



**IN THE MATTER OF THE MORTGAGE BROKERS ACT
R.S.B.C. 1996, c. 313**

-AND-

INDEEP SINGH AULAK, also known as TED AULAK

**SUSPENSION ORDER
(Pursuant to ss. 8(1) and 8(2) of the *Mortgage Brokers Act*)**

Based on materials submitted by staff of the Registrar of Mortgage Brokers ("Staff"), I am of the opinion and find that:

Background

1. Indeep Singh Aulak, also known as Ted Aulak ("Mr. Aulak"), is registered in British Columbia as a submortgage broker with Dominion Lending Centres Mountain View ("Mountain View") pursuant to the *Mortgage Brokers Act* (the "Act").
2. Mr. Aulak was registered under the Act on April 4, 2016, and he was not previously registered under the Act.
3. The designated individual for Mountain View is Wende Dawes.
4. On April 15, 2016, the Real Estate Council of British Columbia (the "Council") contacted Staff and advised that on January 20, 2016, Mr. Aulak may have written the Real Estate Trading Services Licensing Examination (the "RETS Exam") in place of Mr. Ryan Gurinder Rana ("Mr. Rana").

Registrar of Mortgage Brokers

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5. Mr. Rana (together with Ryan Rana Personal Real Estate Corporation) was licensed with the Council to provide trading services on February 12, 2016.
6. On April 20, 2016, the Real Estate Council issued an order under section 45 of the *Real Estate Services Act*, suspending Mr. Rana's (together with Ryan Rana Personal Real Estate Corporation) licence effective immediately.

Legislation

7. Section 4 of the Act provides:

The registrar

- (a) Must grant registration or renewal of registration to an applicant if in the opinion of the registrar the applicant is suitable for registration and the proposed registration is not objectionable ...

8. Section 8 of the Act provides the following:

(1) After giving a person registered under this Act an opportunity to be heard, the registrar may do one or more of the following:

- (a) suspend the person's registration;
- (b) cancel the person's registration;
- (c) order the person to cease a specified activity;
- (d) order the person to carry out specified actions that the registrar considers necessary to remedy the situation,

if, in the opinion of the registrar, any of the following paragraphs apply:

- (e) the person would be disentitled to registration if the person were an applicant under section 4;
- (f) the person is in breach of this Act, the regulations or a condition of registration;
- (g) the person is a party to a mortgage transaction that is harsh and unconscionable or otherwise inequitable;

- (h) the person has made a statement in a record filed or provided under this Act that, at the time and in the light of the circumstances under which the statement was made, was false or misleading with respect to a material fact or that omitted to state a material fact, the omission of which made the statement false or misleading;
- (i) the person has conducted or is conducting business in a manner that is prejudicial to the public interest;
- (j) the person is in breach of a provision of Part 2 or 5 of the *Business Practices and Consumer Protection Act* prescribed under section 9.1(2).

...

- (2) If the length of time that would be required to give the person an opportunity to be heard under subsection (1) would, in the registrar's opinion, be prejudicial to the public interest, the registrar may suspend registration without giving the person an opportunity to be heard.
- (3) If under subsection (2) the registrar suspends registration without giving the person an opportunity to be heard, the registrar must promptly send written notification of the suspension to the person and to the tribunal.

Investigation

- 9. Both the RETS Exam and the Mortgage Brokerage in British Columbia Examination (the "Mortgage Broker Exam") are administered by the Real Estate Division of the Sauder School of Business, at the University of British Columbia ("Sauder").
- 10. After being notified by the Council that Mr. Aulak may have written the RETS Exam in place of Mr. Rana, Staff reviewed Mr. Aulak's Examination Admission Ticket for the January 20, 2016 sitting of the Mortgage Broker Exam, to which a passport photo of Mr. Aulak, dated January 6, 2016, was attached.

