

Report from Council

Sale of New or Used Manufactured Homes

Licensees should be aware that all manufactured homes for sale in BC, new or used, are required to show evidence of approval, as required by section 21 of the Electrical Safety Regulation, a Regulation of the *Safety Standards Act* which provides:

21. (1) *Subject to subsections (3) and (4), a person must not use electrical equipment in British Columbia, or offer for sale, sell, display or otherwise dispose of electrical equipment for use in British Columbia, unless the electrical equipment displays a label or mark as follows:*

(d) in the case of used manufactured homes, used factory-built structures and used recreational vehicles, a label supplied by the appropriate provincial safety manager.

A safety manager is defined in the *Safety Standards Act* as being a provincial safety manager or a local safety manager. Sections 12(1) and 12(2) of the *Safety Standards Act* provide that safety managers are appointed by the Minister to administer the Act and regulations.

It is important for licensees to note that even offering an unapproved manufactured home for sale is a contravention of the Electrical Safety Regulation. Licensees should, therefore, take care to ensure that, in transactions involving manufactured homes, the home displays the required label.

New Manufactured Homes

1. New manufactured homes must conform to CSA testing and certification standards and are required to show evidence of conforming to the applicable standard.
2. When a new manufactured home is missing the approval mark, the owner or seller of that unit must apply to the certification agency for special acceptance and labeling. Applications for BC Safety Authority approval of new commercially produced manufactured homes will not be accepted.

Used Manufactured Homes

3. Used manufactured homes (whether de-registered or not) may only be offered for sale in the Province of British Columbia without re-inspection provided that they bear an approval mark (CSA or Silver Sticker from an approved source—see www.safety-authority.ca) and that the wiring has not been altered. Additional wiring done under permit does not invalidate the original label. When the electrical wiring has been altered without a permit, the manufactured home must be inspected and a new approval label applied.
4. Alternate documentation, indicating that the unit was originally approved, cannot be accepted in place of an approval label. However, if original documentation exists, and there have



been no unpermitted modifications to the unit, then an approval label may be applied by a Safety Officer.

5. For BC Safety Authority approval, a licensed electrical contractor must:
- Obtain an installation permit;
 - Complete FRM-1143 Used Manufactured Home Inspection Report form. [www.safetyauthority.ca/sites/default/files/Used%20Mobile%20Home%20Inspection%20Report%20\(FRM-1143-01\).pdf](http://www.safetyauthority.ca/sites/default/files/Used%20Mobile%20Home%20Inspection%20Report%20(FRM-1143-01).pdf) Submit this form if requested by a Safety Officer;

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Office Closures

The Council office will be closed on **Monday, May 23, 2011** for Victoria Day.

This Issue:



- Sale of New or Used Manufactured Homes
- Licensees Must Not Provide Real Estate Services Separate From Their Brokerage

- BC Ombudsperson Supports the Council's Strata Complaint Investigation Policy
- The Consequences of Discipline for Professional Misconduct

- Notice of Licensee Resignations
- Disciplinary Decisions

A Note from the Chair



Gerry Martin,
Chair

The lead article of this newsletter contains an important reminder about electrical certification requirements for manufactured homes. Licensees that engage in the sale of new or used manufactured homes should familiarize themselves with this information and be aware that offering an unapproved manufactured home for sale is a contravention of the B.C. Electrical Safety Regulation.

The Council continues to receive complaints about licensees providing rental property or strata management services independent of their related brokerage. As noted in the article on page 3 of this newsletter, licensees cannot provide rental or strata management services “on the side” as a favour or through a company they have set up “on the side.” Licensees must conduct all real estate services through their related brokerage office.

Last year, the Council reprinted the 7th Edition of the *Licensee Practice Manual*, which is now known as the *Professional Standards Manual*. In an effort to go green, the Council decided to not provide every licensee with a printed copy, but instead posted the *Professional Standards*

Manual on its website at www.recbc.ca. The Council then provided all managing brokers with a printed copy of the *Professional Standards Manual* and indicated that they could order manuals for those licensees in their brokerages who wanted a printed copy. The online version of the *Professional Standards Manual* is continually being updated and I encourage all licensees to utilize this tool as the primary source of information.

I also want to remind licensees that the election of Council members occurs in May. In areas where there is a Council member election, licensees will receive candidate bios and voting papers for candidates for their area, as well as for the provincial rental property management/strata management member. I encourage licensees to cast their vote and ensure that it arrives at the Council office on or before May 10, 2011.

As we enter the second quarter of 2011, on behalf of the Council, I wish you all the best for a busy and productive spring.

On behalf of the Council,

Gerry Martin
Chair

Sale of New or Used Manufactured Homes, cont'd

Continued from Page 1

- Check any additional wiring added without permit, and check any structural additions added to the manufactured home for additional wiring. These additional checks are to be noted on the declaration form;
- Complete any repairs required and note on the declaration form; and
- Submit an FRM-0206-07 Electrical Contractor Authorization and Declaration Form www.safetyauthority.ca/sites/default/files/Electrical_Contractor_Authorization_and_Declaration_of_Compliance_Electrical_

Inspection_Request_FRM-0206-07.pdf confirming that the installation complies with this directive, and add any notes required by this directive.

6. Upon acceptance, the BC Safety Authority label will be applied to the electrical panel cover.

Questions regarding electrical approval of manufactured homes can be directed to the BC Safety Authority at 778-396-2089, toll-free 1-866-566-7233 or on their website at www.safetyauthority.ca. ■

900-750 West Pender Street
Vancouver, BC, Canada V6C 2T8
Tel 604-683-9664
Toll-free 1-877-683-9664
Fax 604-683-9017
info@recbc.ca
www.recbc.ca

Office Hours:
Monday-Friday 8:30am-4:30pm

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STATISTICS

April 2011

Representatives: 17,348
Associate Brokers: 1,748
Managing Brokers: 1,342
Total Licensees: 20,438
Brokerages (including branch offices and sole proprietors): 1,437

Role of the Council

The Real Estate Council is a regulatory agency established by the provincial government. Its mandate is to protect the public interest by enforcing the licensing and licensee conduct requirements of the *Real Estate Services Act*. The Council is responsible for licensing individuals and brokerages engaged in real estate sales, rental and strata property management. The Council also enforces entry qualifications, investigates complaints against licensees and imposes disciplinary sanctions under the Act.

Report from Council

The *Report from Council* newsletter is published six times per year. Past issues can be found at www.recbc.ca.

