

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

**PETER VANJOFF
(151613)**

AND

**PETE VANJOFF PERSONAL REAL ESTATE CORPORATION
(151613PC)**

CONSENT ORDER

RESPONDENTS: Peter Vanjoff, Trading Representative, Grand
Forks Realty Ltd.

Pete Vanjoff Personal Real Estate Corporation

DATE OF CONSENT ORDER: June 26, 2020

CONSENT ORDER REVIEW COMMITTEE: L. Hrycan
M. Chan
C. Ludgate

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

PROCEEDINGS:

On June 26, 2020, the Consent Order Review Committee ("CORC") resolved to accept the Consent Order Proposal (the "Proposal") submitted by Peter Vanjoff ("Mr. Vanjoff"), on his own behalf and on behalf of Pete Vanjoff Personal Real Estate Corporation ("Vanjoff PREC").

WHEREAS the Proposal, a copy of which is attached hereto, has been executed by Mr. Vanjoff, on his own behalf and on behalf of Vanjoff PREC.

NOW THEREFORE, having made the findings proposed in the attached Proposal, and in particular having found that Mr. Vanjoff and Vanjoff PREC committed professional misconduct within the meaning of sections 35(1)(a), 3(1)(a) and 7(3)(b) of the *Real Estate Services Act* ("RESA") and section 10.6(1)(a) of the Rules made under the RESA, pursuant to section 43 of the RESA the CORC orders that:

1. Mr. Vanjoff and Vanjoff PREC jointly and severally pay a discipline penalty to the Council in the amount of \$6,750 within three (3) months from the date of this Order;
2. Mr. Vanjoff at his own expense, register for and successfully complete the Real Estate Trading Services Remedial Education Course as provided by the Sauder School of Business at the University of British Columbia in the time period as directed by the Council;
3. Mr. Vanjoff and Vanjoff PREC be jointly and severally liable to pay enforcement expenses to the Council in the amount of \$1,500 within two (2) months from the date of the Order.

If Mr. Vanjoff and Vanjoff PREC fails to comply with any term of this Order, the Council may suspend or cancel their licences without further notice to them, pursuant to sections 43(3) and 43(4) of the RESA.

Dated this 26 day of June 2020 at the City of Vancouver, British Columbia.

ON BEHALF OF THE CONSENT ORDER REVIEW COMMITTEE

" Len Hrycan "

Len Hrycan
Consent Order Review Committee

Attch.

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**PETER VANJOFF
(151613)**

AND

**PETE VANJOFF PERSONAL REAL ESTATE CORPORATION
(151613PC)**

**CONSENT ORDER PROPOSAL BY PETER VANJOFF AND PETE VANJOFF PERSONAL REAL ESTATE
CORPORATION**

BACKGROUND AND FACTS

This Consent Order Proposal (the "Proposal") is made by Pete Vanjoff ("Mr. Vanjoff") on his own behalf and on behalf of Pete Vanjoff Personal Real Estate Corporation ("Vanjoff PREC") to the Consent Order Review Committee ("CORC") of the Real Estate Council of BC (the "Council") pursuant to section 41 of the *Real Estate Services Act* ("RESA").

For the purposes of the Proposal, Mr. Vanjoff on his own behalf and on behalf of Vanjoff PREC and the Council have agreed upon the following facts:

Mr. Vanjoff and the Vanjoff PREC

1. Mr. Vanjoff (151613) has been licensed as a trading representative since 2007.
2. Mr. Vanjoff was at all relevant times licensed as a trading representative with Grand Forks Realty.
3. Vanjoff PREC has been licensed with the Council since August 22, 2017.
4. Neither Mr. Vanjoff nor Vanjoff PREC have any previous discipline history with the Council.

Payments to the Unlicensed Vanjoff PREC

5. In 2014, Mr. Vanjoff advised his managing broker, CXXXXXX GXX AXXXXXXX ("Ms. AXXXXXX"), that he wished to operate through a personal real estate corporation. Mr. Vanjoff incorporated Vanjoff PREC on May 29, 2014.
6. In September 2014, Mr. Vanjoff prepared the documentation required to license Vanjoff PREC with the Council. Ms. AXXXXXX signed off on the licensing application for Vanjoff PREC (the "PREC

Licensing Application”). Mr. Vanjoff says that after completing the application materials for Vanjoff PREC, he thought that the PREC Licensing Application had been sent to the Council, when in fact it had not been sent. Mr. Vanjoff and his bookkeeper say that this was an honest oversight and a result of a miscommunication between them.

