



Report from Council

December 2007 Volume 43, No. 4

Conflicts of Interest When Providing Trading Services

When a brokerage is engaged by a client to provide real estate services, certain duties are owed to that client. Section 3-3(1)(a) of the Council Rules requires the brokerage and its related licensees to “act in the best interests of the client”. Section 3-3(1)(i) requires the brokerage and its related licensees to “take reasonable steps to avoid any conflict of interest”. Where a conflict of interest, which cannot be reasonably avoided, does exist, section 3-3(1)(j) requires the brokerage and its related licensees to “promptly and fully disclose the conflict to the client”.

It is important to remember that under current agency practice, when a licensee engaged by a brokerage lists a property for sale, the brokerage is appointed as the agent of the seller, and all of the brokerage’s related licensees also become agents of the seller. Similarly, if a licensee acts as a buyer’s agent, the brokerage and all of its related licensees are agents of the buyer.

In providing real estate services, conflicts of interest often fall into one of two categories. The first is where the interests of the brokerage or its related licensees are in conflict with the interests of a client represented by the brokerage. The second is where the brokerage, through its related licensees, is acting as agent for two clients whose interests are in conflict.

The Licensee’s Interests are in Conflict with the Client’s Interests

An example of the first type of conflict is where a licensee engaged by a brokerage wishes to buy a property listed for sale by that brokerage. That licensee, as indicated above, is considered an agent of the seller, even if the listing is being serviced by another licensee engaged by the brokerage. Because that licensee/buyer’s interests are in conflict with the interests of the seller/client, the brokerage is also in a conflict.

How can the brokerage and all of its related licensees continue to act in the interest of the client? The safest approach is for a brokerage to have a policy that a related licensee may not buy a property listed for sale by the brokerage and any of its related licensees. That avoids the conflict and allows the brokerage to continue to act in the best interests of the client.

If that is not a reasonable step, the brokerage must promptly and fully disclose the conflict to the client. To “promptly and fully disclose” means to provide the client with all of the relevant information in a timely manner in order that the client is able to make an informed decision about if and/or how they wish to proceed. “Timely” in this context means the information must be

disclosed when it is useful and relevant to the client; i.e. before they have been presented with an offer. A Disclosure of Interest in Trade form should be provided to the seller prior to the presentation of the offer, but that form does not disclose the conflict created by the fact that the brokerage is the agent of the seller – disclosure of that relationship must also be made.

Licensees should be aware that the client may have concerns about this situation. They may be uncomfortable with the brokerage continuing to act as their agent if one of the brokerage’s related licensees is going to make an offer. The client may be concerned that the brokerage will not be able to properly advise them on price or other terms related to an offer. The client may be concerned about the brokerage’s ability to remain completely loyal and to act in the best interests of

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STATISTICS
(DECEMBER 2007)
REPRESENTATIVES: 16,370
ASSOCIATE BROKERS: 1,854
MANAGING BROKERS: 1,364
BROKERAGES: 1,422

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

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A Note From the Chair

Licensees may recall the April 2007 *Report from Council* article about conflicts of interest when providing property management services. This *Report* contains another article on this topic as it relates to trading services. Licensees will note on page seven of this *Report* that a licensee was disciplined by the Council for acting in a conflict of interest as a limited dual agent when he was also a director of the corporation acting as seller. I urge all licensees engaged in trading services to familiarize themselves with the content of this article in order to avoid conflicts like this.

As noted in the October 2007 *Report*, the increased market activity over the past several years has resulted in an increased number of complaints

and disciplinary actions taken by the Council. Licensees are reminded that all discipline sanctions handed down by the Council from 2004 to present are posted on the Council's public website at www.recbc.ca. As of December 1, 2007, the Council has posted 80 discipline sanctions for 2007 alone. The high number of discipline sanctions is concerning and I again stress the importance of always acting in the best interests of your clients.

January 1, 2008 will mark the half-way point of the Council's Relicensing Education Program (REP) for those licensees renewing their licence in January 2009. Licensees should not wait until the last minute to complete their REP education requirements. In order to avoid the potential of



Satnam Sidhu

courses being full, I again urge all licensees to complete their REP course requirements as soon as possible and not leave it to the last minute.

Finally, on behalf of the Council, I would like to take this opportunity to wish you and your family a happy holiday and best wishes for the New Year.

On behalf of Council
Satnam T. Sidhu, Chair

Licensees Who Fail to Reinstate or Renew Their Licence May Face Discipline

Licensees are advised that, effective March 1, 2008, individuals who fail to properly reinstate (transfer) or renew their licence, and who continue to provide real estate services as if they were properly licensed, may be subject to discipline by the Council.

Licensees who terminate their employment with one brokerage in order to reinstate (transfer) their licence with another brokerage and fail to do so and continue to provide real estate services, may be in breach of section 20 [inoperative licence] of the *Real*

Estate Services Act. In addition, licensees who fail to apply for licence renewal no later than 30 days before the end of their current licence term and continue to provide real estate services after their licence has expired may be found in breach of section 2-13(2) [term of licence] of the Council Rules, as well as section 35(1)(a) [professional misconduct] of the *Real Estate Services Act*.

Licensees should check the Council's website at www.recbc.ca to confirm that their licence reinstatement/

renewal has been processed by the Council. Licensees should not presume that they are duly licensed without evidence that their reinstatement/renewal has occurred.

Licensees should be aware that Council disciplinary sanctions range from a licence reprimand to a licence suspension or even a cancellation in serious circumstances. Licensees with questions about this policy may contact the Council office at 604-683-9664, toll-free 1-877-683-9664 or email info@recbc.ca.

Office Closures

The Council office will be closed on December 25, 2007 for Christmas Day, December 26, 2007 for Boxing Day and January 1, 2008 for New Year's Day. The Council office will also close at 3:00 p.m. on December 24th and December 31st, 2007.

Conflicts of Interest When Providing Trading Services ...Continued from Cover

the client when one of their own licensees would have such a direct interest in the outcome.

