

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

AND

IN THE MATTER OF
TIAN YI (RICHARD) LI
(174496)

CONSENT ORDER

RESPONDENT: Tian Yi (Richard) Li, Trading Representative,
Magsen Realty Inc, while licensed with Metro
Edge Realty dba Metro Edge Holdings Ltd.

DATE OF REVIEW MEETING: April 21, 2021

DATE OF CONSENT ORDER: April 21, 2021

CONSENT ORDER REVIEW COMMITTEE: C. Ludgate
M. Chan
S. Sidhu

COUNSEL: Kyle A. Ferguson, Legal Counsel for
the Real Estate Council of BC

PROCEEDINGS:

On April 21, 2021, the Consent Order Review Committee (“CORC”) resolved to accept the Consent Order Proposal (the “Proposal”) submitted by Tian Yi (Richard) Li (“Mr. Li”).

WHEREAS the Proposal, a copy of which is attached hereto, has been executed by Mr. Li.

NOW THEREFORE, having made the findings proposed in the attached Proposal, and found that Mr. Li committed professional misconduct within the meaning of section 35(1)(a), 35(1)(c), 35(1)(d), 35(2)(b) and 35(2)(c) of the *Real Estate Services Act* (“RESA”) and sections 3-4, 3-2(1)(b) and 3-2(2)(a) of the Rules made under the RESA, pursuant to section 43 of the RESA the CORC orders that:

1. Mr. Li’s license is terminated effective two (2) months after the date of this Consent Order.

-
2. Mr. Li shall pay enforcement expenses in the amount of \$1,500.
 3. Mr. Li shall not and is not eligible to apply for a license to provide real estate services as defined in the *Real Estate Services Act*:
 - a. for a period of three (3) years from the date of this Consent Order; and
 - b. until Mr. Li has paid the enforcement expenses in the amount of \$1,500.

If Mr. Li fails to comply with any term of this Order, the Council may suspend or cancel his licence without further notice to him, pursuant to sections 43(3) and 43(4) of the RESA.

Dated this 21st day of April, 2021 at the City of Vancouver, British Columbia.

ON BEHALF OF THE CONSENT ORDER REVIEW COMMITTEE

“Sukh Sidhu”
Sukh Sidhu
Consent Order Review Committee

Attch.

**IN THE MATTER OF THE *REAL ESTATE SERVICES ACT*
S.B.C. 2004, c. 42 as amended**

AND

**IN THE MATTER OF
TIAN YI (RICHARD) LI
(174496)**

CONSENT ORDER PROPOSAL BY TIAN YI (RICHARD) LI

BACKGROUND AND FACTS

This Consent Order Proposal (the “**Proposal**”) is made by Tian Yi (Richard) Li (“**Mr. Li**”) to the Consent Order Review Committee (“**CORC**”) of the Real Estate Council of British Columbia (the “**Council**”) pursuant to section 41 of the *Real Estate Service Act* (“**RESA**”).

For the purposes of the Proposal, Mr. Li and the Council have agreed upon the following facts:

1. Mr. Li (1174496) has been licensed as a representative since August 9, 2016.
2. Mr. Li was licensed as a representative with Metro Edge Holdings Inc. dba Metro Edge Realty (the “**Brokerage**”) between August 9, 2016 and December 6, 2016.
3. Mr. Li’s licensing history is as follows:

Brokerage	Licence Level	Licence Category	Start Date	End Date
Magsen Realty Inc. (X023621)	Representative	Trading, Rental	8/9/2020	
Magsen Realty Inc. (X023621)	Representative	Trading, Rental	12/20/2018	8/8/2020
Royal Pacific Riverside Realty Ltd. (X027016)	Representative	Trading, Rental	8/9/2018	12/20/2018
Royal Pacific Riverside Realty Ltd. (X027016)	Representative	Trading	12/6/2016	8/8/2018
Metro Edge Realty (X032112)	Representative	Trading	8/9/2016	12/6/2016

4. According to Mr. Li, while licensed with the Brokerage, he and other representatives licensed with the Brokerage were part of an unregistered team, whose team leader was R.K., who was also licensed as a representative at the Brokerage.

