

Report from Council

Advertising Compliance Reminder

The Council continues to be made aware of examples of non-compliant advertising resulting in administrative penalties, starting at \$250 and going as high as \$1000, being applied against licensees. To avoid facing an administrative penalty and the other costs that may be associated with changing advertising to bring it into compliance, licensees are reminded of the following:

The Council Rules require that advertising must contain the name of the related brokerage 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. This includes traditional print, billboard, radio and television advertising, in addition to licensees' websites, internet classified advertising such as EBAY, USEDVANCOUVER, CRAIGSLIST, KIJJI, USEDVICTORIA and social media such as TWITTER, YOUTUBE, FACEBOOK, MYSPACE. (See section 4-6(2) of the Council Rules and the December 2009 Report from Council newsletter.)

The Council Rules permit Team Names to be advertised if a team name is approved and registered with the Council. Seeking approval of a team name is easy; send a letter, fax or email to the Council setting out the proposed name of the team, along with the names of the licensed and unlicensed members of the team for approval and registration. The team name will not be approved if it may

be construed as the name of a licensed brokerage. Licensees can find more information on team names in the April 2010 *Report from Council* or online in the searchable version of the Professional Standards Manual at www.recbc.ca/licensee/PSM/PSM.htm (See section 4-6(5) of the Council Rules.)

The Council Rules require that Advertising of Personal Real Estate Corporations must be done in the licensee name of the personal real estate corporation, not in the name of the licensee name of the controlling individual. For example:

Susan Wong Personal Real Estate Corporation

(See section 4-6(3)(b) of the Council Rules and the June 2009 Report from Council newsletter.)

Advertising compliance is a responsibility shared by both licensees and managing brokers, on behalf of their brokerages. In a competitive market, creative advertisements can help brokerages and licensees stand out and differentiate themselves from their competitors. Unfortunately, in some instances, licensees take their advertising creativity beyond acceptable boundaries and into the territory of false and misleading advertising, with overblown promises and inaccurate representations.

Having "too many ads" does not change the shared responsibility to comply.



Some licensees take their advertising creativity beyond acceptable boundaries and into the territory of false and misleading advertising

Managing brokers should also periodically discuss examples of appropriate and inappropriate advertising practices, to ensure licensees' understanding of the requirements of sections 4-6, 4-7 and 4-8 of the Council Rules. (See August 2010 Report from Council newsletter.)

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

This Issue:



- Advertising Compliance Reminder
- New Staff
- Emailing Licence Applications Requiring ID
- New Single Payment for Licensing Fees

- Brokerage Standards Manual Reminder
- Brokerages Must Disclose Interest in Trades
- 2010 Statistics
- Disciplinary Decisions

A Note from the Chair



Gerry Martin,
Chair

As licensees will note from the statistics section found later in this edition of the *Report from Council* newsletter, despite the economic slowdown in many parts of the province, the number of licensees continues to grow with 20,300 licensees as of the beginning of October. While the number of licensees has increased, the number of complaints has remained static over the last several years, which is another positive indicator of the industry's desire to maintain professionalism. There were 564 complaints recorded for the Council's year ending June 30, 2010 compared with 570 the year prior. The number of hearings and consent orders also remained static with six hearings held and 96 consent orders compared with five hearings and 96 consent orders last year. The Council also handed out 60 licence reprimands, 40 suspensions and 22 discipline penalties.

You will note that the disciplinary sanction section comprises over 50% of this Report and that there are two licence cancellations, as well as a number of suspensions. The serious nature of some of the disciplinary files is of significant concern to the Council and, in this regard, I urge you to ensure that you always render competent service and always act in the best interest of your clients.

Earlier this 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, as is the *Brokerage Standards Manual*. The Council then provided all managing brokers with a printed copy of the newly revised *Professional Standards Manual* and indicated to them that they could order manuals for those licensees who wanted a printed copy rather than relying on the electronic version on the Council's website. The Council anticipates distributing approximately half the number of manuals, resulting in substantial savings in both printing and postage.

The Council recently faxed a notice to all managing brokers advising that the *Brokerage Standards Manual* had been updated with new information. As a result of this notice, the Council received a number of calls from managing brokers who weren't aware of the *Brokerage Standards Manual*. I want to remind all managing brokers that the *Brokerage Standards Manual* is only available on the Council's website and that the Council does not issue a printed copy. Managing brokers should ensure that they familiarize themselves with the content of this manual in order that they may operate their brokerages in accordance with the *Real Estate Services Act*.

On behalf of Council members and staff, I wish you a busy and productive fall.

Gerry Martin
Chair

New Staff

Over the past year, there have been a number of changes to the Council staff. **Michelle Chai** and **Jenny De Castris** joined the Council's Audit Department as auditor/investigators, while **Angela Uruski-Girard** and **Carmen Amundsen** joined the Council's Compliance Department as Compliance Officers. **Carolyn Gulabsingh** became the fourth staff lawyer in the Council's Legal Department. Finally, **Robin Rebeiro**, who previously worked for the Council in its Education Department, has rejoined the Council staff as Executive Assistant to Robert Fawcett and Larry Buttress.

Office Closures

The Council office will be closed on **Thursday, November 11, 2010** for Remembrance Day.

RECBC 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
Fax 604-683-9017
info@recbc.ca
www.recbc.ca

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

Real Estate Council of BC
CHAIR—Gerry Martin
VICE-CHAIR—Bryon Brandle
EXECUTIVE OFFICER—Robert O. Fawcett

COUNCIL MEMBERS

Barbara Barry
William (Bill) Binnie
William (Bill) Brown
Marshall Cowe
Subhadra Ghose
Abdul Ghouri
Susan McGougan
Jim McNeal
John Nagy
Patrick O'Donnell
William (Bill) Phillips
Bruce Turner
Liz Tutt
Michael Ziegler

STATISTICS

October 2010

Representatives: 17,058
Associate Brokers: 1,786
Managing Brokers: 1,334
Total Licensees: 20,178
Brokerages (including branch offices
and sole proprietors): 1,434

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.