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Real Estate Council of BC
900-750 West Pender Street
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Licenses Must Not Provide Real Estate Services Separate From Their Brokerage

The Council is aware that some licensees who hold a licence to provide two or more services (e.g. trading services and rental property management services) mistakenly believe that they may provide rental management services (or strata management services, as the case may be) independent of their related brokerage.

In addition, some licensees mistakenly believe that, because they hold a higher level of licence (i.e. associate broker or managing broker level), they may provide real estate services outside of their related brokerage.

The Council reminds all licensees that section 7(3) of the *Real Estate Services Act* states that:

(3) *A managing broker, associate broker or representative*

(a) must not provide real estate services other than on behalf of the brokerage in relation to which they are licensed, and

(b) is not entitled to and must not accept remuneration in relation to real estate services from any person other than the brokerage in relation to which they are licensed.



Licenses with questions can contact the Council office at 604-683-9664, toll-free 1-877-683-9664 or email info@recbc.ca. ■

BC Ombudsperson Supports the Council's Strata Complaint Investigation Policy

The Office of the Ombudsperson has upheld the Council's decision not to investigate an individual strata owner's complaint relating to the strata manager of his strata building. The Council's right to conduct an investigation to determine whether a licensee may have committed professional misconduct or conduct unbecoming a licensee is discretionary. In cases involving the provision of strata management services, the Council will usually require complaints regarding licensed strata managers to be submitted by strata councils, not individual strata lot owners.

The role of the Office of the Ombudsperson is to impartially investigate complaints to determine whether public agencies, such as the Council, have acted fairly and reasonably, and whether their actions and decisions were consistent with relevant legislation, policies and procedures. In a matter that was recently

reviewed by the Office of the Ombudsperson, an individual strata lot owner had complained that the Council had acted unfairly by refusing to investigate his complaint about the strata manager of his strata building.

The Office of the Ombudsperson determined that section 37 of the *Real Estate Services Act* (RESA) gives the Council some discretion as to what complaints it will investigate. Further, it noted that the rationale behind the Council's strata complaint investigation policy is that the strata manager is engaged by the strata council, not an individual strata lot owner. In finding that a strata manager's duties are, in large part, determined by his or her contract for services with the strata council, the case summary prepared by the Office of the Ombudsperson stated in part, "The strata manager owes his or her duty primarily to the strata council and it

is the strata council that is in the best position to complain about a licensee strata manager."

This policy does not restrict the Council's discretion to investigate a strata manager, where appropriate, without a strata council's authority. This could be, for example, where a number of individual strata lot owners complain about a licensee, calling into question that licensee's competency, or where a complaint alleges a serious infraction of RESA, such as misappropriation of funds.

For the foregoing reasons, the Office of the Ombudsperson found the Council's policy was in compliance with RESA and the Council's duties under RESA, and that the policy did not unfairly restrict the Council's powers of investigation in matters that concerned the public interest. (*Office of the Ombudsperson File #09-96808/001*) ■

Email Address Changed? Please keep the Council updated

Licenses are reminded to update the Council of any changes to their email address. Licensees can send email address changes to the Council at info@recbc.ca. ■

The Consequences of Discipline for Professional Misconduct



Licensees may recall that the February 2011 *Report from Council* newsletter offered some advice on how to avoid complaints and a Council investigation. In this issue, the Council's hearing process and the consequences that may result will be discussed. Both the process and the consequences can be onerous to a licensee. Any licensee who has faced Council discipline would be unlikely to describe the process, the costs and the consequences to their wallets, productivity and reputation as a mere "slap on the wrist." The discipline applied in each instance varies depending on the seriousness of a licensee's misconduct, the degree of public harm or risk that resulted and precedence established in similar cases that have gone before.

The Hearing Process

When a discipline hearing has been ordered by a Complaints Committee, the licensees involved will typically be advised of the order within a week of the Committee's decision. Licensees are cautioned that a discipline hearing is a very serious process and advised that they may be represented by a lawyer if they so desire.

Notice of Discipline Hearing

Some weeks after being notified that a discipline hearing has been ordered against them, the licensee will receive a formal Notice of Discipline Hearing. In the Notice, the licensee is advised of the specific contraventions against them and the date(s) set down for the hearing. The licensee is also advised that section 41 of the *Real Estate Services Act* permits the licensee to make a written proposal to the Council to enter into a Consent Order as an alternative to a hearing.

Consent Order

Most of the matters ordered to a hearing at the Council are eventually resolved by the licensee entering into a Consent Order that sets out an Agreed Statement of Facts and the discipline, fines and/or enforcement expenses ordered against the licensee. A Consent Order provides for a licensee to face the same level of sanction (discipline, enforcement expenses and fines) for professional misconduct as they would if they had attended a hearing and the same results were found. The Consent

Order process eliminates the necessity of calling witnesses and licensees to give evidence and be subject to cross examination, saving time and the potential legal and hearing costs to be borne by a licensee.

Hearing

As noted earlier, a discipline hearing is a very formal process where evidence is given under oath or by affirmation before a Discipline Committee, typically made up of three members of the Council. The Council is represented by its legal counsel and the licensee may be represented by their own legal counsel, at their own expense. Witnesses, including complainants and others who have knowledge of the matter, are called to give evidence. The proceedings are recorded by a court reporter. A hearing may be concluded in a day or run for a number of days, depending on the number of witnesses and the complexity of the matter. Naturally, the longer the hearing, the higher the costs. Once the hearing is concluded, the Discipline Committee deliberates and makes its decision. A written Decision is usually communicated within 30 days to the licensees and the complainant.

Consequences

If a licensee is found to have committed professional misconduct, a number of different sanctions may be ordered against them, including reprimands, licence suspensions or cancellations, fines, licence restrictions, remedial education, enforcement expenses and hearing costs. For complaints received after July 1, 2011, enforcement expenses will increase from \$1000 to \$1250. A three member Discipline Committee costs \$2500 a day, with other variable expenses for witnesses and expert witnesses also potentially being borne by the licensee. Fines may be up to \$10,000 for an individual licensee and \$20,000 for a brokerage. As most licensees are aware, all discipline findings, whether arrived at through a Consent Order or hearing, are summarized and published in the *Report from Council* newsletter and on the Council's website.