11. Staff also reviewed the Examination Admission Ticket in Mr. Rana's name, for the December 15, 2015 sitting of the RETS Licensing Examination, to which a passport photo was also attached. The passport photo was taken at _____ Photo Studio located at _____ Street, Surrey, B.C. ("_____ Photo") and was dated November 20, 2015.
12. In the photograph submitted in Mr. Aulak's name for the Mortgage Broker Examination Admission Ticket, Mr. Aulak is wearing a turban and has a full beard. In the photograph attached to the RETS Examination Admission Ticket in Mr. Rana's name, the subject is not wearing a turban and does not have a full beard.
13. The Office of the Registrar of Mortgage Brokers maintains a Mortgage Broker Tracking System ("MBTS") which holds and includes the registration information of current mortgage brokers and submortgage brokers, and those applying to register as a mortgage broker or a submortgage broker.
14. Staff reviewed Mr. Aulak's MBTS information. The MBTS contained a scanned copy of Mr. Aulak's BC Driver's license No. _____. The residential address associated with Mr. Aulak MBTS record is _____ Street, Surrey, British Columbia, and the associated phone number is (604) _____.
15. Correspondence from Sauder to the Council dated December 18, 2015, informed the Council that a person who identified as being Mr. Rana attended to write the RETS Exam. However, the government issued photo identification presented by him, did not match Mr. Rana's appearance, and he was referred to a lawyer or notary to get further assurances regarding his identity. The person who identified as Mr. Rana then provided Sauder with an affidavit, which attached the same photograph on the RETS Exam Ticket in Mr. Rana's name, to confirm the identity of the person who presented himself to write the RETS Exam, as Mr. Rana (the "Affidavit").
16. Staff also reviewed the "Learner Identification Verification Form" for the Trading Services Applied Practice Real Estate Course in the name of Ryan Rana, dated January 27, 2016. The photograph attached to the form is the same photo as that attached in the Affidavit, and the photograph attached the RETS Exam Ticket in Mr. Rana's name.

17. The photographs attached to the RETS Exam Ticket in Mr. Rana's name, the Affidavit and the Learner Identification Verification Form are collectively the "Submitted Rana Photographs".
18. Staff reviewed a screenshot of Mr. Ryan Rana's website, at www.ryansoldit.ca. There are photographs of Mr. Rana on the webpage, which do not resemble the Submitted Rana Photographs.
19. The Council advised that they conducted social media searches of Mr. Rana, and found that Mr. Aulak and Mr. Rana are friends on a social media website. The social media website depicted photos of Mr. Aulak. The Council also engaged a private investigator who compared the social media photos to the photo attached to the Rana Affidavit, using photo matching software. The investigator determined that the two photos were a likely match.
20. After reviewing all of the photographs of both Mr. Aulak and Mr. Rana, Staff is of the opinion that the Submitted Rana Photographs are that of Mr. Aulak and not Mr. Rana.
21. Staff emailed a copy of the photograph attached to the RETS Exam Ticket in Mr. Rana's name to Wende Dawes, the Designated Individual for Mr. Aulak, and inquired if she recognized the person in the photograph. Ms. Dawes replied that she thought it was a different individual and did not identify Mr. Aulak in the photograph.
22. Staff reviewed the MBTS records for the individual identified by Ms. Dawes, and determined that although there were some similarities in the photographs, the person identified by Ms. Dawes was not the same person depicted in the photograph attached to the RETS Exam ticket in Mr. Rana's name.
23. On April 18, 2016, Staff attended at the _____ Photo Studio at _____ Street, Surrey, BC, and spoke to the proprietor, Mr. _____ S _____. Mr. S _____ reviewed the passport photo attached to the RETS Exam Ticket in Mr. Rana's name and accessed his customer data base at the request of Staff.

