

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

LI LI also known as LILY LEE
(166624)

CONSENT ORDER

RESPONDENT: Li Li also known as Lily Lee, Trading Representative, Metro Edge Realty

DATE OF CONSENT ORDER: November 19, 2020

CONSENT ORDER REVIEW COMMITTEE: Y. Amlani
R. Hanson
B. Chisholm

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

PROCEEDINGS:

On November 19 2020, the Consent Order Review Committee (“CORC”) resolved to accept the Consent Order Proposal (the “Proposal”) submitted by Li Li also known as Lily Lee (“Ms. Li”).

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

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

1. Ms. Li’s licence be suspended for three (3) months;
2. Ms. Li will not act as an unlicensed assistant during the time of her licence suspension;
3. Ms. Li pay a discipline penalty to the Council in the amount of \$15,000 which shall be paid in accordance with the following schedule:

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- a. Ms. Li shall pay \$5,000 to the Council within one (1) month from the date of this Order;
 - b. Ms. Li shall pay \$5,000 to the Council within five (5) months from the date of this Order; and
 - c. Ms. Li shall pay \$5,000 to the Council within ten (10) months from the date of this Order.
4. Ms. Li pay enforcement expenses to the Council in the amount of \$1,500 within two (2) months from the date of this Order;
 5. Ms. Li, at her own expense, register for and successfully complete, within the time frame as directed by the Council:
 - (a) the Real Estate Trading Services Remedial Education Course as provided by Sauder School of Business at the University of British Columbia; and
 - (b) *Ethics: Unlocking the REALTOR® Code*, as provided by the BC Real Estate Association.

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

Dated this 19th day of November, 2020 at the City of Vancouver, British Columbia.

ON BEHALF OF THE CONSENT ORDER REVIEW COMMITTEE

“Yasin Amlani”

Yasin Amlani
Consent Order Review Committee

Attch.

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

IN THE MATTER OF

**LI LI also known as LILY LEE
(166624)**

CONSENT ORDER PROPOSAL OF LI LI also known as LILY LEE

BACKGROUND AND FACTS

This Consent Order Proposal (the "Proposal") is made by Li Li also known as Lily Lee ("Ms. 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 Services Act* ("RESA").

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

1. Ms. Li has been licensed since August 6, 2013 and is currently licensed with Metro Edge Realty to provide trading services.
2. This matter relates to the conduct of Ms. Li while acting as a prospective buyer's agent in relation to properties located at XXXX Stonecroft Drive, Abbotsford (the "Stonecroft Property") and XXXXX Camden Court, Abbotsford (the "Camden Property").
3. On October 21, 2017, Ms. Li gave her clients access to the Stonecroft Property and the Camden Property via SentiSmart, a mobile application that allows virtual access to keys. As a result, Ms. Li's clients attended and toured the Stonecroft Property and the Camden Property on their own without Ms. Li or any other agent being present.
4. As discussed below, Ms. Li's clients were discovered touring the Stonecroft Property without a licensee by another prospective buyer and their agent on October 21, 2017, and this was reported to the Council. During the course of the Council's investigation, it was discovered that earlier on October 21, 2017, Ms. Li had also shared the mobile access code for the Camden Property with the same clients.

Stonecroft Property

5. The Stonecroft Property was listed with RE/MAX Aldercenter on October 19, 2017 at a listing price of \$839,700. XXXXXXXX GXXXXXXX ("Mr. GXXXXXXX") was the designated agent for the sellers.
6. As a member of the Fraser Valley Real Estate Board (the "Board"), Mr. GXXXXXXX was required by the Board to subscribe to an electronic lockbox service provided by SentiLock.