Licensees must remember that it is the client's right to decide whether they are prepared to continue to allow the brokerage or any of its related licensees to represent them in this situation. The client may want to consider the offer, but be represented by another brokerage which is able to offer the undivided loyalty required to always act in their best interests.

If the client is prepared to allow the brokerage to continue to represent them in this situation, the brokerage must make every effort to ensure the client receives independent and impartial advice. The services of the managing broker should be utilized to handle negotiations, and the client should be afforded the opportunity and time to seek legal advice and, if there is any question about the price being offered, an independent appraisal. There may be other types of independent advice required, e.g. accounting/tax advice, depending on the nature of the transaction.

The brokerage would be well advised to obtain written confirmation of the client's consent for the brokerage to continue to act as the agent, including any limitations the client and the brokerage may have agreed to with respect to the duties outlined in section 3-3 of the Council Rules.

Perhaps the most common example of the **second category of conflict**, i.e. where the brokerage is acting as agent for two clients in relation to the same trade in real estate, is where a brokerage enters into a 'limited dual agency agreement' with both a seller and a buyer. The 'standard' limited dual agency agreement is intended to disclose the nature of this conflict and to obtain the informed consent of both clients for the brokerage to continue to act as their agent despite this conflict. It also establishes the limitations of the duties as required in section 3-3 of the Council Rules.

The Conflict of Representing Two Buyers Who Want to Buy the Same Property

But what of a situation where licensees engaged by a brokerage are representing two buyers who are interested in buying the same property?

Again, bearing in mind that the brokerage and all of its related licensees are agents for the same clients, there is a conflict in licensees engaged by the same brokerage acting as agents for different buyers when those buyers become interested in buying the same property. **This conflict is essentially the same whether it is one licensee trying to represent two competing buyers, or two licensees with the same brokerage trying to represent two competing buyers.** How can the brokerage, being the agent, act in the best interests of both buyers at the same time? The situation may be a bit less complicated if the brokerage has entered into written buyer agency agreements, or some other form of buyer agency acknowledgment agreement, with each of these competing buyers.

In the 'standard' exclusive buyer agency agreement, a buyer agrees that it is not a conflict for the brokerage to act as an agent for other buyers. There is similar wording in 'standard' listing contracts vis-a-vis the brokerage representing other sellers. There is also a clause that states the brokerage is not required to disclose confidential information obtained through any other agency relationship. The newly created Buyer Agency Acknowledgement form available through WebForms also addresses these issues.

If a brokerage has not entered into a written agreement with respect to these limitations of duties they would otherwise have, the safest approach may be for the brokerage to only act for one of these competing buyers, perhaps the one to whom it first showed the subject property, and suggest the second buyer seek representation from another brokerage. The brokerage still requires the agreement of the buyer it will be

representing that the brokerage is not required to disclose any confidential information it may have acquired as a result of acting for the competing buyer. This would avoid the conflict and allow the brokerage to continue to act in the best interest of the first buyer.

If that is not a reasonable step, the brokerage must promptly and fully disclose the conflict to both buyer clients. This would be a prudent thing to do even if the brokerage has the written agreement, through an exclusive buyer agency agreement or otherwise, to represent other buyers.

Licensees must remember that it is the client's right to decide whether they are prepared to continue to allow the brokerage or any of its related licensees to represent them in this situation. If both buyers are prepared to allow the brokerage to represent them in their respective negotiations, and there is no written buyer agency agreement or acknowledgment, the brokerage and each buyer client should agree in writing how the duties under section 3-3 of the Council Rules are to be limited or disappplied. For example, the brokerage's duty of absolute loyalty would need to be modified. Presumably neither buyer would want the brokerage to disclose the terms of their offer to the other, which the brokerage would otherwise be obliged to do under its obligation to disclose everything it knows about the trade in real estate to each client.

While there is no 'limited dual agency' agreement that details these limitations of duties for brokerages acting for two buyers, the need to do so is just as important in this situation as it is when a brokerage is acting for a seller and a buyer in the same trade. If it is not common practice for a brokerage and its related licensees to enter into written buyer agency agreements with their buyer clients, brokerages should obtain independent legal advice to assist in preparing an appropriate agreement respecting limitation of duties for use by its related licensees when they are working with competing buyers.

Date of Final Acceptance on the Contract of Purchase and Sale

Many Contracts of Purchase and Sale drafted by licensees contain a clause that the deposit is due within a certain time after acceptance of the contract. Therefore, the final acceptance date becomes important as to when the deposit is due for deposit in the brokerage's trust account.

Licensees should consider the following guidelines when drafting contracts of this nature (This example assumes use of the BCREA's 'standard' Contract of Purchase and Sale):

1. When the offer is initially made by the buyer, it will be open for acceptance until a certain time, for example, until midnight that day. This time should be inserted in paragraph 23 of the contract.

2. If, for example, the seller accepts all of the terms of the contract, except the price, the seller will usually sign and date his or her acceptance in paragraph 24 of the standard contract and then counter the price by crossing out the price and adding in a new price. The seller will then initial the change. The seller's counter-offer is open for acceptance by the buyer until a certain time; for example, until noon the next day. This time should be inserted in paragraph 23 and

initialed by the seller.

3. The buyer then reviews the seller's counter-offer and decides to counter back to the seller with respect to the purchase price by crossing out the price and adding in a new price and initialing same. He leaves this counter-offer open until midnight, which time should be inserted in paragraph 23 and initialed by the buyer.

4. The seller then reviews the buyer's counter-offer and decides to accept it. He should initial the buyer's change in price and time for acceptance, if the time has been changed, then insert a date and time beside his initials. This becomes the final date of acceptance and starts the clock ticking with respect to the requirement for the deposit.

Licensees should ensure that the dates in paragraph 23 in the standard contract with respect to when the offer or counter-offer is open for acceptance are changed and initialed each time there is a counter-offer, as noted above.

Licensees should also ensure that the contracts are clear and legible so that there is

no confusion as to the terms and dates.