24. Mr. S _ provided Staff with a copy of a passport photo commissioned by a person with the last name of "Aulakh" on November 20, 2015. Staff determined that the photograph is the same as the one in the Submitted Rana Photographs. The record provided by Mr. S _ also includes the phone number _____, which is the same phone number found in MBTS records associated with Mr. Aulak.
25. The Council further advised Staff that Mr. Aulak and Mr. Rana appear to be professionally associated with each other. Mr. Aulak is the registered owner of property located at _____ Avenue, Surrey, British Columbia. Mr. Rana's website: www.ryansoldit.ca, advertised a listing for this property that was described as being "Under Construction Luxurious Custom Designed and Built Home". Mr. Rana's website also refers to Mr. Aulak as a mortgage specialist.
26. On April 15, 2016 Mr. Rana admitted to the Council that he did not write the RETS Exam and that someone else wrote the RETS Exam for him.

I AM THEREFORE OF THE OPINION AND FIND that Mr. Aulak is unsuitable for registration under s. 4 of the Act, and his registration as a submortgage broker is objectionable because:

- (a) Mr. Aulak wrote the Real Estate Trading Services Licensing Examination in place of Mr. Rana, who was subsequently licensed by the Council to provide real estate services; and
- (b) Mr. Aulak swore a false affidavit attesting that he was Mr. Rana; and
- (c) Mr. Aulak applied for registration in the Trading Services Applied Practice Real Estate Course, on behalf of Rana.

I AM THEREFORE OF THE OPINION that it is in the public interest to make a summary order as permitted by s. 8(2) of the Act because:

- (a) The primary purpose of the Act is protection of the public and the maintenance of public confidence in the mortgage industry. Section 4 of the Act contributes to these purposes by ensuring all individuals who are registered are suitable and their proposed registration is not objectionable. The qualities that make a person suitable for registration include such things as honesty, reliability, integrity and professionalism.

Licensing and registration are linchpins of regulatory systems. When individuals are not properly qualified to be licensed or registered by the regulator, the public is placed at risk when they work with these individuals. In the case of real estate transactions, a consumer may be making one of the largest financial investments in their lifetime, and they trust that those who hold themselves out as licensees or registrants are properly qualified.

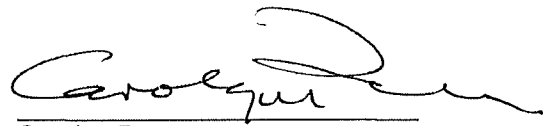
By writing the RETS Exam in place of Mr. Rana, swearing a false affidavit, and registering for a course in place of another, Mr. Aulak has demonstrated both a complete disregard for regulatory authority, and also demonstrated his readiness to deceive a regulator and the public as to the qualifications of a licensee. Mr. Aulak is lacking in all of the essential qualities for registration: honesty, reliability, integrity and professionalism. It is my opinion that it is objectionable to have as a registrant someone who has demonstrated they are lacking in these qualities.

- (b) Mr. Aulak's actions are particularly concerning given the short period of time in which he has been registered as a submortgage broker. In addition, Mr. Aulak is active in the real estate industry and maintained a professional relationship with Mr. Rana by listing one of his properties with Mr. Rana, whom he knew was not properly licensed;
- (c) The length of time that would be required to hold a hearing to make an order under s. 8(1) of the Act would be prejudicial to the public interest. I agree with Staff that a hearing of this matter would involve approximately 5 witnesses and would require at least 2 days of hearing time. Scheduling the hearing would not be possible until approximately July of 2016.

I HEREBY SUSPEND the registration of Mr. Aulak, pursuant to ss. 8(2) and 8(1) of the Act, from acting as a submortgage broker in British Columbia until further order of the Registrar regarding final penalty based on the findings of facts in this order, pursuant to s. 8(1) of the Act.

TAKE NOTICE that Mr. Aulak may, under Section 9 of the Act, appeal this Order of Suspension to the Financial Services Tribunal.

Dated at the City of Vancouver,
Province of British Columbia
this 25 day of April, 2016



Carolyn Rogers

Registrar of Mortgage Brokers
Province of British Columbia

To: INDEEP SINGH AULAK, also known as TED AULAK
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