7. On October 20, 2017 at 9:41 pm, Ms. Li sent a message to Mr. GXXXXXXXXX via Touchbase requesting a viewing for the Stonecroft Property on October 21, 2017 between 4:00 pm and 4:30 pm.
8. Mr. GXXXXXXXXX confirmed the viewing and advised Ms. Li that access to the Stonecroft Property was via a lockbox on the front door.
9. Ms. Li says that in the early afternoon of October 21, 2017, she realized that she would not be able to attend the viewing. She spoke to her clients, but they still wanted to view the Stonecroft Property that day as scheduled. Ms. Li told her clients that she would try to get them access by using a code.
10. Ms. Li stated that when her clients arrived at the Stonecroft Property, she spoke with them by phone and obtained the serial number on Mr. GXXXXXXXXX's lockbox; she then generated a mobile access code via the SentiSmart application on her phone.
11. At around 4:15 pm, Ms. Li provided the mobile access code for the Stonecroft Property to her clients via a phone call.
12. At approximately 4:25 pm, Mr. XXXXX BXXXXX, a licensee, attended the Stonecroft Property with his clients for a showing which was scheduled at 4:30 pm. Mr. BXXXXX stated that the lockbox was already open and that he saw three people by the front door of the Stonecroft Property, one of whom was holding the key to the property. Mr. BXXXXX initially believed that the person holding the key was a licensee.
13. The person holding the key was later identified as one of Ms. Li's clients, for whom she had scheduled a showing at 4:00 pm.
14. Mr. BXXXXX identified himself and asked Ms. Li's clients if they had just arrived or if they were finishing the showing. Ms. Li's clients spoke very limited English, but Mr. BXXXXX managed to understand that the person holding the key was not a licensee and that "his Realtor® gave him the key".
15. Mr. BXXXXX's clients knew the family of Ms. Li's clients and explained to Mr. BXXXXX that they had attended the Stonecroft Property for a viewing without their agent.
16. Mr. BXXXXX immediately contacted Mr. GXXXXXXXXX to apprise him of the situation.
17. Shortly thereafter, Mr. GXXXXXXXXX arrived at the Stonecroft Property. He spoke to Ms. Li's clients who confirmed that their agent was Ms. Li and that she was not present. According to Mr. GXXXXXXXXX, Ms. Li's clients said they were at the Property with their "friends", referring to Mr. BXXXXX's clients, but Mr. GXXXXXXXXX verified that Ms. Li's clients attended and toured the Stonecroft Property on their own.
18. Mr. GXXXXXXXXX phoned SentiLock, the company that operates SentiSmart, and verified that an access code was generated for his lockbox by a "Lily Li".
19. Mr. GXXXXXXXXX reported the incident to Ms. Li's managing broker and to the Council.

20. Ms. Li's managing broker, Mr. XXXXXXXX PXXXXXX, spoke to Mr. GXXXXXXX on October 21, 2017 and met with Ms. Li on October 22, 2017 about the incident. Mr. PXXXXXX asked Ms. Li for an explanation on why she was not present at the viewing and advised that going forward, she must always accompany her clients at showings. Mr. PXXXXXX also advised Ms. Li that in case of an emergency, she must inform him and the listing agent in advance of the showing, and that she must not provide access codes or virtual keys to anyone else.
21. On October 23, 2017, Ms. Li attended Mr. GXXXXXXX's office to discuss the incident and apologize for the incident. Ms. Li admitted to Mr. GXXXXXXX that she gave her clients the access code so that they could view the Stonecroft Property. Ms. Li explained that she was in Burnaby that day and was unable to attend the viewing. She stated that her clients were her friends and she trusted that they would not cause any damage to the Stonecroft Property.
22. Mr. PXXXXXX explained to the Council that according to the brokerage policy, all agents were required to be present at viewings with their clients; if there is an emergency, the agent had to speak with the listing agent. Mr. PXXXXXX also explained that the brokerage regularly held training sessions and meetings with agents during which where a managing broker would discuss these matters.

Camden Property

23. On December 28, 2017, during the course of the Council's investigation, the Council's compliance office received information from SentiLock which indicated that Ms. Li generated two mobile access codes on October 21, 2017, and that they were both used to access properties that day. The relevant data with respect to the two codes generated by Ms. Li were as follows:

Code	Lockbox #	Owner of lockbox (i.e., listing agent)	Property at which the lockbox was located	Date and time stamp: code generated	Date and time stamp: code for access
4291792	01027507	XXXXXXX GXXXXXXX	Stonecroft Property	Oct. 21, 2017 @ 4:15 pm	Oct. 21, 2017 @ 4:23 pm
8954368	00998367	XXXX XXX XXXXXXX (of Landmark Realty, Mission)	Camden Property	Oct. 21, 2017 @ 3:53 p.m.	Oct. 21, 2017 @ 4:03 pm and again @ 4:13 pm

24. At around 3:55 pm on October 21, 2017, Ms. Li provided her clients with the mobile access code for the lockbox at the Camden Property via a WeChat message. Ms. Li's clients were able to use the code to access the key to the Camden Property and view the property without being accompanied by a licensee or anyone else.
25. On December 29, 2017, the compliance officer asked Ms. Li for an explanation for the two codes that she generated on October 21, 2017.