Suspensions

A licence suspension can be for any length of time; however, the absolute cessation of all licensed real estate activity during the

suspension period is required regardless of the length of the suspension. This requires that all of a licensee's advertising and promotions must cease whether in print, on the licensee's or their brokerage's websites or social media sites, buses, bus benches/shelters, the licensee's car and for sale and sold signage. This list is not exhaustive, and complying with this can be very onerous. Further, the licensee's listings and clients must be assigned to another licensee and the licensee may no longer communicate with their clients or any other consumer, about any activity that falls within the very broad definition of real estate services.

Licensees who are suspended are subject to a Council suspension audit that searches out any real estate activity, including advertising that occurred during a suspension period which could result in further sanctions against the licensee. As such, licensees must apply diligence in ensuring that they comply fully with the terms of the suspension, including the cessation of all licensed activity and satisfying any enforcement expenses, fines, restrictions or remedial educational requirements.

Remedial Education

Since January 1, 2010, the Remedial Education Course that may form part of the discipline ordered against a licensee has been delivered online, on behalf of the Council, by the Real Estate Division of the UBC Sauder School of Business at a price of \$250. The course consists of readings and assignments based on the current licensing course with the course topics also addressed in on-line audio and slide presentations. The course is comprised of six lessons, all of which, if ordered, must be completed. Topics addressed include:

- The *Real Estate Services Act*
- Professional Liability of Real Estate Licensees
- Professional Ethics
- Law of Contracts
- Law of Agency
- Complaints: How and Why to Avoid Them

Licensees with questions can contact the Council office at 604-683-9664, toll-free 1-877-683-9664 or email info@recbc.ca. ■

Notice of Licensee Resignations

Engbert (Bert) Brongers

Engbert (Bert) Brongers, while licensed with Downtown Realty Ltd. dba Royal LePage Downtown Realty, Vernon, but unlicensed since July 6, 2009, requested the Real Estate Council of British Columbia to discontinue disciplinary proceedings against him as he has decided to permanently retire from real estate practice. Mr. Brongers was facing a disciplinary hearing into his professional conduct and would have been required to appear before a hearing panel of the Real Estate Council to respond to these allegations.

Considering the fact that there is likely

no greater disciplinary penalty than not being licensed to act again, the Real Estate Council agreed with Mr. Brongers' request and the lifetime ban on Mr. Brongers' licensing under the *Real Estate Services Act* is effective as of January 18, 2011.

Erin Elizabeth Thompson

Erin Elizabeth Thompson, while licensed with Century 21 Riverside Realty 2008 Inc. dba Century 21 Riverside Realty, Kamloops, but unlicensed since January 4, 2010, requested the Real Estate Council of British Columbia to discontinue

disciplinary proceedings against her as she has decided to permanently retire from real estate practice. Ms. Thompson was facing a disciplinary hearing into her professional conduct and would have been required to appear before a hearing panel of the Real Estate Council to respond to these allegations.

Considering the fact that there is likely no greater disciplinary penalty than not being licensed to act again, the Real Estate Council agreed with Ms. Thompson's request and the lifetime ban on Ms. Thompson's licensing under the *Real Estate Services Act* is effective as of March 8, 2011.

Disciplinary Decisions

Since the February 2011 *Report from Council* newsletter, the following actions have been taken as a result of disciplinary hearings and Consent Orders conducted by the Council.

Trading Services

Jasbir Singh Banwait

ISSUE: Jasbir Singh Banwait, representative, Lighthouse Realty Ltd., Abbotsford, entered into a Consent Order with the Council in which he consented to an Order that he committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* in that he, in relation to the Contract of Purchase and Sale dated March 6, 2006 between five sellers and a limited company: (a) failed to sufficiently clarify the change in the agency relationship upon the entering into the fee agreement after acting as a limited dual agent pursuant to the Limited Dual Agency Agreement, contrary to section 5-8(2) and 5-10(a)(i) and (iii) of the Council Rules; (b) failed to promptly disclose to the sellers that the first buyer was unable to fulfill the terms of the contract when it failed to provide the deposit as

required, contrary to section 3-3(1)(f) of the Council Rules; (c) failed to ensure that the Disclosure of Interest in Trade was signed by all of the sellers, contrary to sections 5-2 and 5-9 of the Council Rules; (d) failed to keep his managing broker advised of the real estate services that he was providing, contrary to section 3-2(2)(a) of the Council Rules; (e) failed to ensure that the seller sought independent representation or legal advice when he had his clients sign a fee agreement which purported to change the agency relationship from a limited dual agency relationship to no agency, contrary to section 3-4 of the Council Rules; (f) failed to apply reasonable care and skill including, but not limited to, failure to add a clause to the contract making it subject to probate of the estate of one of the sellers, and failed to ensure that all of the sellers consented to an executed extension in the Contract of Purchase and Sale, contrary to section 3-4 of the Council Rules; (g) failed to ensure that, where the licensee held the funds and the deposit was to be paid directly to the sellers, there was executed written agreements separate from any agreement giving effect to the trade in real estate, contrary to section 27(4) of the *Real Estate Services Act*; and

(h) conducted trading services outside of his brokerage in that he did not turn the assignment agreement into the brokerage, contrary to section 7(3)(a) of the *Real Estate Services Act*.

RESULT: Jasbir Singh Banwait was suspended for forty-five (45) days from April 6, 2011 to May 20, 2011 (inclusive), and was ordered to successfully complete the Trading Services Remedial Education Course and pay enforcement expenses to the Council in the amount of \$1,000.00.

Shaminder Singh Mallhi

ISSUE: Shaminder Singh Mallhi, representative, Lighthouse Realty Ltd., Abbotsford, entered into a Consent Order with the Council in which he consented to an Order that he committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* in that he, in relation to the Contract of Purchase and Sale between five sellers and a limited company (and in relation to a subsequent assignment of the contract to a company of which the licensee was a director): (a) failed to ensure

Disciplinary Decisions, *cont'd*

that the Disclosure of Interest in Trade was signed by all of the sellers and a Disclosure of Interest in Trade was provided to the first buyer, contrary to sections 5-2 and 5-9 of the Council Rules; (b) failed to keep his managing broker advised of the real estate services that he was providing, contrary to section 3-2(2)(a) of the Council Rules; and (c) conducted trading services outside of his brokerage in that he did not turn the assignment agreement in to the brokerage, contrary to section 7(3)(a) of the *Real Estate Services Act*.

RESULT: Shaminder Singh Mallhi was suspended for seven (7) days from March 16, 2011 to March 22, 2011 (inclusive), and was ordered to successfully complete the Trading Services Remedial Education Course and pay enforcement expenses to the Council in the amount of \$1,000.00.

