

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
ADRIAN JOSEPH HAZZI
(137393)

CONSENT ORDER

RESPONDENT: Adrian Joseph Hazzi, Managing Broker,
Vantage West Realty Inc.

DATE OF CONSENT ORDER: April 4, 2019

CONSENT ORDER REVIEW COMMITTEE: S. Heath
Y. Amlani
M. Leslie
E. Mignosa

PROCEEDINGS:

WHEREAS on January 30, 2019, a Consent Order Proposal (a "Proposal") was submitted to a Consent Order Review Committee (the "Committee") Adrian Joseph Hazzi but was not accepted by that Committee.

WHEREAS Adrian Joseph Hazzi has submitted an amended Proposal.

WHEREAS the amended Proposal, a copy of which is attached hereto, has been executed by Adrian Joseph Hazzi.

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

1. Adrian Joseph Hazzi be reprimanded;
2. Adrian Joseph Hazzi pay a discipline penalty to the Council in the amount of \$5,000 within ninety (90) days from the date of this Order;
3. Adrian Joseph Hazzi, 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 in the time period as directed by the Council;

4. Adrian Joseph Hazzi, at his own expense, register for and successfully complete the Broker's Remedial Education Course, as provided by the Real Estate Division, Sauder School of Business at the University of British Columbia in the time period as directed by the Council;
5. Adrian Joseph Hazzi pay enforcement expenses to the Council in the amount of \$1,500 within sixty (60) days from the date of this Order.

If Adrian Joseph Hazzi 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 4th day of April, 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*
S.B.C. 2004, c. 42 as amended**

AND

IN THE MATTER OF

**ADRIAN JOSEPH HAZZI
(137393)**

CONSENT ORDER PROPOSAL BY ADRIAN JOSEPH HAZZI

BACKGROUND AND FACTS

This Consent Order Proposal (“Proposal”) is made by Adrian Joseph Hazzi (“Mr. Hazzi”) to the Consent Order Review Committee (“CORC”) of the Real Estate Council of British Columbia (“Council”) pursuant to section 41 of the *Real Estate Services Act* (“RESA”).

For the purposes of the Proposal, Mr. Hazzi and the Council have agreed upon the following facts:

1. Mr. Hazzi has been licensed as a Representative, Trading since 2003.
2. Mr. Hazzi was at all relevant times licensed as a Representative, Trading with Vantage West Realty Inc.
3. On August 25, 2016 XXX Corp. (“Buyer”) made an offer to purchase a property located on Graham Road in Kelowna, British Columbia (“Property”). At all material times, Mr. Hazzi both controlled the Buyer and acted as the Buyer’s representative.
4. At all material times, the seller of the Property (“Seller”) was represented by a licensee, TAN.
5. On August 27, 2016, a Saturday, after some negotiation, the Seller accepted a revised offer from the Buyer.
6. The resulting Contract of Purchase and Sale (“Contract”), which was conditional, provided for the Buyer to pay a \$20,000 deposit of which \$5,000 (“First Tranche”) was due within 24 hours of the Seller’s acceptance. At the latest, given the date of the Seller’s acceptance, the Buyer had to pay the First Tranche before the close of business at Mr. Hazzi’s brokerage on August 29, 2016.

7. The Buyer failed to pay the First Tranche within the required time.
8. On August 29, 2016 at 6.22 pm - that is, after the close of business - Mr. Hazzi sent an email to TAN asking TAN to speak to the Seller about certain information Mr. Hazzi had obtained concerning the potential to sub-divide the Property. Mr. Hazzi told TAN that if he (meaning the Buyer) could not sub-divide the Property without bulldozing a structure on the Property, he would not be interested in proceeding with the Contract.
9. On August 30, 2018 Mr. Hazzi sent an email to TAN informing her that he (meaning the Buyer) would be “collapsing the deal”. Mr. Hazzi then sent the General Release Form to TAN and it was signed by the Seller on August 31, 2016.
10. Mr. Hazzi did not deliver the Contract and all associated documents promptly to his brokerage.
11. A Notice of Discipline Hearing was issued on June 15, 2018 and served on Mr. Hazzi on July 4, 2018.
12. Mr. Hazzi has the following disciplinary record:
 - a) in 2007, as a representative and as reported at 2007 CanLII 71635 (BC REC), a 30-day suspension and a remedial education requirement, enforcement expenses; and
 - b) in 2016 (February), as a managing broker and as reported at 2016 CanLII 22222 (BC REC), a reprimand and enforcement expenses.

PROPOSED FINDINGS OF MISCONDUCT

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

1. Mr. Hazzi committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* in that he:
 - a) failed to immediately notify his managing broker that a deposit referred to in section 3-1(4)(a) of the Rules had not been received when he failed to inform his managing broker that the Buyer had not paid the deposit required under the contract of purchase and sale (“Contract”) within the time required under the Contract, contrary to section 3-2(2)(b) of the Rules; and
 - b) failed to promptly provide a copy of all records referred to in section 8-5 of the Rules to his managing broker when he failed to deliver the Contract and associated documents to his managing broker, contrary to section 3-2(1)(b) of the Rules.

PROPOSED ORDERS

Based on the facts herein and the Proposed Findings of Misconduct, Mr. Hazzi 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. Hazzi be reprimanded.
2. Mr. Hazzi pay a discipline penalty to the Council in the amount of \$5,000.00 within ninety (90) days of the date of this Order.
3. Mr. Hazzi, at his own expense, register for and successfully complete the 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.
4. Mr. Hazzi, at his own expense, register for and successfully complete the Broker's 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.
5. Mr. Hazzi pay enforcement expenses to Council in the amount of \$1,500.00 within sixty (60) days from the date of this Consent Order.
6. If Mr. Hazzi fails to comply with any of the terms of this Order, a Discipline Committee may suspend or cancel Mr. Hazzi's licence without further notice to him.

ACKNOWLEDGEMENTS AND WAIVER OF APPEAL RIGHT

1. Mr. Hazzi 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. Hazzi 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 they are making the Proposal with full knowledge of the contents and the consequences if the Proposal is accepted.
3. Mr. Hazzi 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. Hazzi 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. Hazzi hereby waives his right to appeal pursuant to section 54 of the RESA.
6. The Proposal and its contents are made by Mr. Hazzi 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. Hazzi in any civil proceeding with respect to the matter.

"A. J. Hazzi"

ADRIAN JOSEPH HAZZI

Dated 12th day of March , 2019