Section 3-2(2)(b) of the Council Rules requires a licensee to immediately notify the managing broker if a deposit contemplated by an agreement has not been received.

Section 3-1(4) of the Council Rules requires the managing broker to ensure that all parties to an agreement giving effect to a trade in real estate are immediately notified if:

(a) a deposit contemplated by the agreement that, if received, would be held by the related brokerage as a stakeholder under section 28 of the Act has not been received, or

(b) a deposit cheque or other negotiable instrument that the brokerage received in respect of a deposit referred to in paragraph (a) has not been honoured.

Section 3-1(5) of the Council Rules requires that a Notice under subsection (4) must be given in writing or confirmed in writing.

If licensees have any questions regarding deposits, they should contact the Council's legal staff at 604-683-9664.

Advertising Must Contain the Name of Your Brokerage

The Council continues to receive complaints from both consumers and licensees with respect to licensee advertising. These complaints fall into two main types: 1) failure to include the name of the related brokerage on advertising and, 2) the name of the related brokerage is too small in relation to the rest of the advertisement.

Licensees should be aware that section 4-6(2) of the Council Rules requires the name of the related brokerage (e.g. ABC Realty Surrey Ltd.) to be displayed on all advertising. It also must be displayed in a prominent and easily readable way. Tiny and hard to read font sizes at the bottom of an advertisement are not acceptable to the Council.

Section 4-6(2) of the Council Rules applies to all advertising materials, including, but not limited to, the following: TV ads and/or channels, all websites and web pages (This includes websites such as FACEBOOK, MYSPACE, CRAIGSLIST, EBAY, etc.), email (and any other on-line identification, representation, promotion or solicitation), bus shelters and bus stop benches, newspaper ads, yellow pages ads, brochures, flyers, sponsorship materials and signs, billboards, stadium/arena signs, automobile signs, bus advertising, business cards, or promotional material of any sort. In the case of radio and audio only advertising, the name of the related brokerage must be clearly

stated. In assessing compliance with section 4-6(2), the Council will give consideration to the prominence of the brokerage's name in relation to the rest of the advertisement and the relative ease with which a consumer can determine who the brokerage is.

Licensees are ultimately responsible for all of their advertising and must proofread any advertisement to ensure it complies with the Council Rules. It is not acceptable to supply information to a newspaper or other periodical without proofreading the final advertisement. Your cooperation in ensuring all advertising meets the requirements of the Rules is appreciated.

Control and Conduct of a Brokerage's Business

What the Legislation Requires

Section 6(2) of the *Real Estate Services Act* states that:

"A managing broker licensed in relation to a brokerage acts for the brokerage for all purposes under this Act, and is responsible for

(a) the exercise of the rights conferred on the brokerage by its licence,

(b) the performance of the duties imposed on the brokerage by its licence, and

(c) the control and conduct of the brokerage's real estate business, including supervision of the associate brokers and representatives who are licensed in relation to the brokerage."

Section 3-1 of the Council Rules describes this supervisory responsibility in more detail as follows:

"(1) Supervision. A managing broker must

(a) be actively engaged in the management of their related brokerage,

(b) ensure that the business of the brokerage is carried out competently and in accordance with the Act, regulations, rules and bylaws, and

(c) ensure that there is an adequate level of supervision for related associate brokers and representatives and for employees and others who perform duties on behalf of the brokerage."

Areas of Concern

The Council has seen instances where managing brokers have been paid simply to "lend" their licences to a brokerage but provide no supervision and have no control. The licences of some managing brokers have been cancelled because they were not in control of the business of the brokerage. The licence of the brokerage may also be subject to discipline, including a fine, reprimand, suspension or cancellation in these circumstances.

There is also a misconception that, because

many licensees are considered "independent contractors" for taxation and other purposes, this has somehow reduced or eliminated a managing broker's supervision responsibilities.

The requirement that a managing broker be in control of the business of the brokerage, and ensure that it is carried out in accordance with the *Real Estate Services Act*, its regulations, and the Council Bylaws and Rules, applies regardless of the contractual relationship between the brokerage and the licensees engaged by that brokerage. In order to exercise the necessary control, the managing broker must have the authority and information to make decisions in a timely manner.



Delegation

This does not preclude the delegation of important business duties as long as the managing broker is not abdicating control or is so uninvolved as to have effectively abdicated control. In determining whether there has been an abdication of control, the Council will look at the context of each situation. In that regard, the following questions will be asked:

- what work was delegated?
- what is the scope of authority that was delegated?
- to whom was the work delegated?

It is the view of the Council that any delegation of the managing broker's responsibilities should be to an experienced licensee, preferably an associate broker. The person to whom duties have been delegated must be engaged by the

same brokerage. It is important to remember that, despite any delegation, the managing broker retains ultimate responsibility for the control and conduct of the business of the brokerage. Therefore, when duties are delegated, the managing broker should regularly review the work of the person to whom the work has been delegated.

This delegation of responsibilities may take place on a continuing basis; it may also take place periodically, for example, when a managing broker is away from the office for a short period of time, such as vacation. Even though not physically attending the office while on vacation, he or she may need to be available by other

electronic means for emergency purposes. If a managing broker is not able or prepared to remain connected to the office electronically, and is therefore not able to exercise the control expected, he/she is required to take steps to upgrade the licence of a qualified individual to become the managing broker during that absence. The managing broker should inform licensees engaged by the brokerage of his or her pending absence, the name of the individual to whom his or

her responsibilities have been delegated during the absence, and provide an expected date of return. In the case of any absence of longer than one month, the managing broker must inform the Council licensing department of the absence by calling 604-683-9664 (toll free 1-877-683-9664). In the case of any absence of longer than one month, or if the appointed licensee will be submitting signed documents, such as application forms or licences, to the Council's office during the absence, the managing broker must inform the Council licensing department of the absence and appointed individual's name in writing. This notice may be sent by fax to 604-683-9017 or by email to info@recbc.ca. Consideration should also be given to upgrading an associate broker's licence to that of managing broker in such extended absences.

