

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

XIAO DAN JI  
(168409)

CONSENT ORDER

RESPONDENT: Xiao Dan Ji, Representative,  
Homelife Glenayre Realty Chilliwack Ltd.

DATE OF REVIEW MEETING: April 3, 2019

DATE OF CONSENT ORDER: April 3, 2019

CONSENT ORDER REVIEW COMMITTEE: E. Mignosa (Chair)  
E. Duvall  
R. Hanson  
N. Nicholson

ALSO PRESENT: E. Seeley, Executive Officer  
D. Avren, Director, Legal Services  
M. Sull, Legal Counsel for  
the Real Estate Council

PROCEEDINGS:

On April 3, 2019, the Consent Order Review Committee (the "Committee") resolved to accept the Consent Order Proposal (the "Proposal") submitted by Xiao Dan Ji.

**WHEREAS** the Proposal, a copy of which is attached hereto, has been executed by Xiao Dan Ji.

**NOW THEREFORE**, the Committee having made the findings proposed in the attached Proposal, and in particular having found that Xiao Dan Ji committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act*, orders that:

1. Xiao Dan Ji be reprimanded;

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2. Xiao Dan Ji pay a discipline penalty to the Council in the amount of \$2,500 within ninety (90) days from the date of this Order; and
  3. Xiao Dan Ji pay enforcement expenses to the Council in the amount of \$1,500 within sixty (60) days from the date of this Order.

If Xiao Dan Ji fails to comply with any term of this Order, the Council may suspend or cancel her licence without further notice to her, pursuant to sections 43(3) and 43(4) of the *Real Estate Services Act*.

Dated this 3<sup>rd</sup> day of April, 2019 at the City of Vancouver, British Columbia.

ON BEHALF OF THE CONSENT ORDER REVIEW COMMITTEE

“Elana Mignosa”

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Elana Mignosa  
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**

**XIAO DAN JI  
(168409)**

**CONSENT ORDER PROPOSAL BY XIAO DAN JI**

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**BACKGROUND AND FACTS**

This Consent Order Proposal (the "Proposal") is made by Xiao Dan (Sophia) Ji 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, Ms. Ji and the Council have agreed upon the following facts:

1. Ms. Ji (168409) has been licensed as a real estate trading representative since 2014.
2. Ms. Ji was at all relevant times licensed as a real estate trading representative with Homelife Glenayre Realty Chilliwack Ltd.
3. At all relevant times, Ms. Ji represented the sellers (the "Sellers") of a residential property located on Teskey Road in Chilliwack, British Columbia (the "Property") in the sale of the Property.
4. On April 18, 2016, Ms. Ji received an email from a clerk at the City of Chilliwack indicating that there was no site survey for the Property.
5. On or around April 21, 2016, Ms. Ji completed a MLSLink Data Input Form which indicated the Property was a freehold non-strata lot and the total finished floor area of the house on the Property was 2,366 square feet. The "public remarks" section of the MLSLink Data Input Form also indicates the house was 2,366 square feet.
6. On April 22, 2016, Ms. Ji received a title search indicating the Property was a strata lot.
7. On June 13, 2016, Ms. Ji reported a listing error to the Chilliwack & District Real Estate Board (the "Board") and requested that the MLS Listing for the Property be corrected to indicate that the basement of the house was unfinished, but that the total square footage should remain the same.

8. The MLS listing was subsequently changed by the Board, but it was incorrectly noted that the house was 3,932 square feet. This error was not discovered or corrected by Ms. Ji.
9. On June 15, 2016, the Sellers entered into a Contract of Purchase and Sale with buyers of the Property (the "Buyers"). The Buyers' offer was subject to a number of conditions, including approval of the Property Disclosure Statement and title on or before June 27, 2016.
10. On or around June 20, 2016, the Buyers received and reviewed the title search and Property Disclosure Statement, both of which indicated the Property was a strata lot and both of which were initialed by the Buyers.
11. On June 27, 2016, the Buyers removed all subjects.
12. The Buyers assert that when they removed subjects, they knew the house on the Property was 2,366 square feet, but were not aware that the Property was a strata lot.
13. On July 20, 2016, the Buyers discovered that the Property was strata lot.
14. On August 4, 2016, the transaction completed and title transferred to the Buyers.
15. A Notice of Discipline Hearing was issued on December 7, 2018 and served on Ms. Ji.
16. Ms. Ji has no prior discipline history.

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

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

1. Ms. Ji committed professional misconduct within the meaning of section 35(1)(a) of the RESA in that while acting as the listing agent for the Property, she:
  - a. advertised incorrect information about the square footage of the house on the Property on the MLS Listing, contrary to sections 3-4 [*duty to act with reasonable care and skill*] and 4-7 [*false or misleading advertising prohibited*] of the Rules;
  - b. advertised the Property as a non-strata freehold property on the MLS Listing when it was in fact a strata property, contrary to sections 3-4 [*duty to act with reasonable care and skill*] and 4-7 [*false or misleading advertising prohibited*] of the Rules.

#### **PROPOSED ORDERS**

Based on the facts herein and the Proposed Findings of Misconduct, Ms. Ji 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. Ms. Ji be reprimanded.

2. Ms. Ji pay a discipline penalty to the Council in the amount of \$2,500 within ninety (90) days of the date of this Order.
3. Ms. Ji pay enforcement expenses to Council in the amount of \$1,500 within sixty (60) days from the date of this Consent Order.
4. If Ms. Ji fails to comply with any of the terms of this Order, a Discipline Committee may suspend or cancel Ms. Ji's licence without further notice to her.

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

1. Ms. Ji 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. Ms. Ji acknowledges that she 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 she has obtained independent legal advice or has 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. Ji 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. Ms. Ji 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. Ms. Ji hereby waives their right to appeal pursuant to section 54 of the RESA.
6. The Proposal and its contents are made by Ms. Ji 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. Ji in any civil proceeding with respect to the matter.

**"Xiao Dan Ji"**

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**XIAO DAN JI**

**Dated 10<sup>th</sup> day of February, 2019**