5. Mr. Li advised the Council that in September 2016 the Brokerage sent an email to its licensees attaching a brokerage policy which provided, *inter alia*, that team members leaving the brokerage would not receive any pending commissions if 3 months' notice was not given to the Brokerage. At that time, R.K., Mr. Li and other members of R.K.'s team were considering leaving the Brokerage.
6. According to Mr. Li, R.K. advised him that another member of the R.K. team, J.J., was going to transfer his license to another brokerage and the team could work under J.J.'s name while the remaining team members stayed at the Brokerage until such time as all their commissions were paid out.
7. On September 9, 2016, J.J. transferred his license from the Brokerage to another brokerage, Sutton Group Seafair Realty.
8. According to Mr. Li, J.J. provided him with copies of his new business cards.
9. On September 13, 2016, four days after he left the Brokerage, J.J. sent an email to R.K. attaching seven documents in editable form-with his name and new brokerage name. The documents attached were three copies of the Contract of Purchase and Sale, including the Commercial Contract of Purchase and Sale, the Working with a Realtor Brochure, and Fintrac, all with the J.J.'s name and the name of his new brokerage (the "**Documents**").
10. J.J. says that he provided the Documents to R.K. because he wanted to show R.K. that he would now be doing deals under his own name, rather than under R.K.'s name, as was the practice while he was part of R.K.'s team.
11. From around September 13 to October 30, 2016, J.J. was out of the country.
12. On September 27, 2016, R.K. forwarded J.J.'s email with the Documents to Mr. Li.
13. Mr. Li advised the Council that on September 30, 2016, he received a call from R.K. advising that R.K. had a client interested in selling her property and buying a condominium (the "**Buyer**").
14. On October 1, 2016, Mr. Li and R.K. attended at the Buyer's home where R.K. introduced Mr. Li to the Buyer.
15. Mr. Li further stated that on October 1, 2016, he drove R.K. and the Buyer to the presentation centre for Sunstone Village Residences, a development located at XXXX Delsom Crescent, Delta, B.C.. The Buyer, R.K. and Mr. Li were unable to meet with one of the seller's agents when they first attended at the presentation centre, as they had not reserved an appointment online. The Buyer then advised Mr. Li and R.K. that her friend had made a reservation to meet with one of the seller's agents at 4 p.m., and that they could take that reservation.

16. Mr. Li says that he drove R.K. home and that R.K. instructed him to use J.J.'s name as the Buyer's Agent and to provide J.J.'s business card to the presentation centre. R.K. denies so advising Mr. Li, and further denies that he instructed anyone at the Brokerage that any new deals should be done under J.J.'s name.
17. Mr. Li returned to the presentation centre at 4 p.m. on October 1, 2016 with the Buyer and helped her with making an offer to purchase a unit in the development. Mr. Li provided J.J.'s business card to the seller's agent at the presentation centre. At no point did Mr. Li clarify that he was not J.J.
18. The contract of purchase and sale presented to the Buyer indicated that J.J. was the Buyer's agent. Mr. Li did not correct the contract to reflect that J.J. was not the agent for the Buyer, and Mr. Li signed as a witness to an addendum to the contract in his own name without clarifying that he was not J.J.
19. The seller's agent at the presentation centre provided Mr. Li with a Working with a REALTOR Brochure to be completed. Mr. Li wrote J.J.'s name in as the agent for the Buyer and had the Buyer acknowledge a client relationship with J.J. Mr. Li then signed the Working with a REALTOR Brochure below the name J.J. Mr. Li says that he signed the Working with a REALTOR Brochure as it was his understanding that he could sign on behalf of J.J. because he was on the same team as J.J. (even though, by this point, J.J. was licensed with a different brokerage).
20. The Buyer had never met J.J.
21. Mr. Li stated that he messaged J.J. about the transaction but did not get a response.
22. Mr. Li further stated that on October 8, 2016, he accompanied the Buyer to the presentation centre so she could provide the deposit. Mr. Li further stated that he continued to attempt to contact J.J. through messaging, phone calls and emails but did not receive a response back from him.
23. Mr. Li did not provide his Brokerage with the records in relation to the Buyer's contract of purchase and sale and did not keep his managing broker informed of the real estate services that he was providing to the Buyer.
24. On October 13 and 18, 2016, the presentation centre sales team emailed J.J. to confirm the commissions that were owing to him. On October 31, 2016, J.J. responded to advise that he believed there had been a mistake as he had been out of the country for the last month and he did not know the client referred to in the paperwork provided by the presentation centre sales team.
25. Mr. Li advised that after J.J. returned from China, J.J. blocked his number and would not speak with Mr. Li.

26. On November 1, 2016, J.S., Managing Broker for the seller's listing brokerage, reported to the Council that J.J., the purported buyer's agent in respect of the sale of the Property, was unaware of the transaction.
27. In or around early 2019, the Buyer requested the seller's consent to assign the contract of purchase and sale. The seller declined the request, and the seller agreed to release the Buyer from the contract of purchase and sale and the deposit was returned to the Buyer.
28. Mr. Li has no prior discipline history with the Council.
29. A Notice of Disciplinary Hearing was issued on February 7, 2017 and served on Mr. Li and an Amended Notice of Disciplinary Hearing was issued on February 16, 2021 and served on Mr. Li.