The REP Sheet

As licensees are aware, the Real Estate Council's Relicensing Education Program (REP) came into effect on January 1st, 2007 and requires licensees to complete two courses every licensing cycle as a condition of continued licensing.

Licensees who will be renewing their licences in January 2009 are now half way through their licence cycle. This means that these licensees have only 12 months remaining to complete the REP course requirements. The Council urges all licensees to complete their course requirements as soon as possible to avoid an anticipated last minute rush. Leaving it to the last minute could mean that courses are unavailable and may result in licensees not fulfilling their REP requirements. Licensees are reminded that licence renewal is dependant on completing the REP course requirements! **If you do not complete the REP requirements within your two-year licence cycle, your licence may not be renewed.**

In order to assist licensees, the Council has developed a reminder letter that will be sent to all licensees half way through their two-year licence cycle. Again, the Council cannot over emphasize the importance of completing the REP course requirements as soon as possible.

REP Program Requirements

Licensees are responsible to complete two courses during the first REP cycle: one elective course and one mandatory course. The mandatory course during the 2007-2009 REP cycle is "What Brokerages and REALTORS® Need to Know About Agency". Licensees who complete either the mandatory course and/or a REP approved elective course prior to the first REP cycle, will receive credit for these courses in their first REP cycle. Licensees may choose their elective course requirement from a list

of approved REP Courses that are detailed on the Council's website at www.recbc.ca/licensee_info/rep.htm. Please note that a course comparison chart is also available on this web page to assist licensees in obtaining credit for both REP and PDP simultaneously.

The two courses must be completed prior to a licensee's next licence renewal date (2 years from the date of licence issuance); e.g., If a licensee's licence renewal date is January 27, 2007, the two courses must be completed by January 26, 2009.

Individuals who have become licensed for the first time after January 1, 2007 must complete the two courses by their first licence renewal date. For those individuals who were licensed prior to this date, REP is required during the licence cycle that commences on or after January 1, 2007.

Licensees must keep proof of completed education and attendance records in a specific education file, along with sufficient information about the courses, including completion certificates and marks. These records must be kept for five years from the last date of the REP cycle (licence renewal date) in which the education was completed. At the time of licence renewal, licensees will report to the Council on the REP coursework completed and certify that the information they have provided is accurate.

The Council continues to review new courses and is working with education providers to enhance REP for the purposes of adding additional practice specific courses. As a result, licensees are advised to review the Council's website periodically for any changes to the course selection and availability.

REP Requirement for Strata Managers and Rental Property Managers in the First Cycle

Based on the fact that the content of the mandatory agency course is not applicable to those individuals conducting strata management activities, individuals licensed to provide only strata management services are exempted from the mandatory course in the first REP cycle. As well, individuals licensed as managing brokers to provide only strata management services are exempted from the elective course in the first REP cycle as they will be completing the broker's licensing course and exam as a requirement of licensing.

Individuals licensed for rental property management only or rental and strata management only may substitute a second REP approved elective course for the mandatory agency course "What Brokerages and REALTORS® Need to Know About Agency" in the first REP cycle.

Licensees engaged in strata management services should be aware that a new course was recently approved by the Council. This day-long course, "Insurance and Strata Corporations" was developed with strata managers in mind. This course is now available through the Professional Association of Managing Agents (PAMA). For course availability and registration, please contact PAMA directly at 604-267-0476.

Additional Information

Additional information about REP, including a list of frequently asked questions, is available on the Council's website at www.recbc.ca/licensee_info/rep.htm. Council Education staff are also happy to advise licensees of their specific REP requirements including deadlines and other program information. Should you wish to speak to one of the Council Education staff directly, please contact us at 604-683-9664, toll-free 1-877-683-9664 or email info@recbc.ca.

Disciplinary Decisions

Since the October 2007 *Report from Council* newsletter, the following actions have been taken as a result of disciplinary hearings and Consent Orders conducted by the Council.

COMPLAINT: Contravention of sections 35(1)(d) and 27(1) of the *Real Estate Services Act*/Professional misconduct, incompetence and payment into trust

ISSUE: David Ford, representative, Nanaimo Realty Co. Ltd. dba Royal LePage Nanaimo Realty, Nanaimo, committed professional misconduct within the meaning of section 35(1)(d) of the *Real Estate Services Act* in that he demonstrated incompetence in that he:

- (a) pursuant to a contract dated July 24, 2005 (i) failed to advise the seller and/or his listing agent promptly and at all that he had not received the buyer's second deposit installment due July 27, 2005; (ii) failed to advise the seller and/or his listing agent promptly and at all that the buyer's second deposit installment was received seven days late on August 3, 2005 and that he returned it to the buyer; (iii) failed to promptly deliver to the brokerage the buyer's deposit installment that was received by Mr. Ford from the buyer on August 3, 2005 but returned it the same day instead to the buyer, contrary to section 27(1) of the *Real Estate Services Act*; and
- (b) pursuant to a contract dated August 19, 2005 involving a second property (i) failed to advise the seller and/or his listing agent promptly and at all that he had not received the buyer's initial deposit upon acceptance or on or about August 19, 2005; and (ii) failed to advise the seller and/or his listing agent promptly and at all that the buyer's deposit was received three days late on August 22, 2005 and that it was deposited into the brokerage trust account on August 23, 2005.

RESULT: David Ford was suspended for ninety (90) days from December 12, 2007 to March 10, 2008 (inclusive) for professional misconduct as described above after an Agreed Statement of Facts, Proposed Acceptance of Findings and

Waiver was entered into between the Real Estate Council and David Ford, and a Consent Order was issued. Further, as a condition of continued licensing, he must pay to the Council a discipline penalty in the amount of \$5,000.00 and enforcement expenses in the amount of \$750.00.

