

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

CAMERON FAZLI  
(156525)

CONSENT ORDER

RESPONDENT: Cameron Fazli, Representative, West Coast Realty Ltd. dba Sutton Group-West Coast Realty while licensed with Crest Realty Ltd. dba RE/MAX Crest Realty

DATE OF REVIEW MEETING: December 11, 2019

DATE OF CONSENT ORDER: December 11, 2019

CONSENT ORDER REVIEW COMMITTEE: Y. Amlani  
R. Hanson  
K. Ameyaw

ALSO PRESENT: E. Seeley, Chief Executive Officer  
D. Avren, Vice President, Legal Services and Compliance  
K. Mactaggart Wright, Legal Counsel for the Real Estate Council of BC  
W. McMillan, Legal Counsel for the Respondent  
C. Fazli, Respondent (via telephone)

PROCEEDINGS:

On December 11, 2019, the Consent Order Review Committee ("CORC") resolved to accept the Consent Order Proposal (the "Proposal") submitted by Cameron Fazli.

**WHEREAS** the Proposal, a copy of which is attached hereto, has been executed by Cameron Fazli.

**NOW THEREFORE**, having made the findings proposed in the attached Proposal, and found that Cameron Fazli committed professional misconduct within the meaning of section 35(1)(a) of the

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*Real Estate Services Act* ("RESA") and sections 3-3(a), (c), (f) and (g) and 3-4 of the Rules made under the RESA, pursuant to section 43 of the RESA the CORC orders that:

1. Cameron Fazli pay a discipline penalty to the Council in the amount of \$2,500 within three (3) months from the date of this Order;
2. Cameron Fazli, at his own expense, register for and successfully complete the Rental Property Management 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; and
3. Cameron Fazli pay enforcement expenses to the Council in the amount of \$1,500 within two (2) months from the date of this Order.

If Cameron Fazli 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 11<sup>th</sup> day of December 2019 at the City of Vancouver, British Columbia.

ON BEHALF OF THE CONSENT ORDER REVIEW COMMITTEE

"Yasin Amlani"

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Yasin Amlani

Consent Order Review Committee

Attch.

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

**AND**

**IN THE MATTER OF**

**CAMERON FAZLI  
(156525)**

**CONSENT ORDER PROPOSAL BY CAMERON FAZLI**

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**BACKGROUND AND FACTS**

This Consent Order Proposal (the "Proposal") is made by Cameron Fazli ("Mr. Fazli") to the Consent Order Review Committee ("CORA") 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, Mr. Fazli and the Council have agreed upon the following facts:

1. Mr. Fazli (156525) has been licensed as a representative for rental property management services since 2009. In 2017, Mr. Fazli became licensed for trading services as well. On March 23, 2019, Mr. Fazli's licence expired.
2. Mr. Fazli was at all relevant times licensed as a representative for rental property management services with Crest Realty Ltd. dba RE/MAX Crest Realty (the "Brokerage").
3. On or about May 1, 2016, Mr. Fazli took over providing rental property management services for #XX-XXXX XXXXXXXX Boulevard in Burnaby, BC (the "Rental Property"), from another representative who was leaving the Brokerage to go to another brokerage.
4. The Rental Property was then occupied by tenant(s) on a fixed term tenancy ending on November 30, 2016, for a monthly rent of \$2,550 payable on the 1<sup>st</sup> of each month. In addition, the tenants had paid a security deposit and a pet damage deposit on or about November 2015 of collectively \$2,550 (the "Deposit"), which the Brokerage paid to the owner of the Rental Property in April 2016.
5. In August 2016, the tenants emailed Mr. Fazli and asked if they could discuss renewing their tenancy for another year or two. Mr. Fazli did not communicate the tenants' interest to the owner of the Rental Property.
6. In November 2016, Mr. Fazli's assistant at the Brokerage contacted the tenants to request more rent cheques, including for November 2016, and was informed that as the tenants had not heard about renewing the lease, they were moving out November 27, 2016. The tenant(s) asked about scheduling a walk-through the day they moved out, and foregoing the November 2016 rent in lieu of the owner of the Rental Property returning the Deposit. Mr. Fazli did not respond to the tenants and the tenants did not pay rent for November 2016.

7. Mr. Fazli did not conduct any move-out inspection of the condition of the Rental Property.
8. Mr. Fazli did not ask for instructions from the owner of the Rental Property, before acquiescing in the tenant(s) not paying for rent for November 2016 in lieu of returning the Deposit.
9. Mr. Fazli created risks for the owner of the Rental Property when he failed to:
  - a. advise the owner of the Rental Property that the tenants wished to discuss renewing their tenancy;
  - b. advise the owner of the Rental Property of the tenants' intended move-out day in a timely way;
  - c. conduct a move-out inspection;
  - d. respond to the tenant's request to waive November 2016 rent in lieu of a return of the Deposit; and/or
  - e. seek instructions or authorization of the owner of the Rental Property in respect of waiver of the November 2016 rent.
10. The risks Mr. Fazli's conduct created included:
  - a. the Rental Property becoming untenanted; and
  - b. the inability of the owner to apply the Deposit to damage (if any) to the Rental Property.
11. Mr. Fazli does not have a discipline history with the Council.

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

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

1. Mr. Fazli committed professional misconduct within the meaning of section 35(1)(a) of the RESA in the course of providing rental property management services to the owner of the Rental Property between May 1 and December 30, 2016 when he:
  - a. failed to inform the owner of the Rental Property that the tenant(s) had inquired in August 2016 about renewing their lease, or that the tenants had moved out by December 2016 and the Rental Property was vacant, contrary to section 3-3(a), (f) and (g) [*Duties to clients*] of the rules made by the RESA (the "Rules");
  - b. failed to act only within the scope of the authority given by the owner of the Rental Property when he acquiesced in the tenant(s) not paying rent for November 2016 in lieu of the return of their Deposit, without instructions from the owner of the Rental Property, contrary to section 3-3(c) [*Duties to clients*] of the Rules; and

- c. failed to act with reasonable care and skill, when he allowed the tenants to apply their Deposit in lieu of paying monthly rent in November 2016, without conducting a move-out inspection, contrary to section 3-4 [*Duty to act with reasonable care and skill*] of the Rules.

### **PROPOSED ORDERS**

Based on the facts herein and the Proposed Findings of Misconduct, Mr. Fazli 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 of the RESA:

1. Mr. Fazli pay a discipline penalty to the Council in the amount of \$2,500 within three (3) months from the date of this Order.
2. Mr. Fazli pay enforcement expenses to the Council in the amount of \$1,500 within two (2) months from the date of this Order.
3. Mr. Fazli, at his own expense, register for and successfully complete the Rental Property Management Remedial Education Course as provided by the Sauder School of Business at the University of British Columbia.
4. If Mr. Fazli fails to comply with any of the terms of this Order, a discipline committee may suspend or cancel Mr. Fazli's licence without further notice to him.

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

1. Mr. Fazli 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. Fazli 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 has 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. Fazli 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. Fazli 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. Fazli hereby waives his right to appeal pursuant to section 54 of the RESA.

6. If the Proposal is accepted and/or replied upon by the Council, Mr. Fazli will not make any public statement(s) inconsistent with the Proposal and its contents. Nothing in this section is intended to restrict Mr. Fazli from making full answer and defence to any civil or criminal proceeding(s).
7. The Proposal and its contents are made by Mr. Fazli 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. Fazli in any civil proceeding with respect to the matter.

"Cameron Fazli"

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**CAMERON FAZLI**

**Dated 27<sup>th</sup> day of October, 2019**