Amarjit Singh Badesha

ISSUE: Amarjit Singh Badesha, representative, Royal Pro Real Estate Network Inc., Surrey, entered into a Consent Order with the Council in which he consented to an Order that, while licensed with Lighthouse Realty Ltd., Abbotsford, he committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* in that he failed to prepare a Disclosure of Interest in Trade when he was added as a director of the corporate assignee, contrary to section 5-9 of the Council Rules.

RESULT: Amarjit Singh Badesha was reprimanded, and was ordered to successfully complete the Trading Services Remedial Education Course and pay enforcement expenses to the Council in the amount of \$1,000.00.

Carole Ann Bawlf

ISSUE: Carole Ann Bawlf, representative, D.F.H. Real Estate Ltd. (Sid), Sidney, entered into a Consent Order with the Council in which she consented to an Order that she committed professional misconduct within the

meaning of section 35(1)(a) and (d) of the *Real Estate Services Act* in that she: (a) failed to apply reasonable care and skill in drafting the letter whereby the buyer authorized Ms. Bawlf “to sign on her behalf on small changes to a Contract of Purchase and Sale” and she failed to include the property address and time frame for which this authority was granted, contrary to sections 5-3(1) and 3-4 of the Council Rules; (b) signed on behalf of the buyer without the buyer’s authorization or consent and, without restricting the generality of the foregoing, in that the signature on the “letter of authorization” was not the buyer’s, contrary to sections 5-1(1) and 3-4 of the Council Rules; (c) failed to act in the best interest of the buyer and acted outside of the scope of her authority in that she signed on behalf of the buyer to remove all subjects for the purchase of the property which is not a “small change” to a Contract of Purchase and Sale, contrary to sections 3-3(1)(a), (b), (c) and (f), 3-4 and 5-3(1) of the Council Rules; (d) failed to use reasonable efforts to discover relevant facts respecting the property, contrary to sections 3-3(1)(a) and (h) and 3-4 of the Council Rules; (e) failed to disclose information and/or provide copies of all relevant documents to the buyer so that the buyer would be aware of all material information regarding the property, contrary to sections 3-3(1)(a) and (f) and 3-4 of the Council Rules; and (f) failed to secure a separate written agreement that the deposit money would be paid to a party other than the trust account of the brokerage in that, with respect to the Contract of Purchase and Sale dated September 2, 2008, the deposit of \$3,000.00 was to be paid directly to the seller and the receipt indicated that this deposit was provided to the seller by Ms. Bawlf on behalf of the buyer, contrary to section 27(4) of the *Real Estate Services Act*.

RESULT: Carole Ann Bawlf was suspended for thirty (30) days from April 13, 2011 to May 12, 2011 (inclusive), and was ordered to successfully complete the Trading Services Remedial Education Course and pay enforcement expenses to the Council in the amount of \$1,000.00.

Dale Richard Shortt

ISSUE: Dale Richard Shortt, representative, Ocean Pointe Realty Ltd. (Ldy) dba Re/Max Ocean Pointe Realty (Ldy), Ladysmith, entered into a Consent Order with the Council in which he consented to an Order that, while licensed with Nanaimo Realty Co. Ltd. dba Royal LePage Nanaimo Realty, Nanaimo, he committed professional misconduct within the meaning of section 35(1)(a) and 35(1)(d) of the *Real Estate Services Act* in relation to the listing and purported sale by JSM and AKM (“seller”) to BM (“buyer”) of lot 1 of a proposed 34 lot subdivision on Douglas Avenue, Nanaimo, B.C. by way of a March 29, 2006 option to purchase (“contract”) in that he: (a) accepted remuneration of \$7,000.00 in relation to real estate services directly from the seller, by way of a cheque dated May 4, 2006, contrary to section 7(3)(b) of the *Real Estate Services Act* and section 5-15 of the Council Rules, and failed to pay or deliver the said sum to the brokerage in accordance with section 27(1) of the *Real Estate Services Act*; (b) failed to draft the contract with reasonable care and skill, in accordance with sections 3-3(1)(a) and 3-4 of the Council Rules, including: (i) failed to ensure the contract fully clarified all terms and conditions, including failing to ensure the seller as defined in the contract included AKM as one of the registered owners, the manner in which option to purchase would be registered especially when the subdivision plan was not yet registered; the rights of the parties should the buyer elect not to exercise the option; the end date when the seller would have the subdivision registered; and the manner in which the deposit of \$12,000.00 would be treated if the seller was unable to effect subdivision; (ii) drafted a May 3, 2006 addendum in which the \$12,000.00 held by his brokerage as stakeholder and the \$1,000.00 on account of rent, both held in his brokerage trust account were to be paid to JSM instead of JSM and AKM, and purportedly witnessed the signature of AKM to the May 3, 2006 addendum when JSM signed her name in a representative capacity; (iii) failed to obtain a copy of the Power of Attorney to which AKM purported to authorize JSM to act

Disciplinary Decisions, *cont'd*

on her behalf; and (iv) failed to ensure the parties were aware that section 18 of the *Real Estate Development Marketing Act* provides that the deposit cannot be held by the seller/developer; it must be held by a trustee as therein defined, and cannot be used for the seller's own purposes, including payment of remuneration or other expenses.

RESULT: Dale Richard Shortt was suspended for seven (7) days from April 13, 2011 to April 19, 2011 (inclusive), and was ordered to pay a discipline penalty to the Council in the amount of \$5,000.00, successfully complete the Trading Services Remedial Education Course, and pay enforcement expenses to the Council in the amount of \$1,000.00.

William Frank Saniuk

ISSUE: William Frank Saniuk, managing broker, Four Sails Realty Inc., West Vancouver, was found by a Discipline Hearing Committee to have committed professional misconduct within the meaning of section 35(1)(a) and 35(1)(d) of the *Real Estate Services Act* in that he: (a) added an extension of the expiry date on a listing agreement form dated November 1, 2008 without the consent of the sellers; (b) failed to obtain one of the seller's initials on the change in the expiration date on the listing amendment form dated November 1, 2008; (c) processed a listing amendment form dated January 26, 2009 which provided for a further extension of the expiry date on the listing agreement without first obtaining written authorization from all of the sellers of the property; (d) failed to promptly clarify the agency relationship he had with both of the sellers during and after January 2009, subsequent to one of the sellers indicating she wished to work with another agent; and (e) failed to deliver a copy of the listing amendment form dated January 26, 2009 to both of the sellers immediately after it was executed.

