

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

CYNTHIA GAY ANTHONY  
(142425)

AND

GRAND FORKS REALTY LTD.  
(X000655)

**CONSENT ORDER**

RESPONDENTS: Cynthia Gay Anthony, Managing Broker, Grand  
Forks Realty Ltd,  
  
Grand Forks Realty Ltd.

DATE OF CONSENT ORDER: May 21, 2020

CONSENT ORDER REVIEW COMMITTEE: R. Gialloreto  
Y. Amlani  
R. Hanson

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

PROCEEDINGS:

On May 21, 2020, the Consent Order Review Committee (“CORC”) resolved to accept the Consent Order Proposal (the “Proposal”) submitted by Cynthia Gay Anthony and Grand Forks Realty Ltd. on her own behalf and on behalf of Grand Forks Realty Ltd.

**WHEREAS** the Proposal, a copy of which is attached hereto, has been executed by Cynthia Gay Anthony and Grand Forks Realty Ltd.

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**NOW THEREFORE**, having made the findings proposed in the attached Proposal, and found that Cynthia Gay Anthony and Grand Forks Realty Ltd. committed professional misconduct within the meaning of section 35(1)(a) and 6(2) of the *Real Estate Services Act* ("RESA") and sections 5-1(1), 3-1(1)(b), 3-1(3)(b), and 6-1(1) of the Rules made under the RESA, pursuant to section 43 of the RESA the CORC orders that:

1. Cynthia Gay Anthony and Grand Forks Realty Ltd. jointly and severally pay a discipline penalty to the Council in the amount of \$2,500 within three (3) months from the date of this Order;
2. Cynthia Gay Anthony and Grand Forks Realty Ltd. jointly and severally pay enforcement expenses to the Council in the amount \$1,500 within two (2) months from the date of this Order.

If Cynthia Gay Anthony and/or Grand Forks Realty Ltd. 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 21 day of May 2020 at the City of Vancouver, British Columbia.

ON BEHALF OF THE CONSENT ORDER REVIEW COMMITTEE

"Robert Gialloreto"

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Robert Gialloreto  
Consent Order Review Committee

Attch.

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

**IN THE MATTER OF**

**CYNTHIA GAY ANTHONY  
(142425)**

**AND**

**GRAND FORKS REALTY LTD.  
(X000655)**

**CONSENT ORDER PROPOSAL BY CYNTHIA GAY ANTHONY AND GRAND FORKS REALTY LTD.**

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**BACKGROUND AND FACTS**

This Consent Order Proposal (the "Proposal") is made by Cynthia Gay Anthony ("Ms. Anthony") and Grand Forks Realty Ltd (the "Grand Forks Realty") 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, Ms. Anthony, Grand Forks Realty and the Council have agreed upon the following facts:

**Ms. Anthony and Grand Forks Realty Ltd.**

1. Ms. Anthony (142425) has been licensed as a trading representative since 2005 and as a managing broker since 2011.
2. Ms. Anthony was at all relevant times licensed as a managing broker with Grand Forks Realty.
3. Grand Forks Realty has been licensed since October 6, 1981 and provides trading and rental property management services.
4. Ms. Anthony and Grand Forks Realty have no prior discipline history with the Council.

**Payments to the Unlicensed Vanjoff PREC**

5. In 2014, Pxxxx Vxxxxxx ("Mr. V"), a licensee with Grand Forks Realty, advised Ms. Anthony that he wished to operate through a personal real estate corporation. Mr. V incorporated Pxxx Vxxxxxx Personal Real Estate Corporation ("V PREC") on May 29, 2014.