Canada Post

Return undeliverable addresses to:
Real Estate Council of BC
900-750 West Pender Street
Vancouver, BC, Canada V6C 2T8

PM# 40016497

Printed on 100% post-consumer
recycled paper

Important: New Single Payment for Licensing Fees

In order to simplify the payment process for licensees who pay their licensing fees by cheque, effective November 1, 2010, only **one** cheque (made payable to the "Real Estate Council of BC") will be accepted by the Council for the total amount of licensing fees, errors & omissions insurance and special compensation fund assessments. Previously,

the Council had required licensees to submit three separate cheques. Under this new simplified one-cheque process, the Council will collect all fees and assessments and remit to the other organizations.

Licensees who pay their licensing fees by Visa or MasterCard will not be im-

pacted by this change. In addition, cash payments will still be accepted at the Council office as in the past.

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

Emailing Licence Applications Requiring ID

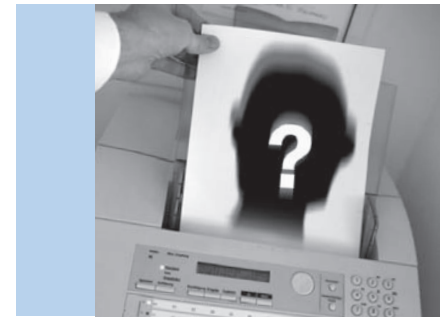
Since the introduction of the requirement to submit copies of identification with certain types of licence applications in June 2010, the Council has been experiencing difficulties with the clarity of the photo ID that is being submitted with applications via fax.

In order to resolve the situation, the Council requests that licence applicants email a scanned copy of the application form, credit card payment form and any necessary attachments, including the required ID, to info@recbc.ca instead of sending the applications by fax. It would be appreciated if the application

and attachments could be emailed in a PDF file format. It would also be appreciated if the application, attachments and ID could be scanned into one document instead of multiple documents.

In the event that you do not have access to email and must send a fax, please lighten the ID on your photocopier several times before faxing.

Email transmission should only be used for applications requiring ID [first-time licensing, re-licensing and reinstatements (unlicensed more than 90 days)]. Please continue to send licence renewals,



transfers and other types of applications not requiring ID by fax to the Council's licensing department at 604-683-9017.

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

Brokerages Must Disclose Interest in Trades

Section 5-9 of the Council Rules requires licensees to disclose, using the approved Disclosure of Interest in Trade form available on the Council's website (www.recbc.ca/pdf/Forms/DisclosureTrade.pdf), when they are acquiring or disposing of an interest in real estate, or when

they are providing trading services to an associate who is acquiring or disposing of an interest in real estate. This disclosure requirement applies equally to brokerages and individual licensees.

Interests in real estate include rental and

leasehold interests. Therefore, where a brokerage is acquiring or disposing of a leasehold interest in real estate, it must provide a completed Disclosure of Interest in Trade form to the landlord before the agreement to acquire or dispose of the leasehold interest has been entered into. ■

Brokerage Standards Manual Reminder

Managing brokers are reminded that the Council has posted, on its website, the recently published *Brokerage Standards Manual*. The *Brokerage Standards Manual* has been developed to assist managing brokers in discharging their duties under the *Real Estate Services Act*. The Council urges all managing brokers to review this newly revised and expanded manual.

The *Brokerage Standards Manual* replaces the former *Office Practice Manual* and *Corporate Office Manual*. If

brokerages still have copies of either of the latter manuals, they should be recycled as the information is now out of date. The *Brokerage Standards Manual* was developed with the participation of several real estate licensees and has been thoroughly reviewed by an editorial committee. The Council is appreciative of licensees' suggestions and comments, and would welcome any further input licensees may have to improve the *Brokerage Standards Manual*. Suggestions may be forwarded to the Council office at info@recbc.ca. ■

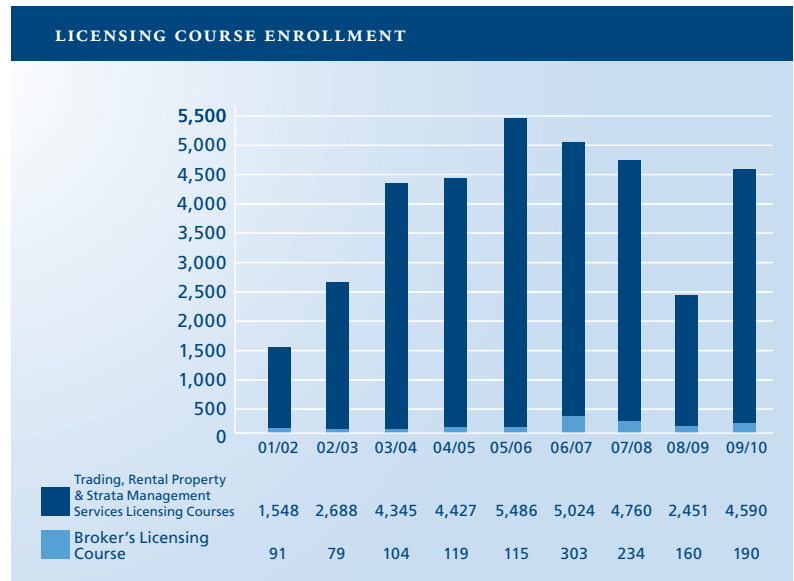


The newly-written **Brokerage Standards Manual** is available in a dynamic web version on the Council's website.

Increased Market Activity Boosts Course Enrollment While Complaint and Discipline Activity Remain Consistent

Licensing Course Enrollment

After a steep decline in enrollments in the trading, rental and strata management services licensing courses in 2008/09, the number of individuals that registered during the Council's year ending June 30, 2010 nearly doubled to 4,600 registrants. This number is similar to the number of enrollments in 2006, 2007 and 2008. The number of registrations in the broker's licensing course increased to 190 for the Council's year ending June 30, 2010, up from 160 last year. It should be noted that not all individuals who enroll in licensing courses go on to obtain their real estate licence as many individuals do not complete the course, fail the course examination, or withdraw from the course.