26. Ms. Li explained, "I shared only one code by text message via wechat (sic). The other code was through calling: they gave me the key box number and I told them the code on phone...".
27. A Notice of Discipline Hearing was issued on September 21, 2018, and served on Ms. Li.
28. Ms. Li has no previous discipline history with the Council.

PROPOSED FINDINGS OF MISCONDUCT

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

Ms. Li committed professional misconduct within the meaning of section 35(1)(a) of the RESA, when, on or about October 21, 2017 in her capacity as the prospective buyers' agent she:

1. In relation to the Stonecroft Property:

- (a) allowed her clients to attend a viewing of the property when she knew that neither she, another licensee from her brokerage, the seller's agent, the seller, or anyone else, would be present during that viewing;
- (b) when her clients attended the Stonecroft property, asked them to provide her with the serial number for the Stonecroft Property lockbox;
- (c) used a SentiSmart mobile application to generate an access code to open the lockbox, and provided her clients with that access code to enable them to retrieve the key to the premises from the lockbox; and
- (d) permitted her clients to enter the premises using the key, and to tour the premises without her or anyone else present, unbeknownst to the sellers' agent or the sellers; and

contrary to sections 3-3(a) [act in the best interest of the client] and 3-4 [act honestly and with reasonable care and skill] of the Rules.

2. In relation to the Camden Property:

- (a) allowed her clients to attend a viewing of the property when she knew that neither she, another licensee from her brokerage, the seller's agent, the seller, or anyone else, would be present during that viewing;
- (b) using the lockbox serial number that she obtained from her clients, generated an access code through the SentiSmart mobile application and provided it to her clients, which enabled her clients to retrieve the key to the Camden Property from the lockbox; and
- (c) permitted her clients to enter the premises using the key, and to tour the premises without her or anyone else present, unbeknownst to the sellers' agent or the sellers.

contrary to sections 3-3(a) [act in the best interest of the client] and 3-4 [act honestly and with reasonable care and skill] of the Rules.

3. Further, she 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 she engaged in the conduct set out in paragraphs 1 and 2 above.

4. Further, she committed conduct unbecoming a licensee within the meaning of sections 35(2)(b) [undermined the public confidence in the real estate industry] and (c) [brought the real estate industry into disrepute], of the RESA, when she engaged in the conduct set out in paragraphs 1 and 2 above.

PROPOSED ORDERS

Based on the Facts herein and the Proposed Findings of Misconduct, Ms. Li proposes that the Notice of Discipline Hearing in this matter be resolved through the following Orders being made by the CORC, pursuant to section 43 and section 44 of the RESA:

6. Ms. Li's licence be suspended for three (3) months;
7. Ms. Li will not act as an unlicensed assistant during the time of her licence suspension;
8. Ms. Li pay a discipline penalty to the Council in the amount of \$15,000 which shall be paid in accordance with the following schedule:
 - a. Ms. Li shall pay \$5,000 to the Council within one (1) month from the date of this Order;
 - b. Ms. Li shall pay \$5,000 to the Council within five (5) months from the date of this Order; and
 - c. Ms. Li shall pay \$5,000 to the Council within ten (10) months from the date of this Order.
9. Ms. Li pay enforcement expenses to the Council in the amount of \$1,500 within two (2) months from the date of this Order;
10. Ms. Li, at her own expense, register for and successfully complete, within the time frame as directed by the Council:
 - (c) the Real Estate Trading Services Remedial Education Course as provided by Sauder School of Business at the University of British Columbia; and
 - (d) *Ethics: Unlocking the REALTOR® Code*, as provided by the BC Real Estate Association.
11. If Ms. Li fails to comply with any of the terms of the Order set out above, a Discipline Committee may suspend or cancel her licence without further notice to her.

ACKNOWLEDGEMENTS AND WAIVER OF APPEAL RIGHT

1. Ms. 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. Ms. Li has been advised of and understands her right to obtain independent legal advice regarding the disciplinary process, including with respect to the execution and submission of the Proposal.

3. Ms. 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. Ms. 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. Ms. Li hereby waives her right to appeal pursuant to section 54 of the RESA.
6. The Proposal and its contents are made by Ms. Li for the sole purpose of resolving the Notice of Discipline Hearing in this matter and do 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 Ms. Li in any civil proceeding with respect to the matter.

"Lily Lee"

Li Li also known as Lily Lee

Dated 25 day of September, 2020