COMPLAINT: Contravention of sections 35(1)(a), 27(1) and 27(4) of the *Real Estate Services Act*, section 5-9 of the Council Rules/ Professional misconduct, trust accounts and disclosure

ISSUE: Major Singh Lidder, representative, Envoy Realty Ltd. dba Sutton Premier Realty, Surrey, who, while licensed with Tapestry Realty Ltd. dba Royal Group Tapestry Realty, Surrey, committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* in that he:

- (a) in providing trading services on behalf of the brokerage, failed to promptly deliver all trust monies received on behalf of a principal in relation to real estate services to the brokerage trust account, contrary to section 27(1) of the *Real Estate Services Act*; or in the alternative;
- (b) in those transactions where the seller, was to directly hold deposits: (i) failed to ensure that buyers were advised to seek independent advice with respect to that deposit; and (ii) failed to ensure that separate written agreements were in place as required by section 27(4) of the *Real Estate Services Act*;
- (c) acted in a conflict of interest in that he acted as a limited dual agent when he was also a director of the corporate seller;
- (d) provided trading services independent of his employing brokerage; and
- (e) as a director of the corporate seller in transactions in which the corporate seller was a principal to the transaction, failed to make disclosure of that interest to buyers as required by section 5-9 of the Council Rules.

RESULT: Major Singh Lidder was suspended

for sixty (60) days from November 28, 2007 to January 26, 2008 (inclusive) for professional misconduct as described above after an Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver was entered into between the Real Estate Council and Major Singh Lidder and a Consent Order was issued. Further, Major Singh Lidder shall successfully complete the disciplinary education assignment applicable to Chapter 2 (*Real Estate Services Act*) and Chapter 12 (Law of Agency) of the Real Estate Trading Services Licensing Course and pay enforcement expenses to the Council in the amount of \$750.00.

COMPLAINT: Contravention of sections 35(1)(a), 27(1), and 27(4) of the *Real Estate Services Act*, sections 3-2 and 5-9 of the Council Rules/ Professional misconduct, payment into trust, disclosure of interest in trade, trading records, representative responsibilities

ISSUE: Jarnail Singh Purewall, representative, Medallion Realty Ltd. dba Sutton Group Medallion Realty, Surrey, committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* in that he:

- (a) in providing trading services, failed to promptly deliver all trust monies received on behalf of a principal in relation to real estate services to the brokerage trust account, contrary to section 27(1) of the *Real Estate Services Act*; or in the alternative;
- (b) in those transactions where the seller was to directly hold deposits: (i) failed to ensure that buyers were advised to seek independent advice with respect to that deposit, and, (ii) failed to ensure that separate written agreements were in place, as required by section 27(4) of the *Real Estate Services Act*;
- (c) acted in a conflict of interest in that he, while a licensee, acted as a limited dual agent when he was also a director of the corporate seller;
- (d) provided trading services independent of his employing brokerage;
- (e) as a director of the corporate seller, in a

transaction in which the corporate seller was a principal to the transaction, failed to make disclosure of that interest to buyers as required by section 5-9 of the Council Rules and (f) failed to promptly deliver to his brokerage a copy of all records as described in section 8-5 of the Council Rules to his employing brokerage, as required by section 3-2 of the Council Rules.

RESULT: Jarnail Singh Purewall was suspended for sixty (60) days, from December 19, 2007 to February 16, 2008 (inclusive), for professional misconduct as described above after an Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver was entered into between the Real Estate Council and Jarnail Singh Purewall, and a Consent Order was issued. Further, he must complete the disciplinary education assignment applicable to Chapter 2 (*Real Estate Services Act*) and Chapter 12 (Law of Agency) of the Real Estate Trading Services Licensing Course and pay enforcement expenses to the Council in the amount of \$750.00.

COMPLAINT: Contravention of sections 35(1)(a) and 25 of the *Real Estate Services Act*, sections 3-1(1)(a) and (b), 3-1(3)(a), 5-1(3), (4) and (5), 7-4, 7-5(2) and (3), 8-1, 8-2 and 8-3 of the Council Rules/Professional misconduct, brokerage records, managing broker responsibilities, written service agreements, other trust account requirements, shortages in trust accounts, financial records, trust accounts and general accounts, and pooled trust account records

ISSUE: Realty One Homes Ltd., Surrey, brokerage, committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* by contravening section 25 of the *Real Estate Services Act*, and sections 8-1, 8-2 and 8-3 of the Council Rules in that it failed to maintain proper and up to date books, records and accounts in accordance with the Council Rules.

ISSUE: Money Saver Realty Ltd., Surrey, brokerage, committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* by

(a) contravening section 25 of the *Real Estate Services Act*, and sections 8-1, 8-2 and 8-3 of the Council Rules in that it failed to maintain proper and up to date books, records and accounts in accordance with the Council Rules; and (b) contravening sections 7-5(2) and 7-5(3) of the Council Rules in that it: (i) failed to take immediate steps to eliminate the trust shortage in the trust account of the brokerage as required by section 7-5(2) of the Council Rules until it was brought to its attention by the Council; and (ii) failed to notify the Council of the said trust shortage as required by section 7-5(3) of the Council Rules.

ISSUE: Surinderjit Singh Rai, managing broker, Realty One Homes Ltd., Surrey, and Money Saver Homes Ltd., Surrey, committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* by contravening section 3-1(1)(a) and (b) and section 3-1(3)(a) and (b) of the Council Rules in that he was not actively engaged in the management of the said brokerage as he:

(a) failed to ensure that the said brokerages kept proper and up to date books, accounts and other records in accordance with section 25 of the *Real Estate Services Act* and sections 3-1(3)(a), 8-1, 8-2 and 8-3 of the Council Rules; (b) failed to ensure that the rental property management agreements of Realty One Homes Ltd. (i) were signed by an authorized signatory of the brokerage; (ii) included a provision respecting the use and disclosure of personal information; (iii) specified the scope of the authority of the brokerage when acting on behalf of the owner, including making disbursements on behalf of the owner; and (iv) contained a description of the records to be kept on behalf of the owner; all of which are required by sections 5-1(3), (4) and (5) of the Council Rules; and (c) failed to review, date and initial monthly trust asset and liability reconciliations for the trust accounts of the said brokerages as required by section 7-4 of the Council Rules.