Licensing

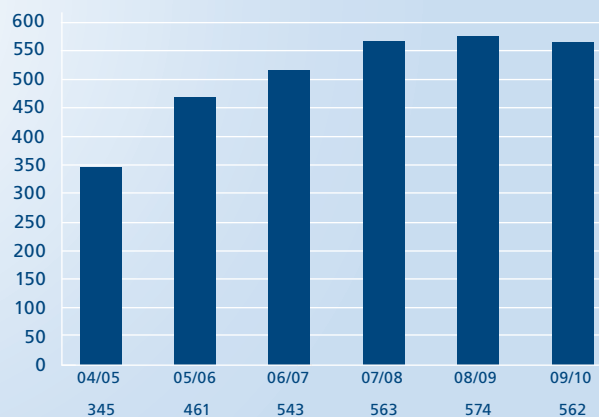
The number of individuals licensed in the province increased to 20,189 for the year ending June 30, 2010. This is a slight increase from the year prior but is virtually the same as two years ago. Over the past 10 years, the number of managing and associate broker licensees has remained consistent, averaging about 3,200, while at the same time, the number of representative licensees has increased from about 9,400 in 2000/01 to over 17,000 in 2009/10.



Complaints Received

The number of complaints received at the Council office for the year ending June 30, 2010 was 562, down from 574 the year prior. This number is about the same as the previous two years and may be indicative that the overall number of complaints may have leveled out or begun a downward trend. Many factors, including the supervision of managing brokers, the industry's Professional Development Program and the Council's Relicensing Education Program have helped to stem the rise in the number of consumer complaints.

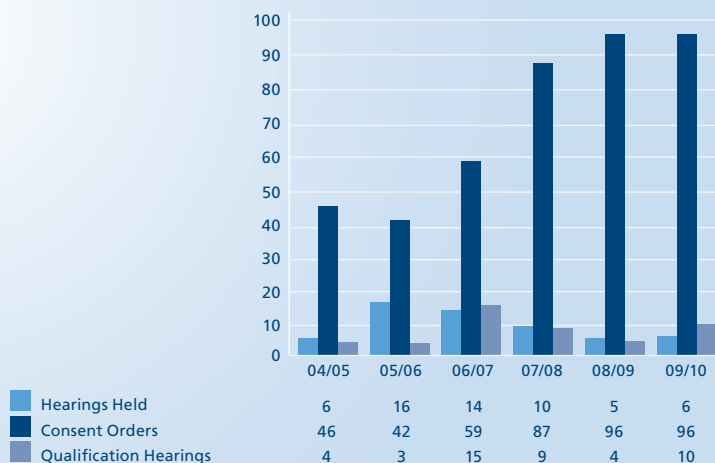
COMPLAINTS RECEIVED



Hearings and Consent Orders

The Council entered into 96 consent orders for the year ending June 30, 2010, which is the same number that it entered into the year prior. The number of formal discipline hearings held during the 2009/10 year was in line with the year prior with six hearings held compared with five in 2008/09. The Council also held 10 qualification hearings—a form of hearing to determine the suitability of individuals for licensing under the *Real Estate Services Act*.

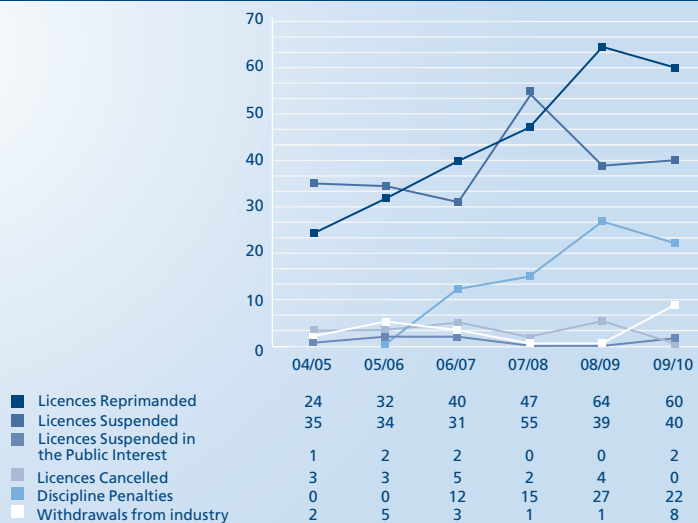
HEARINGS AND CONSENT ORDERS



Discipline

The number of discipline decisions meted out by the Council's discipline committees in 2009/10 was very similar to previous years. The number of licence reprimands issued in 2009/10 was 60, down slightly from 64 issued the year prior. Similarly, the number of licences suspended increased to 40 compared with 39 last year. The Council issued 22 discipline penalties (fines) to licensees, down slightly from 27 the year prior. The Council also suspended two licences in the public interest without a hearing during 2009/10. (A discipline committee may suspend a licensee's licence without a hearing if the licensee has acted in a way that could result in a disciplinary order, that the length of time it would take to make such an order would be detrimental to the public interest and that it is in the public interest to make such an order.) There were eight withdrawals from the industry, which is up considerably from previous years. Withdrawals from the industry occur in situations where a licensee requests that the Council discontinue disciplinary proceedings against them as the licensee has decided to agree to a lifetime ban from real estate practice in British Columbia.

DISCIPLINE



Disciplinary Decisions

Since the August 2010 *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

Binder Singh Lalli

ISSUE: Binder Singh Lalli, currently unlicensed, while licensed as a representative with Royal Pacific Realty (Kingsway) Ltd., Vancouver, was found by a Discipline Hearing Committee to have (a) committed professional misconduct within the meaning of section 35(1)(a) and section 27(1) of the *Real Estate Services Act* in that he received deposit funds in relation to a prospective trade in real estate and he did not promptly deliver the funds to the brokerage for deposit into the brokerage trust account; (b) committed an act of wrongful taking in the sum of \$5,350 (Cdn) in relation to a client as the term defined in section 1 “wrongful taking” (b) of the *Real Estate Services Act*, in contravention of section 35(1)(c) of the *Real Estate Services Act* by failing to account for or pay over to a client the deposit upon the client’s demand and upon a settlement by way of a June 3, 2008 agreement which terminated the first contract and in which Mr. Lalli agreed to return the deposit on or before August 31, 2008, in full settlement of the parties’ rights under the first contract; (c) committed professional misconduct, contrary to section 35(1)(a) of the *Real Estate Services Act*, in that he failed to comply with his agency disclosure obligations to a client, in accordance with section 5-10 of the Council Rules; (d) committed professional misconduct, contrary to section 35(1)(a) of the *Real Estate Services Act*, in that he failed to ensure his managing broker was informed of the real estate services being provided and other activities being performed by Mr. Lalli on behalf of the brokerage, in accordance with section 3-2(b) (as it then was) and section 3-2(2) (as amended) of the Council Rules and failed to ensure his managing broker was provided with those documents referred to in section 3-2(a) of the Council Rules (as it then was), including the first contract