RESULT: William Frank Saniuk was suspended for seven (7) days from February 16, 2011 to February 22, 2011 (inclusive) for professional misconduct. Further, William Frank Saniuk was ordered to

successfully complete the Trading Services Remedial Education Course and Unit 1 "Agency Disclosure, Privacy and Code of Ethics" of the BCREA Trading Services Applied Practice Course, and pay enforcement expenses to the Council in the amount of \$1,000.00.

Jack Carr Potts

ISSUE: Jack Carr Potts, associate broker, Best-West Realty Ltd., Kamloops, entered into a Consent Order with the Council in which he consented to an Order that, while licensed as a managing broker with Century 21 Riverside Realty 2008 Inc. dba Century 21 Riverside Realty, Kamloops, he committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* in that he: (a) failed to disclose to the client all known material information, in that he failed to disclose to the seller the existence of an offer, contrary to section 3-3(1)(f) of the Council Rules; (b) failed to communicate all offers to the client in a timely, objective and unbiased manner, in that he failed to communicate the offer to the seller, contrary to section 3-3(1)(g) of the Council Rules; and (c) failed to act with reasonable care and skill in that he told a licensee for a prospective buyer that he would not present the offer until the owners of the property, one of which was his client, had concluded a potential settlement, without having the authorization to do so from the seller, contrary to section 3-4 of the Council Rules.

RESULT: Jack Carr Potts was suspended for seven (7) days from February 16, 2011 to February 22, 2011 (inclusive), and was ordered to successfully complete the Trading Services Remedial Education Course and pay enforcement expenses to the Council in the amount of \$1,000.00.

Michael Joseph Shannon

ISSUE: Michael Joseph Shannon, representative, Home & Cottage Realty Ltd. dba Royal LePage Kamloops Realty,

Kamloops, entered into a Consent Order with the Council in which he consented to an Order that he committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* in that, while acting on behalf of a buyer in the purchase of property on Dallas Drive, Kamloops, B.C., pursuant to a Contract of Purchase and Sale dated June 24, 2009, he: (a) failed to monitor the transaction to ensure that the initial deposit of \$2,500 was received from the buyer within 48 hours of acceptance, namely on or before June 27, 2009, in accordance with sections 3-3(1)(a) and 3-4 of the Council Rules; (b) failed to immediately notify his managing broker that the initial deposit of \$2,500, being the type of deposit referred to in section 3-1(4)(a) of the Council Rules, had not been received from the buyer within 48 hours of acceptance, namely on or before June 27, 2009, in accordance with section 3-2(2)(b) of the Council Rules; (c) failed to monitor the transaction to ensure that a further installment of \$2,500 was received from the buyer upon subject removal, namely on or before August 5, 2009, in accordance with sections 3-3(1)(a) and 3-4 of the Council Rules; and (d) failed to immediately notify his managing broker that a further installment of \$2,500, being the type of deposit referred to in section 3-1(4)(a) of the Council Rules, had not been received from the buyer upon subject removal, namely on or before August 5, 2009, in accordance with section 3-2(2)(b) of the Council Rules.

RESULT: Michael Joseph Shannon was suspended for seven (7) days from February 23, 2011 to March 1, 2011 (inclusive), and was ordered to successfully complete the Trading Services Remedial Education Course and pay enforcement expenses to the Council in the amount of \$1,000.00.

Wenna Wan-Kam Cho

ISSUE: Wenna Wan-Kam Cho, representative, Royal Pacific Realty Corp., Vancouver, entered into a Consent Order with the Council in which she consented to an Order that she committed professional misconduct within the

Disciplinary Decisions, *cont'd*

meaning of section 35(1)(a) of the *Real Estate Services Act* in that she: (a) provided real estate services outside of the brokerage with which she was licensed, contrary to section 7(3)(a) of the *Real Estate Services Act*; (b) failed to provide her managing broker with a copy of a contract, contrary to section 3-2(1) of the Council Rules; (c) failed to keep her managing broker informed of the real estate services provided or activities being performed by her on behalf of the brokerage, contrary to section 3-2(2) of the Council Rules; and (d) failed to complete the requirements for written disclosure of her interest in the trade, which was the subject of the contract, in accordance with section 5-9 of the Council Rules.

RESULT: Wenna Wan-Kam Cho was suspended for seven (7) days from March 9, 2011 to March 15, 2011 (inclusive), and was ordered to successfully complete the Trading Services Remedial Education course and pay enforcement expenses to the Council in the amount of \$1,000.00.

Patrick Arthur Weeks

ISSUE: Patrick Arthur Weeks and Patrick Weeks Personal Real Estate Corporation, Star-West Realty Ltd. dba Re/Max Select Properties, Vancouver, while licensed as Patrick Arthur Weeks, representative, Star-West Realty Ltd. dba Re/Max Select Properties, Vancouver, entered into a Consent Order with the Council in which he consented to an Order that he committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* in that he failed to confirm that the secondary suite in a property complied with all applicable legal requirements when he knew or ought to have known that the legality of the secondary suite was important to the buyers, contrary to section 3-3(1)(h) of the Council Rules.

RESULT: Patrick Arthur Weeks and Patrick Weeks Personal Real Estate Corporation were suspended for seven (7) days from March 16, 2011 to March 22, 2011 (inclusive). Further, Patrick Arthur Weeks was ordered to successfully

complete the Trading Services Remedial Education Course and pay enforcement expenses to the Council in the amount of \$1,000.00.

Richard Pater

ISSUE: Richard Pater, managing broker, Elk Valley Realty Ltd. dba Re/Max Elk Valley Realty, Sparwood and Elkford, entered into a Consent Order with the Council in which he consented to an Order that he committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act*: (a) by contravening sections 4-7 and 3-4 of the Council Rules in that he advertised the sale of the said property in the MLS® listing information as being "...completely renovated and boasts all new flooring, paint, fixtures, windows, appliances, and has updated plumbing, insulation...", which he knew or ought to have known contained a misrepresentation as not all of the windows or fixtures were new; and (b) by contravening section 3-4 of the Council Rules in that he offered a manufactured home for sale without evidence of a CSA approval sticker or other equivalent approval, contrary to the BC Safety Standards Act, and failed to ensure that an electrical inspection was conducted on the said property and approved before offering the said property for sale.

RESULT: Richard Pater's primary and secondary licences were suspended for seven (7) days from March 16, 2010 to March 22, 2010 (inclusive), and was ordered to successfully complete Trading Services Remedial Education Course and pay enforcement expenses to the Council in the amount of \$1,000.00.

