b) of the RESA;
 - b. Fabian Saul Diaz de Leon failed to promptly deliver the \$692,500 remuneration that he received from [Company 1] to the brokerage at which he was licensed, contrary to section 27(1) of the RESA and/or section 3-5 [currently, section 34] of the Rules;
 - c. Fabian Saul Diaz de Leon failed to promptly disclose in writing and in the prescribed form to his seller clients, [Seller 1] and/or [Seller 2], that he would receive remuneration from a person other than his client for the real estate services that he provided for [Property 1] and [Property 2], contrary to section 5-8 [currently section 52(1)], and/or section 5-11(2) [currently section 56(2)] and/or section 3-5 [currently, section 34] of the Rules;

- d. Fabian Saul Diaz de Leon allowed remuneration related to real estate services to be paid to an unlicensed person without being otherwise exempt when he requested [Individual 1] pay remuneration to [Company 2], an unlicensed entity, for the real estate trading services he provided for [Property 1] and [Property 2], contrary to section 6-1(1) [currently section 66(1)] and/or section 3-5 [currently, section 34] of the Rules;
- e. Fabian Saul Diaz de Leon entered into an agreement and/or retained remuneration calculated on a basis prohibited by the Rules when he obtained remuneration based on the difference between the price set out under the contracts of purchase and sale for [Property 1] and [Property 2] and the price for which they were assigned, contrary to section 5-14(1) [currently section 60(1)] and/or section 5-14(2) [currently section 60(2)] and/or section 3-5 [currently, section 34] of the Rules;
- f. Fabian Saul Diaz de Leon failed to enter into a written service agreement with sellers [Seller 1] and [Seller 2] prior to offering [Property 1] and [Property 2] for sale, contrary to section 5-1(2)(a) [currently section 43(2)] and/or section 3-5 [currently, section 34] of the Rules;
- g. Fabian Saul Diaz de Leon failed to maintain the confidentiality of information respecting his seller client, [Seller 1], when he provided correspondence from his client's lawyer, which included legal advice, to [Individual 1], the buyer's licensed real estate representative and a director of [Company 3], the buyer, contrary to section 3-3(e) [currently section 30(e)] and/or section 3-3(a) [currently, section 30(a)] and/or section 3-5 [currently, section 34] of the Rules; and
- h. Fabian Saul Diaz de Leon failed to take reasonable steps to avoid a conflict of interest when representing the sellers, [Seller 1] and [Seller 2], when he agreed to receive remuneration from [Individual 1], the real estate representative for the buyer and the sole director of the buyer, [Company 3], contrary to section 3-3(i) [currently section 30(i)] and/or section 3-3(a) [currently, section 30(a)] and/or section 3-5 [currently, section 34] of the Rules.

AND FURTHER TAKE NOTICE that if the Superintendent finds you committed professional misconduct, the Superintendent must make an order against you, and may also order you to pay enforcement expenses incurred by BCFSa, under sections 43 and 44 of the RESA.

AND FURTHER TAKE NOTICE that if you do not attend the discipline hearing, the Superintendent may proceed with the discipline hearing in your absence and may make findings and orders under sections 43 and 44 of the RESA without further notice to you.

AND FURTHER TAKE NOTICE that you are entitled, at your own expense, to be represented by legal counsel and to participate in the discipline hearing.

Dated this 17th 14th day of August July, 2026 at the City of Victoria, British Columbia.

Superintendent of Real Estate

"Original signed by Chris Biscoe"

Chris Biscoe
 Delegate of the Superintendent of Real Estate
 Province of British Columbia