and those documents referred to in section 3-2(1) of the Council Rules (as amended), including the settlement agreement; (e) committed professional misconduct, contrary to section 35(1)(a) of the *Real Estate Services Act*, in that he provided real estate services other than on behalf of the brokerage, in contravention of section 7(3)(a) of the *Real Estate Services Act*; and (f) committed professional misconduct, contrary to section 35(1)(d) of the *Real Estate Services Act*, in that he failed to advise his client to seek independent legal advice prior to entering into the first contract.

RESULT: Binder Singh Lalli’s licence was cancelled and it was ordered that the Council would not consider an application for licensing for a period of five (5) years from the date of this Order to June 27, 2015 inclusive. It was also ordered that a Qualification Hearing would be held pursuant to section 2-6 of the Council Rules upon Mr. Lalli’s application to become re-licensed to determine if he was suitable for licensing. Further, Mr. Lalli was ordered to pay enforcement expenses to the Council in the amount of \$10,457.80 within one year of the date of the decision and, in any event, as a precondition to the scheduling of a future Qualification Hearing.

Gina Leanne Drobot

ISSUE: Gina Leanne Drobot, currently unlicensed, while licensed as a representative with Westwin Realty Ltd. dba Royal LePage Westwin Realty, Kamloops, was found by a Discipline Hearing Committee to have committed professional misconduct within the meaning of section 35(1) of the *Real Estate Services Act* in that she: (a) contravened section 35(1)(c) of the *Real Estate Services Act* in that she committed an act of deceptive dealing by creating a May 30, 2007 amendment form which indicated that the buyers and the seller had agreed to a modified sale price of \$405,000.00 plus GST when she knew or ought to have known that the buyers did not agree to that sum but had agreed to a total sale price of \$420,522.00 inclusive of net GST as set out in the contract; (b) contravened section 35(1)(c) of the *Real Estate Services Act* in that she committed an act of deceptive

dealing when she purported to witness the buyers’ signatures on the Contract Amendment Form when she did not see them or either of them sign the form and when she knew or ought to have known that the buyers had not signed the form; (c) contravened section 35(1)(c) of the *Real Estate Services Act* and committed an act of deceptive dealing when she purported to witness the buyers’ signatures on the May 30, 2007 deficiency checklist addendum when she did not see them or either of them sign the addendum and when she knew or ought to have known that the buyers had not signed the deficiency checklist addendum; and (d) contravened section 35(1)(d) of the *Real Estate Services Act* and demonstrated incompetence and contravened section 3-3(1)(c) and 3-4 of the Council Rules in that she failed to ensure that the sale price of \$405,000.00 plus GST had been clearly set out in the contract.

RESULT: Ms. Drobot’s licence was cancelled and she will not be permitted to be licensed for a period of five (5) years from August 18, 2010 to August 17, 2015 and if she should apply to be licensed her application will be referred to a Qualification Hearing, pursuant to section 10 of the *Real Estate Services Act* and section 2-6 of the Council Rules. Further, she was ordered to pay a discipline penalty to the Council in the amount of \$5,000.00 and to pay enforcement expenses to the Council in the amount of \$8,285.00, both of which would be required to be paid by Ms. Drobot within sixty days of the date of this decision and, in any event, before any application for future licensing will be considered by the Council.

Brian John Greekas

ISSUE: Brian John Greekas, currently unlicensed, while licensed as a representative, Premier Canadian Properties (Okanagan) Ltd. dba Premier Canadian Properties, 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 of the *Real Estate Services Act* by depositing a cheque drawn on his related brokerage’s trust account payable to his client into his personal account.

Disciplinary Decisions, *cont'd*

RESULT: Brian John Greekas was suspended for sixty (60) days, dates to be determined upon reapplication for licensing, 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.

Surinderjit (Serge) Singh Rai Money Saver Realty Ltd.

ISSUE: Money Saver Realty Ltd., Surrey, 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) contravened section 7-7(1) of the Council Rules in that it failed to file an Accountant's Report with the Council for the year ending December 31, 2008 on or before April 30, 2009; (b) contravened section 25 of the *Real Estate Services Act* in that it failed to prepare trust reconciliations for the trading services brokerage account, commission trust account and reconciliations for the general operating account, in a timely manner as required by sections 8-2 and 8-3 of the Council Rules; and (c) contravened section 27(2) of the *Real Estate Services Act* by failing to deposit two deposits from a buyer into the brokerage trading services trust account promptly upon receipt.

ISSUE: Surinderjit (Serge) Singh Rai, managing broker, Money Saver Realty Ltd., Surrey, 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 sections 3-3(1)(a) and (b) and 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 brokerage filed its Accountant's Report for the year ending December 31, 2008 on or before April 30, 2009; (b) failed to ensure that the brokerage maintained proper books, accounts and other records; (c) failed to ensure that the brokerage deposited money it received as deposits promptly upon receipt of same; and (d) failed to ensure that a licensee in his office made proper disclosure of remuneration as required by sections 5-8 and 5-11 of the Council Rules.

RESULT: Money Saver Realty Ltd. was reprimanded and was ordered to pay a discipline penalty to the Council in the

amount of \$2,000.00.

RESULT: Surinderjit (Serge) Singh Rai's licence as a managing broker with Money Saver Realty Ltd. was suspended for forty-five (45) days from October 6, 2010 to November 19, 2010 (inclusive), but he is immediately eligible to be licensed as an associate broker or representative. Further, he was ordered to successfully complete the Trading Services Remedial Education Course. It should be noted that Surinderjit (Serge) Singh Rai's licence as a managing broker with Realty One Homes Ltd., Surrey, is unaffected by this suspension.