PROPOSED FINDINGS OF MISCONDUCT

For the sole purposes of the Proposal and based on the Facts outlined herein, Mr. Li proposes the following findings of misconduct be made by the CORC:

1. Mr. Li committed professional misconduct within the meaning of section 35(1)(a) of the RESA when, acting in his capacity as the buyer's agent for the purchase of property located at XXXX Delsom Crescent, Delta, BC (the "**Property**") he, for the purpose of protecting his commission:
 - a) held himself out as J.J., a licensee licensed at the time with Sutton Group Seafair Realty, in that he:
 - i) provided J.J.'s business card to the seller's agent on October 1, 2016, when he attended at the presentation centre with the buyer and failed to disclose his true identity to the seller's agents;
 - ii) when the seller's agent prepared a contract of purchase and sale on October 1, 2016 that indicated that J.J. was the buyer's agent, he failed to disclose to the seller's agent his true identity, did not correct the contract of purchase and sale, and instead witnessed the buyer's signature on an addendum to contract of purchase and sale;
 - iii) he prepared the Working with a REALTOR Brochure, in which the buyer acknowledged a client relationship with J.J. rather than himself, and signed below the name J.J. on the Brochure; and
 - iv) he failed to disclose his true identity to the seller's representatives, when he subsequently accompanied the buyer to the presentation centre on October 8, 2016 to provide the seller's agent with the buyer's deposit;
- contrary to section 3-4 of the Rules [duty to act honestly with reasonable care and skill] and/or to section 35(1)(c) of the RESA [deceptive dealing];

b) failed to provide his managing broker with the originals or copies of all trading records in relation to the sale of the Property, contrary to section 3-2(1)(b) of the Rules [duty to promptly provide records to the managing broker]; and

c) failed to keep his managing broker informed of his involvement in the sale of the Property and of the matters referred to in paragraphs 1(a)(i) through (iv), contrary to section 3-2(2)(a) of the Rules [duty to keep the managing broker informed].

2. Mr. Li committed professional misconduct within the meaning of section 35(1)(a) of the RESA and acted contrary to section 35(1)(d) of the RESA [demonstrates incompetence], when he engaged in the conduct set out in the paragraphs 1(a)(i) through (iv) above.
3. Mr. Li committed conduct unbecoming a licensee within the meaning of section 35(2)(b) and (c) of the RESA [undermined the public confidence in the real estate industry and brought the real estate industry into disrepute], when he engaged in the conduct set out in paragraphs 1(a)(i) through (iv) above.

PROPOSED ORDERS

Based on the Facts herein and the Proposed Findings of Misconduct, Mr. Li propose that the Notice of Discipline Hearing in this matter be resolved through the following Orders being made by the CORC, pursuant to section 43 of the RESA:

1. Mr. Li's license is terminated effective two (2) months after the date of this Consent Order.
2. Mr. Li shall pay enforcement expenses in the amount of \$1,500.
3. Mr. Li shall not and is not eligible to apply for a license to provide real estate services as defined in the *Real Estate Services Act*:
 - a. for a period of three (3) years from the date of this Consent Order; and
 - b. until Mr. Li has paid the enforcement expenses in the amount of \$1,500.

ACKNOWLEDGEMENTS AND WAIVER OF APPEAL RIGHT

1. Mr. Li acknowledges and understands that the Council may refer or decline to refer the Proposal to the CORC. If the Proposal is referred to the CORC, it may be accepted or rejected by the CORC. If the Proposal is rejected by the CORC, the matter may be referred to a disciplinary hearing.
2. Mr. Li acknowledges that he has been urged and given the opportunity to seek and obtain independent legal advice with respect to the disciplinary process, the allegations contained in the Notice of Discipline Hearing, and the execution and submission of the Proposal to the CORC; and, that he has obtained independent legal advice or chosen not

to do so, and that he is making the Proposal with full knowledge of the contents and the consequences if the Proposal is accepted.

3. Mr. Li acknowledges and is aware that the Council will publish the Proposal and the Consent Order or summaries thereof in its Report from Council newsletter, on the Council's website, on CanLII, a website for legal research and in such other places and by such other means as the Council in its sole discretion deems appropriate.
4. Mr. Li acknowledges and is aware that the Superintendent of Real Estate has the right, pursuant to section 54 of the RESA, to appeal any decision of the Council, including any Consent Order made by the Council in relation to this matter.
5. Mr. Li hereby waives his right to appeal pursuant to section 54 of the RESA.
6. The Proposal and its contents are made by Mr. Li for the sole purpose of resolving the Notice of Discipline Hearing in this matter and does not constitute an admission of civil liability. Pursuant to section 41(5) of the RESA, the Proposal and its contents may not be used without the consent of Mr. Li in any civil proceeding with respect to the matter.

"TIAN YI (RICHARD) LI"

TIAN YI (RICHARD) LI

Dated 6th, day of April, 2021

Signature of Mr. Li witnessed on the above date by

Chunzhu Chen

Witness Name *(Please Print)*

"CHUNZHU CHEN"

Witness Signature