

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

JAIDEEP SINGH PURI
(162617)

AND

JD PURI PERSONAL REAL ESTATE CORPORATION
(162617PC)

CONSENT ORDER

RESPONDENT: Jaideep Singh Puri, Representative, Strata Property Management Corp. dba SRS Westside Realty, while licensed with Team 3000 Realty Ltd.

JD Puri Personal Real Estate Corporation

DATE OF REVIEW MEETING: May 29, 2019

DATE OF CONSENT ORDER: May 29, 2019

CONSENT ORDER REVIEW COMMITTEE: Sandra Heath
Yasin Amlani
Magdaline (Maggie) Chan

ALSO PRESENT: D. Avren, Director, Legal Services
A. Bjornson, Legal Counsel for
the Real Estate Council

PROCEEDINGS:

On May 29, 2019, the Consent Order Review Committee (“CORC”) resolved to accept the Consent Order Proposal (the “Proposal”) submitted by Jaideep Singh Puri, on his own behalf and on behalf of JD Puri Personal Real Estate Corporation.

WHEREAS the Proposal, a copy of which is attached hereto, has been executed by Jaideep Singh Puri, on his own behalf and on behalf of JD Puri Personal Real Estate Corporation.

NOW THEREFORE, the CORC having made the findings proposed in the attached Proposal, and found that Jaideep Singh Puri and JD Puri Personal Real Estate Corporation committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act*, orders that:

1. Jaideep Singh Puri and JD Puri Personal Real Estate Corporation be jointly and severally liable to pay a discipline penalty to the Council in the amount of \$1,500 within ninety (90) days from the date of this Order;
2. Jaideep Singh Puri, at his own expense, register for and successfully complete the Real Estate Trading Services Remedial Education Course, as provided by Sauder School of Business at the University of British Columbia in the time period as directed by the Council; and
3. Jaideep Singh Puri and JD Puri Personal Real Estate Corporation be jointly and severally liable to pay enforcement expenses to the Council in the amount of \$1,500 within sixty (60) days from the date of this Order.

If Jaideep Singh Puri and JD Puri Personal Real Estate Corporation fail 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 *Real Estate Services Act*.

Dated this 29th day of May, 2019 at the City of Vancouver, British Columbia.

ON BEHALF OF THE CONSENT ORDER REVIEW COMMITTEE

“S. Heath”

Sandra Heath
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

**JAIDEEP SINGH PURI
(162617)**

AND

**JD PURI PERSONAL REAL ESTATE CORPORATION
(162617PC)**

**CONSENT ORDER PROPOSAL BY JAIDEEP SINGH PURI
AND JD PURI PERSONAL REAL ESTATE CORPORATION**

BACKGROUND AND FACTS

This Consent Order Proposal (the "Proposal") is made by Mr. Puri and JD Puri Personal Real Estate Corporation ("JD Puri PREC") 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. Puri on his own behalf, and on behalf of JD Puri PREC, and the Council have agreed upon the following facts:

1. Mr. Puri was at all relevant times licensed as a trading representative with Team 3000 Realty Ltd. (Van).
2. On or about July 3, 2015, Mr. Puri listed a property in New Westminster for sale (the "Property"). The listing noted that the property was two years old at that time.
3. According to the New Homes Registry on the BC Housing website, the Property is an "owner-built" home with a date of first occupancy of April 7, 2014.
4. Pursuant to the *Homeowner Protection Act*, SBC 1998, c 31 ("HPA"), within the first ten (10) years after initial occupancy, the owner-builder or any subsequent owner is required to provide a disclosure notice known as an Owner Builder Disclosure Notice ("OBDN") to any prospective purchasers. The OBDN must be provided prior to entering into a purchase and sale agreement. The OBDN informs prospective purchasers: (1) that the home was built under an "Owner-Builder Authorization"; (2) the date that the 10-year period started; and (3) whether there is a voluntary policy of home warranty insurance in place.

5. The Property was listed for sale within the 10-year period and therefore the seller was required to provide an OBDN to a prospective purchaser prior to entering into a contract of purchase and sale.
6. In the property disclosure statement, the sellers answered “yes” to the question: “Were these Premises constructed by an ‘owner-builder’ as defined in the *Homeowner Protection Act*, with construction commencing, or building permit applied for, after July 1, 1999?” The sellers answered “no” to the question “Are these Premises covered by home warranty insurance under the *Homeowner Protection Act*?”
7. On or about July 3, 2015, the sellers and buyer entered into a contract of purchase and sale.
8. The sellers had not obtained an OBDN from the HPO at the time of entering into the contract of purchase and sale.
9. On or around August 31, 2015, Mr. Puri checked the New Homes Registry and realized that the Property could not be sold. He assisted the sellers with applying for an OBDN.
10. On or about September 3, 2015, the HPO provided an OBDN.
11. On or about September 16, 2015, the transaction completed.
12. A Notice of Discipline Hearing was issued on March 28, 2019 and served on Mr. Puri on his own behalf and on behalf of JD Puri Personal Real Estate Corporation.
13. Mr. Puri and JD Puri PREC had no prior discipline with the Council.

PROPOSED FINDINGS OF MISCONDUCT

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

1. Mr. Puri and JD Puri PREC committed professional misconduct within the meaning of section 35(1)(a) of the RESA in that they failed to:
 - (a) ensure that the seller had complied with the provisions of the HPA and met the conditions for selling the Property, prior to listing the Property;
 - (b) ensure that prior to an offer being made for the Property, the seller had, as required under section 21(2) of the HPA, provided the buyer with a BC Housing OBDN that stated whether the Property was built under an Owner Builder Authorization and whether the Property was covered by a policy of home warranty insurance;

both contrary to section 3-4 [act with reasonable care and skill] of the Rules; and

- (c) advise the seller to seek independent professional advice with respect to his obligations under the HPA and the conditions that must be met, contrary to section 3-3(d) [duties to clients] of the Rules.

PROPOSED ORDERS

Based on the Facts herein and the Proposed Findings of Misconduct Mr. Puri and JD Puri 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. Puri and JD Puri PREC be jointly and severally liable to pay a discipline penalty to the Council in the amount of \$1,500 within ninety (90) days of the date of this Order.
2. Mr. Puri, at his own expense, register for and successfully complete the Real Estate Trading Services Remedial Education Course as provided by the Real Estate Division, Sauder School of Business at the University of British Columbia within the time period directed by the Council.
3. Mr. Puri and JD PREC be jointly and severally liable to pay enforcement expenses to the Council in the amount of \$1,500 within sixty (60) days from the date of this Consent Order.
4. If Mr. Puri and JD PREC fail to comply with any of the terms of this Order, a Discipline Committee may suspend or cancel Mr. Puri and JD PREC 's licences without further notice to them.

ACKNOWLEDGEMENTS AND WAIVER OF APPEAL RIGHT

1. Mr. Puri and JD Puri 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. Puri and JD Puri PREC have been advised of and understand their right to obtain independent legal advice regarding the disciplinary process, including with respect to the execution and submission of the Proposal.
3. Mr. Puri and JD Puri 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. Puri and JD Puri 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. Puri and JD Puri PREC hereby waive their right to appeal pursuant to section 54 of the RESA.
6. The Proposal and its contents are made by Mr. Puri and JD Puri 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. Puri and JD Puri PREC in any civil proceeding with respect to the matter.

"J. D. Puri"

**JAIDEEP SINGH PURI on his own behalf and on
behalf of JD PURI PERSONAL REAL ESTATE
CORPORATION**

Dated _8th_ day of ___May___, 2019