RESULT: Money Saver Realty Ltd. and Surinderjit (Serge) Singh Rai were ordered to be jointly and severally liable to pay audit costs to the Council in the amount of \$806.00 and were ordered to be jointly and severally liable to pay enforcement expenses to the Council in the amount of \$1,000.00.

Sherry Shohreh Moallem

ISSUE: Sherry Shohreh Moallem, representative, City Realty Ltd. dba Re/Max City Realty, Vancouver, was found by a Discipline Hearing Committee to have committed professional misconduct within the meaning of section 35(1) of the *Real Estate Services Act* in that she: (a) contravened section 3-3(1)(a) of the Council Rules by advertising that the subject property was sold, after the transaction had collapsed; (b) contravened section 4-7 of the Council Rules by engaging in false and misleading advertising in that she advertised on MLS and other mediums the seller's property as being sold, when it was not; and (c) contravened sections 3-3(1)(a) and 3-4 of the Council Rules by permitting someone other than her client to sign a Contract of Purchase and Sale without written authority or without an executed power of attorney.

RESULT: Sherry Shohreh Moallem was suspended for thirty (30) days from August 4, 2010 to September 2, 2010 (inclusive), ordered to successfully complete the Trading Services Remedial Education Course and pay enforcement expenses in the amount of \$9,000.00.

Marguerite Sharon Schmaltz

ISSUE: Marguerite Sharon Schmaltz and Maggie Schmaltz Personal Real Estate Cor-

poration, Westwin Realty Ltd. dba Royal LePage Westwin Realty, Kamloops, while licensed as Marguerite Sharon Schmaltz, representative, Westwin Realty Ltd. dba Royal LePage Westwin Realty, Kamloops, was found by a Discipline Hearing Committee to have committed professional misconduct within the meaning of section 35(1)(a) and (d) of the *Real Estate Services Act* in that she: (a) contravened section 5-8 and 5-13 of the Council Rules in that she failed to disclose to the buyers that the seller had grown marijuana plants outside of the house on the subject property in order to ensure that the buyers could make any further inquiries about whether any marijuana had been grown inside the said house; and (b) contravened section 3-3(1) and 3-4 of the Council Rules in that she failed to make any further inquiries in order to ascertain all the information about the property if she was only advised by the seller that he had grown marijuana outside the said house.

RESULT: Marguerite Sharon Schmaltz was suspended for twenty-one (21) days from September 15, 2010 to October 5, 2010 (inclusive) for professional misconduct. Further, Ms. Schmaltz was ordered to successfully complete the Trading Services Remedial Education Course and pay enforcement expenses to the Council in the amount of \$2,000.00.

Scott Richard Davidson

ISSUE: Scott Richard Davidson, representative, Century 21 Executives Realty Ltd., 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) and (d) of the *Real Estate Services Act* in that he, as the buyer's representative in the proposed purchase by the buyer of a commercial and residential development in Vernon, B.C. from the seller as those terms are defined in the Contract of Purchase and Sale agreement dated October 31, 2009: (a) contrary to section 27(1)(a) of the *Real Estate Services Act*, failed to promptly deliver to the brokerage a deposit cheque received on or about 1:00 pm, November 2, 2009 from the buyer on account of the deposit under the Contract of Purchase and Sale; (b) contrary to section 3-2(2) of the Council Rules, failed to immediately notify his managing broker that, while he had received the

Disciplinary Decisions, *cont'd*

deposit cheque, he had not turned it into the brokerage; (c) contrary to section 3-4 of the Council Rules, failed to immediately clarify to the seller's agent that the brokerage was not holding the deposit cheque as he had earlier advised; and (d) contrary to sections 27 and 28 of the *Real Estate Services Act* and section 3-2(2) of the Council Rules, failed to ensure he had the consent of the seller and he had informed his managing broker before returning the deposit cheque to the buyer.

RESULT: Scott Richard Davidson was suspended for twenty-one (21) days from October 20, 2010 to November 9, 2010 (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.

Heba Awad

ISSUE: Heba Awad, representative, TRG The Residential Group Realty Ltd. dba TRG The Residential Group Realty, Vancouver, entered into a Consent Order with the Council in which she consented to an Order that, while licensed with Nechako Real Estate Ltd. dba Century 21 In Town Realty, Vancouver, she committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* in that she, as representative for the buyer in the purchase of property between the developer and the buyer by Contract of Purchase and Sale dated October 24, 2007: (a) failed to provide the managing broker of Century 21 In Town Realty with the trading records regarding the transaction, contrary to section 35(1)(a) of the *Real Estate Services Act* and section 3-2(1)(b) of the Council Rules; (b) failed to disclose to the managing broker of Century 21 In Town Realty and to the buyer the source, amount and other relevant facts regarding her remuneration for the transaction, contrary to section 35(1)(a) of the *Real Estate Services Act* and section 5-11 of the Council Rules; (c) did not act with reasonable care and skill when representing the buyer regarding the Contract of Purchase and Sale, contrary to section 35(1)(d) of the *Real Estate Services Act* and section 3-4 of the Council Rules; and (d) failed to refer the buyer for legal advice regarding the buyer's intention to enter into a Contract of Purchase and Sale which included a waiver of the buyer's rescission rights as set out in section 21 of REDMA.

RESULT: Heba Awad was suspended for twenty-one (21) days from October 20, 2010 to November 9, 2010 (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.

Angele Gisele Marie L'Abbe

ISSUE: Angele Gisele Marie L'Abbe, representative, West Coast Realty Ltd. (Brdwy) dba Sutton Group West Coast Realty (Brdwy), 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, as representative for the seller in the sale of property between the Developer and the buyer by Contract of Purchase and Sale dated October 24, 2007: (a) failed to act with reasonable care and skill on behalf of the seller when preparing the Contract of Purchase and Sale which included a waiver of the buyer's rescission rights in section 21 of REDMA, contrary to section 35(1)(d) of the *Real Estate Services Act* and section 3-4 of the Council Rules; and (b) failed to act with reasonable care and skill when she failed, in the circumstances, to refer the buyer for independent legal advice before entering into the Contract of Purchase and Sale which included a waiver of the buyer's right under section 21 of REDMA, contrary to section 35(1)(d) of the *Real Estate Services Act* and section 3-4 of the Council Rules.