RESULT: Realty One Homes Ltd. was reprimanded for professional misconduct as described above after an Agreed Statement

of Facts, Proposed Acceptance of Findings and Waiver was entered into between the Real Estate Council and Realty One Homes Ltd., and a Consent Order was issued. Realty One Homes Ltd. was assessed a discipline penalty in the amount of \$1,000.00 and Realty One Homes Ltd., Money Saver Homes Ltd. and Surinderjit Singh Rai are jointly and severally liable to pay the Council's audit costs in the amounts of \$1,668.75 for Realty One Homes and \$1,462.50 for Money Saver Homes Ltd. to the Council and are jointly and severally liable to pay enforcement expenses to the Council in the amount of \$750.00.

RESULT: Money Saver Homes Ltd was reprimanded for professional misconduct as described above after an Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver was entered into between the Real Estate Council and Money Saver Homes Ltd., and a Consent Order was issued. Money Saver Homes Ltd. was assessed a discipline penalty in the amount of \$1,000.00 and Money Saver Homes Ltd., Realty One Homes and Surinderjit Singh Rai are jointly and severally liable to pay the Council's audit costs in the amounts of \$1,462.50 for Money Saver Homes Ltd. and \$1,668.75 for Realty One Homes to the Council and are jointly and severally liable to pay enforcement expenses to the Council in the amount of \$750.00.

RESULT: Surinderjit Singh Rai's managing broker's licence was suspended for thirty (30) days from November 14, 2007 to December 13, 2007 (inclusive) for professional misconduct as described above after an Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver was entered into between the Real Estate Council and Surinderjit Singh Rai, and a Consent Order was issued. However, during the suspension period, Mr. Rai is eligible to be licensed as an associate broker or representative. Further, Surinderjit Singh Rai must successfully complete the disciplinary education assignment applicable to Chapter 2 (Mandatory Requirements under the *Real Estate Services Act*) of the Broker's Licensing Course. In addition, Surinderjit Singh Rai, Money Saver Homes Ltd., and Realty One Homes Ltd. are

jointly and severally liable to pay the Council's audit costs in the amounts of \$1,668.75 for Realty One Homes and \$1,462.50 for Money Saver Homes Ltd. to the Council and are jointly and severally liable to pay enforcement expenses to the Council in the amount of \$750.00.

COMPLAINT: Contravention of section 43(2) of the former *Real Estate Act* accepting remuneration from a person other than employing brokerage

ISSUE: Robert John Zoost, representative, Premier Canadian Properties (Okanagan) Ltd. (Kel) dba Premier Canadian Properties, Kelowna, who, while licensed with Nanaimo Realty (Seaside) Ltd. dba Royal LePage Parksville-Qualicum Beach Realty, Qualicum Beach, breached section 43(2) of the former *Real Estate Act* in that he accepted remuneration in the form of a marketing fee in the amount of \$2,500.00 in respect of a real estate transaction from a person other than the brokerage registered as his employer.

RESULT: Robert John Zoost was suspended for twenty-one (21) days for the breach as described above after an Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver was entered into between the Real Estate Council and Robert John Zoost, and a Consent Order was issued. As Mr. Zoost voluntarily remained unlicensed from January 19, 2007 to July 10, 2007, the twenty-one (21) days of this period was counted towards his suspension. Further, he must successfully complete the disciplinary education assignment applicable to Chapter 2 (*Real Estate Services Act*) of the Real Estate Trading Services Licensing Course and pay enforcement expenses to the Council in the amount of \$750.00.

COMPLAINT: Contravention of sections 35(1)(d) and 27(4) of the *Real Estate Services Act* /Incompetence, trust accounts

ISSUE: Shari Lesley Baird, representative, West Coast Realty Ltd. (Sur24) dba Sutton Group-West Coast Realty (Sur24), Surrey, who, while

licensed with Tapestry Realty Ltd. dba Royal Group Tapestry Realty, Surrey, was incompetent within the meaning of section 35(1)(d) of the *Real Estate Services Act* in that she

(a) failed to ensure in accordance with section 27(4) of the *Real Estate Services Act* in a number of transactions in which she acted as a limited dual agent, that there were separate written agreements executed in instances where deposits were paid directly to the seller/developer, that buyers were advised to seek independent legal advice with respect to the payment of the deposits directly to the seller/developer and that buyers were advised that the stakeholder provisions of the *Real Estate Services Act* would not apply;

(b) failed to ensure she withdrew from her agency obligations to her seller/developer client when she bought her own listing; and

(c) failed to ensure her name was removed from two internet sites – both of which sites related to projects that she had listed with Ms. Ireland – while her real estate licence was suspended.

RESULT: Shari Lesley Baird was suspended for twenty-one (21) days from November 7, 2007 to November 27, 2007 for incompetence as described above after an Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver was entered into between the Real Estate Council and Shari Lesley Baird, and a Consent Order was issued. Further, as a condition of continued licensing, she must successfully complete the disciplinary education assignment applicable to Chapter 5 (Professional Liability of Real Estate Licensees) and Chapter 12 (Law of Agency) of the Real Estate Trading Services Licensing Course and pay enforcement expenses to the Council in the amount of \$750.00.

COMPLAINT: Contravention of sections 35(1)(a), 7(3)(a) and 7(3)(b) of the *Real Estate Services Act* /Professional misconduct, licensing

ISSUE: Corey Saran, associate broker, Realty One Homes Ltd., Surrey, who, while licensed as an associate broker with West Coast Realty Ltd. (Sur24) dba Sutton Group West Coast Realty (Sur24), Surrey, committed professional

misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* in that he

(a) provided rental property management services separate from his brokerage, contrary to section 7(3)(a) of the *Real Estate Services Act*; and

(b) accepted remuneration for providing rental property management services from a person other than the brokerage in relation to which he was licensed, contrary to section 7(3)(b) of the *Real Estate Services Act*.