6. In September 2014, Mr. Vxxxxxx prepared the documentation required to license V PREC with the Council. Ms. Anthony signed off on the licensing application for V PREC (the "PREC Licensing Application"). Mr. V says that after completing the application materials for the V PREC, he thought that he had sent the PREC Licensing Application to the Council, when in fact he did not do so.
7. Between September 15, 2014 and July 21, 2017, Grand Forks Realty issued approximately 115 cheques to V PREC, notwithstanding that V PREC was in fact not licensed with the Council. Had V 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. Anthony realized that she had not signed a licensing renewal application for V PREC.
9. Upon realizing that the V PREC was not licensed with the Council, Ms. Anthony ensured that no further payments were made by Grand Forks Realty to V PREC.
10. On July 28, 2017 Ms. Anthony notified the Council that she had authorized payments from Grand Forks Realty to V PREC while V PREC was not licensed with the Council.
11. Mr. V did not become licensed with the Council as V PREC until August 22, 2017.
12. A Notice of Disciplinary Hearing was issued on February 12, 2020 and served on Ms. Anthony and Grand Forks Realty.

#### **PROPOSED FINDINGS OF MISCONDUCT**

For the sole purpose of the Proposal and based on the Facts outlined herein, Ms. Anthony and Grand Forks Realty propose the following findings of misconduct be made by the CORC:

1. Ms. Anthony and Grand Forks Realty 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, Grand Forks Realty paid remuneration to an unlicensed personal real estate corporation belonging to one of its licensees, contrary to section 6-1(1) of the Rules;
  - b. from about September 15, 2014 to September 29, 2016, Ms. Anthony, as the managing broker, allowed Grand Forks Realty to pay remuneration to an unlicensed personal real estate corporation, contrary to section 6(2) of the RESA, and contrary to sections 3-1(1)(b), 3-1(3)(b) and 6-1(1) of the Rules;
  - c. from about September 30, 2016 to July 21, 2017, Grand Forks Realty paid remuneration to an unlicensed personal real estate corporation belonging to one of its licensees, contrary to section 6-1(1) of the Rules; and
  - d. from about September 30, 2016 to July 21, 2017, Ms. Anthony, as the managing broker, allowed Grand Forks Realty to pay remuneration to an unlicensed personal real estate

corporation, contrary to section 6(2) of the RESA, and contrary to sections 3-1(1)(b), 3-1(3)(b) and 6-1(1) of the Rules.

### **PROPOSED ORDERS**

Based on the Facts herein and the Proposed Findings of Misconduct, Ms. Anthony and Grand Forks Realty 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. Ms. Anthony and Grand Forks Realty be jointly and severally liable to pay a discipline penalty to the Council in the amount of \$2,500 within three (3) months from the date of this Order.
2. Ms. Anthony and Grand Forks Realty 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.
3. If Ms. Anthony or Grand Forks Realty fail to comply with any of the terms of the Order set out above, a discipline committee may suspend or cancel their licences without further notice to them.
4. If Ms. Anthony or Grand Forks Realty fail to comply with any of the terms of the Order set out above, a discipline committee may suspend or cancel their licence without further notice to them.

### **ACKNOWLEDGEMENTS AND WAIVER OF APPEAL RIGHT**

1. Ms. Anthony and Grand Forks Realty 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. Ms. Anthony and Grand Forks Realty 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. Ms. Anthony and Grand Forks Realty 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. Ms. Anthony and Grand Forks Realty 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. Ms. Anthony and Grand Forks Realty 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, Ms. Anthony and Grand Forks Realty will not make any public statement(s) inconsistent with the Proposal and its contents. Nothing in this section is intended to restrict Ms. Anthony or Grand Forks Realty from making full answer and defence to any civil or criminal proceeding(s).
7. The Proposal and its contents are made by Ms. Anthony and Grand Forks Realty 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. Anthony and Grand Forks Realty in any civil proceeding with respect to the matter.

“Cynthia Gay Anthony”

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**Cynthia Gay Anthony**

**Dated 14 day of May 2020**

“Cynthia Gay Anthony”

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**Cynthia Gay Anthony, Authorized Signatory  
for Grand Forks Realty Ltd.**

**Dated 14 day of May 2020**