RESULT: Angele Gisele Marie L'Abbe was reprimanded and was ordered to successfully complete the Trading Services Remedial Education Course, pay a discipline penalty to the Council in the amount of \$2,500.00 and pay enforcement expenses to the Council in the amount of \$1,000.00.

Bill Rusin

ISSUE: Bill Rusin, representative, Multiple Realty Ltd., 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 by failing to provide the complainants with the correct building plans in his capacity as limited dual agent,

and by incorrectly indentifying the owner of the subject property when drafting the Contract of Purchase and Sale.

RESULT: Bill Rusin was suspended for seven (7) days from October 6, 2010 to October 12, 2010 (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.

Thanh Van (Tony) Trieu

ISSUE: Thanh Van (Tony) Trieu, representative, Royal Pacific Realty Corp., 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 of the *Real Estate Services Act* by contravening section 3-4 of the Council Rules in that, while acting as the representative for the sellers, Mr. Trieu: (a) failed to ensure that the Contracts of Purchase and Sale dated May 10, 19 and 26, 2009 and a confirmation of instruction letter dated May 28, 2009 (the "Documents") were signed by the seller or a person legally authorized to sign on the seller's behalf; and (b) failed to ensure that one or more of the seller's signatures on the Documents was witnessed.

RESULT: Thanh Van (Tony) Trieu was suspended for seven (7) days from October 20, 2010 to October 26, 2010 (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.

Susan Cathrine Collins

ISSUE: Susan Cathrine Collins, representative, Okanagan Gateway Realty Ltd. dba Realty Executives Princeton, Princeton, 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 contravened sections 3-3(1)(h) and 3-4 of the Council Rules in that she failed to use reasonable efforts to discover relevant facts about the subject property and disclose same to the buyers, as renovations to the subject property were completed or nearly completed without all of the required permits or inspections.

Disciplinary Decisions, *cont'd*

RESULT: Susan Cathrine Collins was suspended for seven (7) days from August 25, 2010 to August 31, 2010 (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.

Philippe Jean Hahn Joyce Livia Hahn

ISSUE: Philippe Jean Hahn, representative, Camosun Properties Ltd. dba Re/Max Camosun, Victoria, 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 35(1)(d) of the *Real Estate Services Act* by marketing a strata property without filing a Disclosure Statement with the Superintendent of Real Estate, as required by section 14 of the Real Estate Development Marketing Act; (b) contravened section 3-4 of the Council Rules by providing prospective purchasers of the strata property with documents which falsely stated that the properties were freehold title, when they were strata title; (c) contravened section 5-11(2)(b) and 5-11(2)(c) of the Council Rules while acting as a limited dual agent in the sale of a strata property by failing to accurately disclose to the purchasers his actual commission; and (d) contravened section 5-11(2)(b) and 5-11(2)(c) of the Council Rules while acting as a limited dual agent in the sale of a strata property by failing to accurately disclose to the purchasers that he had reduced his commission by \$2,000.00.

ISSUE: Joyce Livia Hahn, representative, Camosun Properties Ltd. dba Re/Max Camosun, Victoria, 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 35(1)(d) of the *Real Estate Services Act* by marketing a strata property without filing a Disclosure Statement with the Superintendent of Real Estate, as required by section 14 of the Real Estate Development Marketing Act; and (b) contravened section 3-4 of the Council Rules by providing prospective purchasers of the strata property with documents which falsely

stated that the properties were freehold title, when they were strata title.

RESULT: Philippe Jean Hahn was suspended for seven (7) days from October 13, 2010 to October 19, 2010 (inclusive) and was ordered to successfully complete the Trading Services Remedial Education Course.

RESULT: Joyce Livia Hahn was suspended for seven (7) days from October 13, 2010 to October 19, 2010 (inclusive) and was ordered to successfully complete the Trading Services Remedial Education Course.

Raymond John Blender

ISSUE: Raymond John Blender, managing broker, Camosun Properties Ltd. dba Re/Max Camosun, Victoria, 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 6(2) of the *Real Estate Services Act* and section 3-1(1)(c) of the Council Rules in that he failed to ensure that two licensees promptly ceased all marketing, including website marketing, of seven bare strata lots in Shawnigan Lake, B.C. after being notified by the Financial Institutions Commission that a Cease Marketing Order had been issued regarding the seven bare strata lots.

RESULT: Raymond John Blender was reprimanded and ordered to pay enforcement expenses to the Council in the amount of \$1,000.00.

Christopher Reginald Gerrard Robert Douglas Cross

ISSUE: Christopher Reginald Gerrard, representative, Nanaimo Realty Co. Ltd. (Ldy) dba Royal LePage Nanaimo Realty (Ldy), Ladysmith, entered into a Consent Order with the Council in which he consented to an Order that he: (a) committed professional misconduct within the meaning of section 35(1)(g) of the *Real Estate Services Act* in that he made a false and misleading statement in that he represented that he had completed the course requirements of the Council's Re-licensing Education Program prior to the expiration of his licence on January 20, 2009 when he knew or ought to have

known he had not completed the course requirements; and (b) committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* in that he contravened section 2-8.1 of the Council Rules by failing to complete the course requirements of the Council's Re-licensing Education Program prior to the expiration of his licence on January 20, 2009 and prior to submitting his application for renewal of his licence.

ISSUE: Robert Douglas Cross, managing broker, Nanaimo Realty Co. Ltd. (Ldy) dba Royal LePage Nanaimo Realty (Ldy), Ladysmith, 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 contravened section 6(2) of the *Real Estate Services Act* and section 3-1 of the Council Rules when he allowed Christopher Reginald Gerrard to make a false or misleading statement to the Council in his application for licence renewal received by the Council on January 15, 2009 in that Mr. Gerrard certified that he had completed the Council's Re-licensing Education Program requirements when Mr. Cross knew or ought to have known that Mr. Gerrard had not completed the requirements.

RESULT: Christopher Reginald Gerrard was reprimanded and was ordered to pay a discipline penalty to the Council in the amount of \$1,000.00.

RESULT: Robert Douglas Cross was reprimanded and was ordered to pay a discipline penalty to the Council in the amount of \$1,000.00.