Sidney James Bond

ISSUE: Sidney James Bond, representative, Sussex Group – S.R.C. Realty Corporation dba Prudential Sussex Realty, North Vancouver, entered into a Consent Order with the Council in which he consented to an Order that he committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* by contravening

section 3-4 of the Council Rules in that he reviewed the by-laws of the strata corporation of the subject property but failed to use reasonable care and skill to discover the relevant fact that the property was subject to by-laws which limited the occupation of the property to two persons when his buyer clients required housing for a family of four.

RESULT: Sidney James Bond was suspended for seven (7) days from March 16, 2011 to March 22, 2011 (inclusive) and was ordered to pay enforcement expenses to the Council in the amount of \$1,000.00.

Jacqueline (Jacquie) Marilyn Friesen

ISSUE: Jacqueline (Jacquie) Marilyn Friesen, representative, Coronation Park Holdings Ltd. dba Royal LePage Coronation Park, Surrey, entered into a Consent Order with the Council in which she consented to an Order that she committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* in that she failed to use reasonable care and skill in that she failed to ensure that the documents requiring the signature of her client, the seller, were in fact signed by the seller, contrary to section 3-4 of the Council Rules.

RESULT: Jacqueline (Jacquie) Marilyn Friesen was suspended for seven (7) days from May 4, 2011 to May 10, 2011 (inclusive), and was ordered to successfully complete the Trading Services Remedial Education Course and pay enforcement expenses to the Council in the amount of \$1,000.00.

Marco Pok Man Tam

ISSUE: Marco Pok Man Tam, representative, Local Venture Corp. dba Homeland Realty, Vancouver, entered into a Consent Order with the Council in which he consented to an Order that he committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* in that he: (a) contravened section 3-4 of the Council Rules in that he incorrectly dated the

Disciplinary Decisions, *cont'd*

subject removal addendum September 3, 2009 when the said addendum was in fact signed by the buyers on September 9, 2009; (b) contravened section 3-2(1) (b) of the Council Rules in that he failed to promptly provide to the managing brokers of the said brokerage a copy of the Contract of Purchase and Sale when it was executed on August 31, 2009; and (c) contravened section 5-11(2)(a) of the Council Rules when he failed to disclose the total amount of the remuneration of the said buyers that his brokerage would be receiving from the sellers as both he and the brokerage were acting as limited dual agents in the said transaction.

RESULT: Marco Pok Man Tam was suspended for seven (7) days from March 2, 2011 to March 8, 2011 (inclusive), and was ordered to successfully complete the Trading Services Remedial Education Course and pay enforcement expenses to the Council in the amount of \$1,000.00.

Harold Wayne Newberry Kelly Ng

ISSUE: Harold Wayne Newberry, associate broker, Local Venture Corp. dba Homeland Realty, Vancouver, entered into a Consent Order with the Council in which he consented to an Order that, while licensed as a managing broker, Local Venture Corp. dba Homeland Realty, Vancouver, he committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* in that he: (a) contravened section 3-1(4)(a) of the Council Rules in that he failed to immediately notify all parties to the said Contract of Purchase and Sale in writing of the deposit, which was to be received by the brokerage, was not made in and according with the said contract and had not been received by the brokerage; and (b) contravened section 3-1(1)(c) of the Council Rules in that he failed to properly supervise and follow-up with a licensee promptly to ascertain whether the deposit, which appears to have been lost when the licensee purported to turn in the said deposit with the rest of the documents in the said transaction on or about September 9, 2009, after the subject clauses in the

said contract had been removed.

ISSUE: Kelly Ng, managing broker, Local Venture Corp. dba Homeland Realty, Vancouver, entered into a Consent Order with the Council in which she consented to an Order that she committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* in that she: (a) contravened section 3-1(4)(a) of the Council Rules in that she failed to immediately notify all parties to the said Contract of Purchase and Sale in writing of the deposit, which was to be received by the brokerage, was not made in and according with the said contract and had not been received by the brokerage; and (b) contravened section 3-1(1)(c) of the Council Rules in that she failed to properly supervise and follow-up with a licensee promptly to ascertain whether the deposit, which appears to have been lost when the licensee purported to turn in the said deposit with the rest of the documents in the said transaction on or about September 9, 2009, after the subject clauses in the said contract had been removed.

RESULT: Harold Wayne Newberry was reprimanded and was ordered to successfully complete the Trading Services Remedial Education Course.

RESULT: Kelly Ng was reprimanded and was ordered to successfully complete the Trading Services Remedial Education Course.

RESULT: Harold Wayne Newberry and Kelly Ng were ordered to be jointly and severally liable to pay enforcement expenses to the Council in the amount of \$1,000.00.

Tamara Lee Regan

ISSUE: Tamara Lee Regan, representative, Pat Moore & Co. Ltd. dba Royal LePage Duncan Realty, Duncan, was found by a Discipline Hearing Committee to have committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* in that she contravened section 3-4 of the Council Rules by failing to act with reasonable

care and skill when she did not clarify with the buyers' agent the intention of the two addendums received, before presenting them to her clients.

RESULT: Tamara Lee Regan was reprimanded and ordered to enroll in and attend the first available CPE Course "Writing Enforceable Contracts 101". Further, she was ordered to pay enforcement expenses to the Council in the amount of \$3,052.60.

Kwai Sum (Elves) Ng

ISSUE: Kwai Sum (Elves) Ng, associate broker, City Realty Ltd. dba Re/Max City Realty, Vancouver, was found by a Discipline Hearing Committee that, while licensed with Legend Real Estate Group Ltd., Vancouver, to have committed professional misconduct within the meaning of section 35(1)(d) of the *Real Estate Services Act* in that he contravened section 3-3(1)(a) and 3-4 of the Council Rules in that he failed to act in the best interests of his clients and failed to use reasonable care and skill, in that he did not assist the buyers in reviewing and completing the Contract of Purchase and Sale but instead left the buyers with the seller's agents who had prepared and completed the contract for execution by the buyers.

RESULT: Kwai Sum (Elves) Ng was reprimanded for professional misconduct and ordered to pay a discipline penalty to the Council in the amount of \$1,000.00, successfully complete the Trading Services Remedial Education Course, and pay enforcement expenses to the Council in the amount of \$2,867.10.