RESULT: Corey Saran was suspended for fourteen (14) days from January 9, 2008 to January 22, 2008 (inclusive) for professional misconduct as described above after an Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver was entered into between the Real Estate Council and Corey Saran, and a Consent Order was issued. Further, Corey Saran shall pay a discipline penalty to the Council in the amount of \$1,000.00, successfully complete the disciplinary education assignment applicable to Chapter 2 (*Real Estate Services Act*) of the Real Estate Trading Services Licensing Course, and pay enforcement expenses to the Council in the amount of \$750.00.

COMPLAINT: Contravention of sections 35(1)(d) and 27(4) of the *Real Estate Services Act* and section 8-10 of the Council Rules/Incompetence, trust accounts, brokerage records

ISSUE: Karey K. Ireland, representative, West Coast Realty Ltd. (Sur24) dba Sutton Group-West Coast Realty (Sur24), Surrey, who, while licensed with Tapestry Realty Ltd. dba Royal Group Tapestry Realty, Surrey, was incompetent within the meaning of section 35(1)(d) of the *Real Estate Services Act* in that she

(a) failed to ensure in accordance with section 27(4) of the *Real Estate Services Act* in a number of transactions in which she acted as a limited dual agent, that there were separate written agreements executed in instances where deposits were paid directly to the seller/developer, that buyers were advised to seek independent legal advice with respect to the payment of the deposits directly to the seller/developer and that buyers were advised that the stakeholder

provisions of the *Real Estate Services Act* would not apply;

(b) failed to ensure Ms. Baird's name was removed from two internet sites – both of which sites related to projects that she had listed with Ms. Baird – for the duration of Ms. Baird's suspension;

(c) destroyed cancelled brokerage listing agreements, contrary to the duty of a brokerage to maintain listing contacts in accordance with section 8-10 of the Council Rules.

RESULT: Karey K. Ireland was suspended for seven (7) days from November 7, 2007 to November 13, 2007 for incompetence as described above after an Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver was entered into between the Real Estate Council and Karey K. Ireland, and a Consent Order was issued. Further, as a condition of continued licensing, she must successfully complete the disciplinary education assignment applicable to Chapter 2 (*Real Estate Services Act*) of the Real Estate Trading Services Licensing Course and pay enforcement expenses to the Council in the amount of \$750.00.

COMPLAINT: Contravention of sections 35(1) and 35(1)(d) of the *Real Estate Services Act*/ Professional misconduct and incompetence

ISSUE: Joyce Rose Alice Geering, representative, Power 1 Realty Ltd. dba Sutton - Power 1 Realty, Penticton, who, while licensed with 430871 B.C. Ltd. & 430873 B.C. Ltd. dba Sutton Group-Skaha Realty, Penticton, committed professional misconduct within the meaning of section 35(1) of the *Real Estate Services Act* by contravening section 35(1)(d) of the *Real Estate Services Act* in that she

(a) failed to disclose to the buyers, before obtaining their consent to act as a limited dual agent, that the sellers were the son and daughter-in-law of the said licensee;

(b) failed to clarify with the said buyers the discrepancy in the lot size, which was .21 acres in the listing information and .19 acres in the data information; and

(c) failed to have the buyers acknowledge in

the said Contract of Purchase and Sale that the fenced area on the subject property encroached on a neighboring property and that the buyers should obtain a survey to determine the extent of the full encroachment.

RESULT: Joyce Rose Alice Geering was suspended for seven (7) days from December 19, 2007 to December 25, 2007 (inclusive) for professional misconduct as described above after an Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver was entered into between the Real Estate Council and Joyce Rose Alice Geering, and a Consent Order was issued. Further, she must complete the disciplinary education assignment applicable to Chapter 12 (Law of Agency) of the Real Estate Trading Services Licensing Course and pay enforcement expenses to the Council in the amount of \$750.00.

COMPLAINT: Contravention of section 9.12 of Regulation 75/61 under the *Real Estate Act*/Negligence

ISSUE: Alfredo Luis Lavaggi, associate broker, Sussex Group S.R.C. Realty Corporation dba Prudential Sussex Realty, North Vancouver, who, while licensed as managing broker with Continental Realty Ltd. dba Prudential Sussex-Alfredo Lavaggi, Vancouver, was negligent within the meaning of section 9.12 of Regulation 75/61 under the former *Real Estate Act* in that he failed to honour a commitment he made to the sellers to pay them a commission rebate of \$1,000.00, which he represented to the sellers would be credited them on completion of the sale of the subject property.

RESULT: Alfredo Luis Lavaggi was reprimanded for negligence as described above. In addition, as a condition of continued licensing, he is required to successfully complete the disciplinary education assignments applicable to Chapter 10 (The Law of Contract) of the Real Estate Trading Services Licensing Course. As a further condition of continued licensing, Mr. Lavaggi is to pay enforcement expenses to the Council in the amount of \$2,000.00.

COMPLAINT: Contravention of sections 35(1)(a) and 6(2)(b) of the *Real Estate Services Act*, sections 3-1(1)(a) and (b), 3-1(3) and 7-7(1)(b) of the Council Rules /Professional misconduct, failure to file Accountant's Report

ISSUE: Wyn Realty Ltd., Chilliwack, 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: Kenneth Edward Weins, managing broker, Wyn Realty Ltd., Chilliwack, 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/or 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: Wyn Realty Ltd. was reprimanded for the contravention described above after an Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver was entered into between the Real Estate Council and Wyn Realty Ltd., and a Consent Order was issued. In addition, Wyn Realty Ltd. and Kenneth Edward Weins are jointly and severally liable to pay enforcement expenses to the Council in the amount of \$750.00.

RESULT: Kenneth Edward Weins was reprimanded for professional misconduct as described above after an Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver was entered into between the Real Estate Council and Kenneth Edward Weins, and a Consent Order was issued. In addition, Kenneth Edward Weins and Wyn Realty Ltd. are jointly and severally liable to pay enforcement expenses to the Council in the amount of \$750.00.