RESULT: Christopher Reginald Gerrard and Robert Douglas Cross were ordered to be jointly and severally liable to pay enforcement expenses to the Council in the amount of \$1,000.00.

David John Drennan

ISSUE: David John Drennan, representative, B.C. Realty Match, Kelowna, entered into a Consent Order with the Council in which he consented to an Order that, while licensed with Sundance Investments Ltd. dba Sundance Realty Group, Lake Country, he committed professional

Disciplinary Decisions, *cont'd*

misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* in that he (a) contravened section 4-7 of the Council Rules in that he advertised to members of the public that the property was being “Sold Sunday Night to the Highest Offer” which he knew or ought to have known was untrue or misleading as the seller had a reserve price on the said property; and (b) contravened section 3-4 of the Council Rules in that he failed to disclose to members of the public in the MLS® listing public remarks that the seller had a reserve price on the said property.

RESULT: David John Drennan was reprimanded and was ordered to pay a discipline penalty to the Council in the amount of \$1,500.00, successfully complete the Trading Services Remedial Education Course, and pay enforcement expenses to the Council in the amount of \$1,000.00.

Danny Stefan

ISSUE: Danny Stefan, representative, West Coast Realty Ltd. (Van49) dba Sutton Group-West Coast Realty (Van49), Vancouver, entered into a Consent Order with the Council in which he consented to an Order that, while licensed with Par Excellence Management Inc. dba Sutton Group-Killarney Realty, Vancouver, he committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* in that, as listing agent in the sale of a property from the seller to the buyers by Contract of Purchase and Sale dated July 3, 2007, he failed to fully communicate to the seller a request from the buyers’ representative on behalf of the buyers to extend the completion date of the transaction, contrary to section 3-3(1)(a), (f) and (g) of the Council Rules.

RESULT: Danny Stefan 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.

Donna Marie Rogers

ISSUE: Donna Marie Rogers, associate broker, D.F.H. Real Estate Ltd. (VicGold), Victoria, entered into a Consent Order with the Council in which she consented

to an Order that, while licensed as an associate broker and later as a managing broker with Home Team Realty Ltd., Victoria, she committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* in that she: (a) contravened section 7(3)(a) of the *Real Estate Services Act* after March 1, 2007 by providing real estate services separate and apart from the brokerage while acting as a “sales representative” in the Sales and Design Centre operated by the Bear Mountain Master Partnership; and (b) contravened section 7(3)(b) of the *Real Estate Services Act* after March 1, 2007 by accepting remuneration paid to her directly, independent of the brokerage, in relation to real estate services she provided to the Sales and Design Centre operated by the Bear Mountain Master Partnership. Mitigating factor: Ms. Rogers’ brokerage, Home Team Realty, is owned by the same entity (The Bear Mountain Master Partnership) that owns the Bear Mountain Ltd. Partnership, who was developing the properties.

RESULT: Donna Marie Rogers 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.

Bhadrayu (Dave) Chandrakant Vaishnav Save 2 Sell Realty Corporation

ISSUE: Save 2 Sell Realty Corporation, Surrey, 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: Bhadrayu (Dave) Chandrakant Vaishnav, managing broker, Save 2 Sell Realty Corporation, Surrey, 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 Es-*

tate Services Act 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: Save 2 Sell Realty Corporation is: (a) ordered to file an Accountant’s Report for the fiscal year ending June 30, 2009 disclosing the brokerage has complied with all of the trust accounting and record keeping requirements of the *Real Estate Services Act*, its Regulation, Rules and Bylaws, and that the brokerage’s current and total assets equaled or exceeded the current and total liabilities respectively by October 30, 2010; (b) if the Accountant’s Report referred to in (a) above is received before October 30, 2010, Save 2 Sell and Mr. Vaishnav will be reprimanded and Mr. Vaishnav and Save 2 Sell will be jointly and severally liable to pay a discipline penalty to the Council in the amount of \$1,000.00; (c) if the Accountant’s Report referred to in (a) above is not received by October 30, 2010, Save 2 Sell’s and Mr. Vaishnav’s licences will be suspended for ninety (90) days effective October 31, 2010 to January 28, 2011 inclusive; and (d) Save 2 Sell and Mr. Vaishnav are ordered to be jointly and severally liable to pay enforcement expenses to the Council in the amount of \$1,000.00.

Chris Ian Grout Pasadena Estates Development Corp.

ISSUE: Pasadena Estates Development Corp., Kelowna, 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: Chris Ian Grout, managing broker, Pasadena Estates Development Corp., 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)(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

Disciplinary Decisions, *cont'd*

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: Pasadena Estates Development Corp. was reprimanded.

RESULT: Chris Ian Grout was reprimanded.

RESULT: Further, Pasadena Estates Development Corp. and Chris Ian Grout were jointly and severally liable to pay enforcement expenses to the Council in the amount of \$1,000.00.

Rahim Lalani

ISSUE: Rahim Lalani, representative, West Coast Realty Ltd. (WVan) dba Sutton Group-West Coast Realty (WVan), West Vancouver, entered into a Consent Order with the Council in which he consented to an Order that, while he was licensed with Masters Realty (2000) Inc. dba Re Max Masters Realty, West Vancouver, he committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* in that he, contrary to section 7(3)(a) of the *Real Estate Services Act*, provided real estate services other than on behalf of his brokerage, Masters Realty, in that he prepared both the 86A contract on behalf of himself and TL as buyers and DJ and AM as sellers, and the 62A contract on behalf of himself and TL as sellers and AM as buyer, and not on behalf of his brokerage, and did not include the name of the brokerage in the 86A contract or 62A contract.

RESULT: Rahim Lalani 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.

Andrew Robert Peck David Wang On Choi

ISSUE: Andrew Robert Peck, managing broker, Royal Pacific Realty Corp., Vancouver, entered into a Consent Order with the Council in which he consented to an Order that he committed profes-

sional misconduct within the meaning of section 35 of the *Real Estate Services Act* by contravening section 2-19 of the Council Rules in that he failed to respond promptly to inquiries made by the Council concerning an Office and Records Inspection Report.

ISSUE: David Wang On Choi, managing broker, Royal Pacific Realty Corp., 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 of the *Real Estate Services Act* by contravening section 2-19 of the Council Rules in that he failed to respond promptly to inquiries made by the Council concerning an Office and Records Inspection Report.