Tracy Mark Wensley

ISSUE: Tracy Mark Wensley, managing broker, Wensley Real Estate Inc., formerly known as Mark Wensley Real Estate Inc., Vernon, entered into a Consent Order with the Council in which he consented to an Order that he committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* by contravening section 3-3(1)(b) of the Council Rules in

Disciplinary Decisions, *cont'd*

that he failed to ensure that the business of the brokerage was carried out competently and in accordance with the Act, Regulation, Rules and Bylaws by: (a) permitting a real estate representative to provide real estate services on behalf of the brokerage while that representative's licence was inoperative from April 17, 2010 to April 27, 2010; and (b) permitting the said brokerage to advertise in a name other than the licensee name indicated on the licence of the brokerage by advertising in the name of "Wensley Real Estate" rather than "Mark Wensley Real Estate Ltd.", the name under which the said brokerage was licensed at the time in question, as required by sections 4-4, 4-5 and 4-6(1) and (2) of the Council Rules.

RESULT: Tracy Mark Wensley was reprimanded and ordered to pay enforcement expenses to the Council in the amount of \$1,000.00.

Thomas Christian van Gelder

ISSUE: Thomas Christian van Gelder, representative, Wensley Real Estate Inc., formerly known as Mark Wensley Real Estate Inc., Vernon, entered into a Consent Order with the Council in which he consented to an Order that he committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* by contravening section 20 of the *Real Estate Services Act* in that he provided real estate services on behalf of Mark Wensley Real Estate Inc. while his licence was inoperative from April 17, 2010 to April 27, 2010.

RESULT: Thomas Christian van Gelder was reprimanded and ordered to pay enforcement expenses to the Council in the amount of \$1,000.00.

Sarah Therese Baikie Daniel Alfred Samson

ISSUE: Sarah Therese Baikie, representative, Check Realty (1998) Ltd. dba Re/Max Check Realty, Campbell River, entered into a Consent Order with the Council in which she consented to an Order that she committed profession-

al misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* in that: (a) contrary to section 3-3(1)(f) of the Council Rules, she failed to disclose all known material information in that she failed to disclose to the buyers that the managing broker of the brokerage was a director and shareholder of a mortgage corporation which provided financing to the seller of the property; and (b) contrary to section 3-3(1)(j) of the Council Rules, she failed to promptly and fully disclose a conflict of interest in that she failed to disclose to the buyers that the managing broker of the brokerage was a director and shareholder of a mortgage corporation which provided financing to the seller of the property.

ISSUE: Daniel Alfred Samson, managing broker, Check Realty (1998) Ltd. dba Re/Max Check Realty, Campbell River, entered into a Consent Order with the Council in which he consented to an Order that he committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* in that: (a) contrary to section 3-1(1)(b) of the Council Rules, he did not ensure that the business of the brokerage was carried out competently and in accordance with the Act, Regulation, Council Rules and Bylaws in that he did not instruct his licensees regarding limited dual agency and the conflict of interest in the subject transaction; and (b) contrary to section 5-9 of the Council Rules, he did not make proper disclosure in that he did not provide a Disclosure of Interest in Trade form.

RESULT: Sarah Therese Baikie was reprimanded and was ordered to successfully complete the Trading Services Remedial Education Course.

RESULT: Daniel Alfred Samson was reprimanded and was ordered to successfully complete the Trading Services Remedial Education Course.

RESULT: Sarah Therese Baikie and Daniel Alfred Samson were ordered to be jointly and severally liable to pay enforcement expenses to the Council in the amount of \$1,000.00.

James Ashley Henry Macdonald Realty Okanagan South Ltd.

ISSUE: Macdonald Realty Okanagan South Ltd., Osoyoos, entered into a Consent Order with the Council in which it consented to an Order that it committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* by contravening section 7-7(1)(b) of the Council Rules in that it failed to file an Accountant's Report with the Council by the prescribed date.

ISSUE: James Ashley Henry, managing broker, Macdonald Realty Okanagan South Ltd., Osoyoos, entered into a Consent Order with the Council in which he consented to an order that he committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* by not fulfilling his responsibilities as managing broker for the performance of the duties imposed on the brokerage by its licence within the meaning of section 6(2)(b) of the *Real Estate Services Act* and by contravening section 3-1(1)(a) and (b) and 3-1(3) of the Council Rules in that he failed to ensure that the said Accountant's Report was filed with the Council by the prescribed date.

RESULT: Macdonald Realty Okanagan South Ltd. was reprimanded.

RESULT: James Ashley Henry was reprimanded.

RESULT: Further, Macdonald Realty Okanagan South Ltd. and James Ashley Henry were jointly and severally liable to pay enforcement expenses to the Council in the amount of \$1,000.00.

Bradford (Brad) Scott Leslie

ISSUE: Bradford (Brad) Scott Leslie, representative, Andrews Realty Ltd. dba Re/Max Real Estate Services, Vancouver, entered into a Consent Order with the Council in which he consented to an Order that he committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act*.

Disciplinary Decisions, *cont'd*

Act by contravening section 3-4 of the Council Rules in that he failed to advise the buyer that despite the fact that Mr. Leslie had expended considerable effort to discover the manner in which four of the parking spaces he marketed with the property were owned by the seller, he had been unable to verify ownership particulars and that, while the buyer was advised by Mr. Leslie to seek independent legal advice generally and the buyer never acted on this recommendation, Mr. Leslie should have ensured that the buyer was advised in writing that he should seek independent legal advice on the issue of verifying the seller's ownership of the four parking stalls prior to removing this subject condition or bear the risk of refusing to do so.

RESULT: Bradford (Brad) Scott Leslie was reprimanded and was ordered to pay enforcement expenses to the Council in the amount of \$1,000.00.

Strata Management Services

Sandra Elaine Riishede Achieve Properties Ltd.

ISSUE: Achieve Properties Ltd., Mill Bay, entered into a Consent Order with the Council in which it consented to an Order that it committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* in that it: (a) failed to act in the best interests of the strata corporation in that during the period January 2006 to September 2008, it authorized the issuance of cheques from the operating account, which put the operating account into a negative balance and resulted in the bank automatically transferring money from the strata corporation's CRF to the operating account and also resulted in overdraft charges, contrary to section 3-3(1)(a) of the Council Rules; (b) failed to act in the best interests of the strata corporation in that it failed to pay water and sewer invoices due in 2008 from the Capital Regional District, resulting in a fine and late charges to the strata corporation, contrary to section 3-3(1)(a) of the Council Rules; (c) failed to act in the best interests of the strata corporation in

that it issued Form Bs for Unit 204 and 207 showing that the owner did not owe funds when in fact amounts were due and owing to the strata corporation by each of the owners of Unit 204 and Unit 207, contrary to section 3-3(1)(a) of the Council Rules; and (d) failed to act within the scope of authority given by the strata corporation or failed to have a written service agreement in accordance with section 5-1 of the Council Rules, in that it continued to deposit strata fees on behalf of the strata corporation for December 2008 and January 2009 after the termination of the management contract on December 1, 2008, contrary to one or more than one of section 3-3(1)(c) and 5-1(1)(c) of the Council Rules.