COMPLAINT: Contravention of sections 35(1)(a) and 6(2)(b) of the *Real Estate Services Act*, sections 3-1(1)(a) and (b), 3-1(3) and 7-7(1)(b) of the Council Rules /Professional misconduct, failure to file Accountant's Report

ISSUE: Tedford Realty Corporation, Surrey, 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 Alekson, managing broker, Tedford Realty Corporation, Surrey, 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: Tedford Realty Corporation was reprimanded for the contravention described above after an Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver was entered into between the Real Estate Council and Tedford Realty Corporation, and a Consent Order was issued. In addition, Tedford Realty Corporation and James Alekson are jointly and severally liable to pay enforcement expenses to the Council in the amount of \$750.00.

RESULT: James Alekson was reprimanded for professional misconduct as described above after an Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver was entered into between the Real Estate Council and James Alekson, and a Consent Order was issued. In addition, James Alekson and Tedford Realty Corporation are jointly and severally liable to pay enforcement expenses to the Council in the amount of \$750.00.

COMPLAINT: Contravention of sections 35(1)(a) and 6(2)(b) of the *Real Estate Services Act*, sections 3-1(1)(a) and (b), 3-1(3) and 7-7(1)(b) of the Council Rules /Professional misconduct, failure to file Accountant's Report

ISSUE: Lifestyles Condominium Services Inc., Kelowna, 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: David Richard Ruhr, managing broker, Lifestyles Condominium Services Inc., Kelowna, 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/or 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: Lifestyles Condominium Services Inc. was reprimanded for the contravention described above after an Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver was entered into between the Real Estate Council and Lifestyles Condominium Services Inc., and a Consent Order was issued. In addition, Lifestyles Condominium Services Inc. and David Richard Ruhr are jointly and severally liable to pay enforcement expenses to the Council in the amount of \$750.00.

RESULT: David Richard Ruhr was reprimanded for professional misconduct as described above after an Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver was entered into between the Real Estate Council and David Richard Ruhr, and a Consent Order was issued. In addition, David Richard Ruhr and Lifestyles Condominium Services Inc. are jointly and severally liable to pay enforcement expenses to

the Council in the amount of \$750.00.

COMPLAINT: Contravention of sections 35(1)(a) and 6(2)(b) of the *Real Estate Services Act*, sections 3-1(1)(a) and (b), 3-1(3) and 7-7(1)(b) of the Council Rules/Professional misconduct, managing broker responsibilities, failure to file Accountant's Report

ISSUE: Homelife Benchmark Realty (Cloverdale) Corp., Surrey, 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: George Richard Dubord, managing broker, Homelife Benchmark Realty (Cloverdale) Corp., Surrey, 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: Homelife Benchmark Realty (Cloverdale) Corp. was reprimanded for the contravention described above after an Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver was entered into between the Real Estate Council and Homelife Benchmark Realty (Cloverdale) Corp., and a Consent Order was issued. In addition, Homelife Benchmark Realty (Cloverdale) Corp. and George Richard Dubord are jointly and severally liable to pay enforcement expenses to the Council in the amount of \$750.00.

RESULT: George Richard Dubord was reprimanded for professional misconduct as described above after an Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver was entered into between the Real Estate

Council and George Richard Dubord, and a Consent Order was issued. In addition, George Richard Dubord and Homelife Benchmark Realty (Cloverdale) Corp. are jointly and severally liable to pay enforcement expenses to the Council in the amount of \$750.00.

COMPLAINT: Contravention of sections 35(1)(a) and 6(2)(b) of the *Real Estate Services Act*, sections 3-1(1)(a) and (b), 3-1(3) and 7-7(1)(b) of the Council Rules/Professional misconduct, managing broker responsibilities, failure to file Accountant's Report

ISSUE: Jordan Development Corporation Ltd., Vancouver, 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: Barbara Marian Schmidt, managing broker, Jordan Development Corporation Ltd., Vancouver, committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* by not fulfilling her 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 she failed to ensure that the said Accountant's Report was filed with the Council by the prescribed date.

RESULT: Jordan Development Corporation Ltd.

was reprimanded for the contravention described above after an Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver was entered into between the Real Estate Council and Jordan Development Corporation Ltd., and a Consent Order was issued. In addition, Jordan Development Corporation Ltd. and Barbara Marian Schmidt are jointly and severally liable to pay enforcement expenses to the Council in the amount of \$750.00.

RESULT: Barbara Marian Schmidt was reprimanded for professional misconduct as described above after an Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver was entered into between the Real Estate Council and Barbara Marian Schmidt, and a Consent Order was issued. In addition, Barbara Marian Schmidt and Jordan Development Corporation Ltd. are jointly and severally liable to pay enforcement expenses to the Council in the amount of \$750.00.

COMPLAINT: Contravention of sections 35(1)(a) and 6(2)(b) of the *Real Estate Services Act*, sections 3-1(1)(a) and (b), 3-1(3) and 7-7(1)(b) of the Council Rules/Professional misconduct, managing broker responsibilities, failure to file Accountant's Report

ISSUE: Pace Realty Corporation, Prince George, 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: Elizabeth Joy Bryce, managing broker, Pace Realty Corporation, Prince George, committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* by not fulfilling her 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 she failed to ensure that the said Accountant's Report was filed with the Council by the prescribed date.

RESULT: Pace Realty Corporation was reprimanded for the contravention described above after an Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver was entered into between the Real Estate Council and Pace Realty Corporation, and a Consent Order was issued. In addition, Pace Realty Corporation and Elizabeth Joy Bryce are jointly and severally liable to pay enforcement expenses to the Council in the amount of \$750.00.

RESULT: Elizabeth Joy Bryce was reprimanded for professional misconduct as described above after an Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver was entered into between the Real Estate Council and Elizabeth Joy Bryce, and a Consent Order was issued. In addition, Elizabeth Joy Bryce and Pace Realty Corporation are jointly and severally liable to pay enforcement expenses to the Council in the amount of \$750.00.

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

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