RESULT: Andrew Robert Peck was ordered to pay a discipline penalty to the Council in the amount of \$5,000.00.

RESULT: David Wang On Choi was ordered to pay a discipline penalty to the Council in the amount of \$2,500.00.

RESULT: Andrew Robert Peck and David Wang On Choi were ordered to be jointly and severally liable to pay enforcement expenses to the Council in the amount of \$1,000.00.

Robin (Rob) Leslie Ohs

ISSUE: Robin (Rob) Leslie Ohs and Rob Ohs Personal Real Estate Corporation, Coast Realty Group (Parksville) Ltd., Parksville, while licensed as Robin (Rob) Leslie Ohs, representative, Coast Realty Group (Parksville) Ltd., Parksville, 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 represented to or led the said buyers to believe in an MLS Listing Information document that the house was built in 1986, which he knew or ought to have known was untrue or misleading as the said property was actually built in or about 1978; and (b) contravened section 3-4 of the Council Rules in that he failed to make any or sufficient inquiries in order to ascertain

the exact age of the said property when he listed the said property for sale.

RESULT: Robin (Rob) Leslie Ohs 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.

Rental Property Management Services

Diana Soo Chien Lew

ISSUE: Diana Soo Chien Lew, representative, Park Georgia Realty Ltd. (VnGra), 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* by contravening section 7(3) of the *Real Estate Services Act* and section 3-4 of the Council Rules in that she: (a) provided rental property management services directly to the landlord, and apart from the brokerage with whom she was employed, by collecting rental payments on behalf of the landlord and managing landlord and tenant matters, contrary to section 7(3) of the *Real Estate Services Act*; and (b) did not act with reasonable care and skill when drafting the Offer to Lease by failing to specify the time frame in which the landlord was to provide the lease to the tenant, contrary to section 3-4 of the Council Rules.

RESULT: Diana Soo Chien Lew was suspended for twenty-one (21) days from October 6, 2010 to October 26, 2010 (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.

Zheng Yu (Zita) Wu

ISSUE: Zheng Yu (Zita) Wu, representative, Broadway West Realty Ltd. dba Amex Broadway West Realty, Vancouver, entered into a Consent Order with the Council in which she consented to an Order that, while licensed with Royal Pacific Realty Corp., Vancouver, she commit-

Disciplinary Decisions, *cont'd*

ted professional misconduct within the meaning of section 35 of the *Real Estate Services Act* in that she: (a) provided rental property management services when she was not licensed to do so in relation to properties on Salisbury Ave, Burnaby and Birney Ave, Vancouver, contrary to section 3(1) of the *Real Estate Services Act*; (b) provided rental property management services in relation to these properties separate from the brokerage with which she was licensed, contrary to section 7(3)(a) of the *Real Estate Services Act*; (c) received, indirectly, remuneration for the provision of rental property management services from a person other than the brokerage to which she was licensed, contrary to section 7(3)(b) of the *Real Estate Services Act*; and (d) permitted her husband to provide rental property management services in relation to these properties when he was not licensed to do so, contrary to section 3(1) of the *Real Estate Services Act*.

RESULT: Zheng Yu (Zita) Wu was suspended for fourteen (14) days from October 20, 2010 to November 2, 2010 (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.

Carol Yvonne Youngberg

ISSUE: Carol Yvonne Youngberg, managing broker, Desert Aire Realty (1994) Inc. dba Coldwell Banker Desert Aire Realty, Osoyoos, 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* as managing broker of the brokerage by: (a) contravening section 25 of the *Real Estate Services Act* and section 8-3(b)(iii) of the Council Rules by failing to ensure that the reconciliations for the brokerage's rental property services pooled trust account reflected the date the reconciliations were prepared on the monthly trust liability listings; (b) contravening section 8-6 of the Council Rules during December 2008 and January 2009 by failing to ensure that the brokerage retained copies of all residential tenancy agreements entered into on behalf of the brokerage; (c) contravening section 27(2)(a) of the *Real Estate Services Act* between May 2008 and September 2008 by failing to ensure that all funds submitted to the brokerage in respect of rental property services provided to the client were deposited into the brokerage's rental property management brokerage trust account; (d) contravening section 30(1) of the *Real Estate Services Act* by failing to ensure that bank service charges in connection with the brokerage's rental property management trust account were withdrawn from the brokerage's general operating account rather than being withdrawn from the brokerage's rental property management trust account; (e) contravening section 5-1(1)(b) of the Council Rules by failing to ensure that all rental property management service agreements entered into on behalf of the brokerage satisfied all of the requirements of sections

5-1(2), 5-1(3), 5-1(4), 5-1(5) and 5-1(6) of the Council Rules; (f) contravening section 5-1(1)(c) of the Council Rules by failing to ensure that all strata property management service agreements entered into on behalf of the brokerage satisfied all of the requirements of sections 5-1(1), 5-1(2), 5-1(3), 5-1(4), 5-1(5.1), and 5-1(6) of the Council Rules; (g) contravening section 7-5(1) of the Council Rules by allowing the brokerage to make payments out of the brokerage's property management trust account which rendered the brokerage's property management trust account into a negative balance; (h) failing to be actively engaged in the management of the brokerage, in accordance with section 6(2) of the *Real Estate Services Act* and section 3-1 of the Council Rules; (i) failing to ensure that the business of the brokerage was carried out competently and in accordance with the Act, Regulation, Rules and/or Bylaws, as required by section 6(2) of the *Real Estate Services Act* and section 3-1 of the Council Rules; and (j) failing to ensure that there was an adequate level of supervision for related associate brokers and representatives, in accordance with section 6(2) of the *Real Estate Services Act* and 3-1 of the Council Rules.

RESULT: Carol Yvonne Youngberg was suspended for seven (7) days from October 13, 2010 to October 19, 2010 (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. ■

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

Copyright 2010 Real Estate Council of BC

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

Disclaimer: While RECBC makes every effort to ensure that the information in this publication is current and accurate, RECBC does not warrant or guarantee that it will be free of errors. The information contained in this publication is not intended to cover all situations. It is general information only and users/readers are encouraged to seek their own independent advice for particular fact situations.