

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
SATINDER (SUNNY) SINGH MARWAHA
(159478)

CONSENT ORDER

RESPONDENT: Satinder (Sunny) Singh Marwaha, currently
unlicensed, while licensed as a Representative
with Omax Realty Ltd. dba Coldwell Banker
Universe 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

PROCEEDINGS:

On December 11, 2019, the Consent Order Review Committee ("CORC") resolved to accept the Consent Order Proposal (the "Proposal") submitted by Satinder (Sunny) Marwaha ("Mr. Marwaha").

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

NOW THEREFORE, having made the findings proposed in the attached Proposal, and found that Mr. Marwaha committed professional misconduct within the meaning of sections 35(1)(a) and (d)

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

1. Mr. Marwaha be reprimanded;
2. Mr. Marwaha be prohibited from applying for re-licensing until the later of the dates he:
 - a. at his own expense, registers for and successfully completes the Real Estate Trading Services Remedial Education Course, as provided by the Sauder School of Business at the University of British Columbia;
 - b. at his own expense, registers for and successfully completes the REIC2600 Ethics in Business Practice course, as provided by the Real Estate Institute of Canada; and
 - c. pays enforcement expenses to the Council as required by this Order.
3. Mr. Marwaha pay enforcement expenses to the Council in the amount of \$1,500 within two (2) months from the date of this Order.

Dated this 11th day of December 2019 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**

AND

IN THE MATTER OF

**SATINDER (SUNNY) SINGH MARWAHA
(159478)**

CONSENT ORDER PROPOSAL BY SATINDER (SUNNY) SINGH MARWAHA

BACKGROUND AND FACTS

This Consent Order Proposal (the "Proposal") is made by Satinder (Sunny) Singh Marwaha ("Mr. Marwaha") 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, Mr. Marwaha and the Council have agreed upon the following facts:

1. Mr. Marwaha (159478) was licensed as a representative for trading services since 2010, except for July 2014 to July 2015 when he was unlicensed. In July 2019, Mr. Marwaha became unlicensed.
2. Mr. Marwaha was at all relevant times licensed as a representative for trading services with Omax Realty Ltd. dba Coldwell Banker Universe Realty (X029063) (the "Brokerage"). However, he was not an active licensee as he was living in Alberta in early 2016.
3. In March 2016, XXXXXXX, also a licensee under the RESA at the time, was involved in an Assignment of an Agreement of Purchase and Sale in respect of property in Delta BC (the "Property"), in which Mr. Marwaha's mother was the Assignee.
4. Mr. Marwaha signed a Commission Agreement Form or allowed XXXXXXX access to his digital signature to sign, in order that Mr. Marwaha could receive the commission for the assignment of the Property, although he was not involved in the transaction.
5. The sale of the Property was not completed, and Mr. Marwaha received no commission.
6. Mr. Marwaha's conduct created risks including potential to: (1) confuse the principals about the representation by licensees; (2) create defects in the licensee's related brokerage's records; and (3) facilitate tax evasion.
7. A Notice of Discipline Hearing was issued on May 3, 2019 and served on Mr. Marwaha.
8. Mr. Marwaha has no previous discipline history with the Council.

PROPOSED FINDINGS OF MISCONDUCT

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

1. Mr. Marwaha committed professional misconduct and demonstrated incompetence within the meaning of sections 35(1)(a) and (d) of the RESA, in that:
 - a. he failed to act honestly and with reasonable care and skill when he signed a Commission Agreement Form, or allowed another licensee under the RESA to access his digital signature to do so, for a real estate transaction in which he was not involved, in order to direct commission income he had not earned to himself, contrary to section 3-4 (duty to act honestly and with reasonable care and skill) of the rules made under the RESA (the “Rules”).

PROPOSED ORDERS

Based on the facts herein and the Proposed Findings of Misconduct, Mr. Marwaha 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. Marwaha be reprimanded.
2. Mr. Marwaha be prohibited from applying for re-licensing until the later of the dates he:
 - a. at his own expense, registers for and successfully completes the Real Estate Trading Services Remedial Education Course, as provided by the Sauder School of Business at the University of British Columbia;
 - b. at his own expense, registers for and successfully completes the REIC2600 Ethics in Business Practice course, as provided by the Real Estate Institute of Canada; and
 - c. pays enforcement expenses to the Council as required by this Order.
3. Mr. Marwaha pay enforcement expenses to Council in the amount of \$1,500 within two (2) months from the date of this Order.

ACKNOWLEDGEMENTS AND WAIVER OF APPEAL RIGHT

1. Mr. Marwaha 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. Marwaha 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. Marwaha 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. Marwaha 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. Marwaha hereby waives his right to appeal pursuant to section 54 of the RESA.
6. Mr. Marwaha acknowledges and is aware that the Council is not bound to accept any application for relicensing or renewal of his licence. Mr. Marwaha must satisfy the Council that he meets the requirements for a licence in section 10 of the RESA, and any Rules, regulations, bylaws or other instruments made pursuant to the RESA.
7. If the Proposal is accepted and/or relied upon by the Council, Mr. Marwaha will not make any public statement(s) inconsistent with the Proposal and its contents. Nothing in this section is intended to restrict Mr. Marwaha from making full answer and defence to any civil or criminal proceeding(s).
8. The Proposal and its contents are made by Mr. Marwaha 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 [Licensee] in any civil proceeding with respect to the matter.

"Satinder (Sunny) Singh Marwaha"

SATINDER (SUNNY) SINGH MARWAHA

Dated 3rd day of December, 2019