ISSUE: Sandra Elaine Riishede, managing broker, Achieve Properties Ltd., Mill Bay, entered into a Consent Order with the Council in which she consented to an order that she committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* in that she: (a) failed to properly perform the duties of the brokerage, failed to ensure that the business of the brokerage was carried out in accordance with the Act and Council Rules, failed to act in the best interests of the strata corporation or failed to exercise reasonable care and skill, in that during the period of January 2006 to September 2008, she authorized the issuance of cheques or authorized the brokerage to issue cheques from the operating account, which put the operating account into a negative balance and resulted in the bank automatically transferring money from the strata corporation's CRF to the operating account and also resulted in overdraft charges, contrary to one or more than one of section 6(2) of the *Real Estate Services Act*, sections 3-1(1)(b), 3-3(1)(a) and 3-4 of the Council Rules; (b) failed to act in the best interests of the strata corporation or failed to exercise reasonable care and skill, in that she failed to pay or caused the brokerage to fail to pay water and sewer invoices due in 2008 from the Capital Regional District, resulting in a fine and late charges to the strata corporation, contrary to one or more than one of sections 3-3(1)(a) and 3-4 of the Council Rules; (c) failed to act in the

best interests of the strata corporation or failed to use reasonable care and skill, in that she issued or caused the brokerage to issue Form Bs for Unit 204 and Unit 207 showing that the owner did not owe funds to the strata corporation when in fact amounts were due and owing to the strata corporation by each of the owners of Unit 204 and Unit 207, contrary to one or more than one of sections 3-3(1)(a) and 3-4 of the Council Rules; and (d) failed to properly perform the duties of the brokerage, failed to ensure that the business of the brokerage was carried out in accordance with the Act and Council Rules or failed to act within the scope of authority given by the strata corporation, in that she continued to deposit or caused the brokerage to continue to deposit strata fees on behalf of the strata corporation for December 2008 and January 2009 after the termination of the management contract on December 1, 2008, contrary to one or more than one of section 6-2 of the *Real Estate Services Act*, sections 3-1(1)(b) and 3-3(1)(c) of the Council Rules.

RESULT: Achieve Properties Ltd. was reprimanded.

RESULT: Sandra Elaine Riishede was reprimanded and ordered to successfully complete the Trading Services Remedial Education Course.

RESULT: Further, Achieve Properties Ltd. and Sandra Elaine Riishede were ordered to be jointly and severally liable to pay a discipline penalty to the Council in the amount of \$2,000.00 and jointly and severally liable to pay enforcement expenses to the Council in the amount of \$1,000.00.

Alfred (Fred) Maier Louise Yolande Bourbonnais

ISSUE: Alfred (Fred) Maier, representative, Norwich Real Estate Services Inc. dba Re/Max Kelowna, Kelowna, entered into a Consent Order with the Council in which he consented to an Order that he committed professional misconduct within the meaning of section 35(1) of the *Real Estate Services Act* in that he provided real estate services by provid-

Disciplinary Decisions, *cont'd*

ing strata management services on behalf of the brokerage to a strata when he was not licensed to provide strata management services, contrary to section 3(1)(a) of the *Real Estate Services Act*.

ISSUE: Louise Yolande Bourbonnais, managing broker, Norwich Real Estate Services Inc. dba Re/Max Kelowna, Kelowna, entered into a Consent Order with the Council in which she consented to an Order that she committed professional misconduct within the meaning of section 35(1) of the *Real Estate Services Act* in that she failed to ensure there was proper management and control of documents and other records related to licensing and regulatory requirements by allowing a licensee to provide strata management services on behalf of the brokerage without ensuring the licensee was properly licensed to provide such services, contrary to section 6(2) of the *Real Estate Services Act* and section 3-1(3)(b) of the Council Rules.

RESULT: Alfred (Fred) Maier was reprimanded and was ordered to successfully complete Trading Services Remedial Education Course.

RESULT: Louise Yolande Bourbonnais was reprimanded and ordered to pay a discipline penalty to the Council in the amount of \$1,000.00.

RESULT: Alfred (Fred) Maier and Louise Yolande Bourbonnais were ordered to be jointly and severally liable to pay enforcement expenses to the Council in the amount of \$1,000.00.

James Ashley Henry British Columbia Strata Management Inc.

ISSUE: British Columbia Strata Management Inc., Osoyoos, entered into a Consent Order with the Council in which it consented to an Order that it committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* by contravening section 7-7(1)(b) of the Council Rules in that it failed to file an Accountant's Report, accompanied by a Financial Statement that was subject to a review engagement by an accountant, with the Council by the prescribed date.

ISSUE: James Ashley Henry, managing broker, British Columbia Strata Management Inc., Osoyoos, entered into a Consent Order with the Council in which he consented to an order that he committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* by not fulfilling his responsibilities as managing broker for the performance of the duties imposed on the brokerage by its licence within the meaning of section 6(2)(b) of the *Real Estate Services Act* and by contravening section 3-1(1)(a) and (b) and 3-1(3) of the Council Rules in that he failed to ensure that the said Accountant's Report was filed with the Council by the prescribed date.

RESULT: British Columbia Strata Management Inc. was reprimanded.

RESULT: James Ashley Henry was reprimanded.

RESULT: Further, British Columbia Strata Management Inc. and James Ashley Henry were jointly and severally liable to pay enforcement expenses to the Council in the amount of \$1,000.00. ■

Feedback?

Please send any comments about the *Report from Council* newsletter to:

Real Estate Council of British Columbia
900—750 West Pender Street
Vancouver, BC, Canada V6C 2T8
Tel: 604-683-9664 Toll-free: 1-877-683-9664
info@recbc.ca

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Return undeliverable addresses to:
Real Estate Council of British Columbia
900—750 West Pender Street, Vancouver, BC, Canada V6C 2T8
PM# 40016497

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