7. Between September 15, 2014 and July 21, 2017, Grand Forks Realty issued approximately 115 cheques to Vanjoff PREC, notwithstanding that Vanjoff PREC was in fact not licensed with the Council. Had Vanjoff PREC been licensed in this period, it would have paid approximately \$1,800 in licensing fees to the Council.
8. In late July 2017, Ms. AXXXXXX realized that she had not signed a licensing renewal application for Vanjoff PREC. At that point, no further payments were made by Grand Forks Realty to Vanjoff PREC.
9. On July 28, 2017 Ms. AXXXXXX notified the Council that she had authorized payments from Grand Forks Realty to Vanjoff PREC while Vanjoff PREC was not licensed with the Council.
10. Mr. Vanjoff did not become licensed with the Council as Vanjoff PREC until August 22, 2017.
11. A Notice of Disciplinary Hearing was issued on February 12, 2020 and served on Mr. Vanjoff and Vanjoff PREC.

PROPOSED FINDINGS OF MISCONDUCT

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

1. Mr. Vanjoff and Vanjoff PREC committed professional misconduct within the meaning of section 35(1)(a) of the RESA, in that:
 - a. from about September 15, 2014 to September 29, 2016, Mr. Vanjoff expected and accepted remuneration from a person, other than on behalf of a brokerage in relation to which he was licensed, in that he expected and accepted remuneration from Vanjoff PREC before it was licensed, contrary to sections 3(1)(a) and 7(3)(b) of the RESA, and contrary to section 10.6(1)(a) of the Regulation; and
 - b. from about September 30, 2016 to July 21, 2017, Mr. Vanjoff expected and accepted remuneration from a person, other than on behalf of a brokerage in relation to which he was licensed, in that he expected and accepted remuneration from Vanjoff PREC before it was licensed, contrary to sections 3(1)(a) and 7(3)(b) of the RESA, and contrary to section 10.6(1)(a) of the Regulation.

PROPOSED ORDERS

Based on the Facts herein and the Proposed Findings of Misconduct, Mr. Vanjoff and Vanjoff PREC 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. Vanjoff and Vanjoff PREC be jointly and severally liable to pay a discipline penalty to the Council in the amount of \$6,750 within three (3) months from the date of this Order.
2. Mr. Vanjoff at his own expense, register for and successfully complete the Real Estate Trading Services Remedial Education Course as provided by the Sauder School of Business at the University of British Columbia in the time period as directed by the Council.
3. Mr. Vanjoff and Vanjoff PREC be jointly and severally liable to pay enforcement expenses to the Council in the amount of \$1,500 within two (2) months from the date of the Order.
4. If Mr. Vanjoff and Vanjoff PREC fail to comply with any of the terms of this Order, a discipline committee may suspend or cancel their licences without further notice to them.

ACKNOWLEDGEMENTS AND WAIVER OF APPEAL RIGHT

1. Mr. Vanjoff and Vanjoff PREC acknowledge and understand 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. Vanjoff and Vanjoff PREC acknowledge that they have 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 they have obtained independent legal advice or have chosen not to do so, and that they are making the Proposal with full knowledge of the contents and the consequences if the Proposal is accepted.
3. Mr. Vanjoff and Vanjoff PREC acknowledge and are 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. Vanjoff and Vanjoff PREC acknowledge and are 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. Vanjoff and Vanjoff PREC hereby waive their right to appeal pursuant to section 54 of the RESA.
6. If the Proposal is accepted and/or relied upon by the Council, Mr. Vanjoff and Vanjoff PREC will not make any public statement(s) inconsistent with the Proposal and its contents. Nothing in this section is intended to restrict Mr. Vanjoff or Vanjoff PREC from making full answer and defence to any civil or criminal proceeding(s).

7. The Proposal and its contents are made by Mr. Vanjoff and Vanjoff PREC 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 Mr. Vanjoff and Vanjoff PREC in any civil proceeding with respect to the matter.

"PETER VANJOFF on his own behalf
and on behalf of PETE VANJOFF
PERSONAL REAL ESTATE CORPORATION"

**PETER VANJOFF on his own behalf and on behalf
of PETE VANJOFF PERSONAL REAL ESTATE
CORPORATION**

Dated 14 day of May, 2020