

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

AMANDEEP SINGH
(151274)

CONSENT ORDER

RESPONDENT: Amandeep Singh, Representative, Century 21 Coastal Realty Ltd.

DATE OF REVIEW MEETING: February 27, 2019

DATE OF CONSENT ORDER: February 27, 2019

CONSENT ORDER REVIEW COMMITTEE: E. Mignosa
B. Chisholm
L. Hrycan
D. Peerless

ALSO PRESENT: E. Duvall, Chair
E. Seeley, Executive Officer
D. Avren, Director, Legal Services
A. Bjornson, Legal Counsel for
the Real Estate Council

PROCEEDINGS:

On February 27, 2019, the Consent Order Review Committee (the "Committee") resolved to accept the Consent Order Proposal (the "Proposal") submitted by Amandeep Singh.

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

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

1. Amandeep Singh be reprimanded;

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

If Amandeep Singh 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 *Real Estate Services Act*.

Dated this 27th day of February, 2019, at the City of Vancouver, British Columbia.

ON BEHALF OF THE CONSENT ORDER REVIEW COMMITTEE

“Elana Mignosa”

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

**AMANDEEP SINGH
(151274)**

CONSENT ORDER PROPOSAL BY AMANDEEP SINGH (aka AMAN JODHAN)

BACKGROUND AND FACTS

This Consent Order Proposal (the "Proposal") is made by Amandeep Singh aka Aman Jodhan ("Mr. Singh") 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 Service Act* ("RESA").

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

1. Mr. Singh (151274) has been licensed as a trading representative since March 13, 2007.
2. Mr. Singh was at all relevant times licensed as a trading representative with Century 21 Coastal Realty Ltd. (X028022).
3. On June 10, 2015, a residential property located on 94 Avenue in Surrey, BC (the "Property") was listed for sale, with Mr. Singh and another licensee acting as the designated agents.
4. According to the New Homes Registry on the BC Housing website, the Property was an "owner-built" home and was not permitted to be offered for sale at the material time.
5. The owner builder, or any subsequent owner, of an owner-built home must provide an Owner Builder Disclosure Notice ("OBDN") to any potential buyers within the first 10 years after initial occupancy, as required by the *Homeowner Protection Act* ("HPA"). More specifically, the OBDN must be provided prior to entering into a contract of purchase and sale. It informs the buyer(s):
 - that the home was built under an "Owner Builder Authorization" issued by the Homeowner Protection Office;
 - when the 10-year period started; and
 - whether there is a voluntary policy of home warranty insurance in place.
6. If the home is not covered by a policy of home warranty insurance, statutory protection is available to a potential buyer pursuant to section 23 of the HPA.

7. 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.
8. On July 2, 2015 the sellers completed a Property Disclosure Statement (“PDS”) for the Property. The seller answered “YES” to question: “Were these Premises constructed by an owner builder as defined in the Homeowner Protection Act with construction commencing or a building permit applied for after July 1, 1999? If so, attach required Owner Builder Declaration and Disclosure Notice”. There was no OBDN attached to the PDS.
9. The seller answered “NO” to question: “Are these Premises covered by home warranty insurance under the Homeowner’s Protection Act?”
10. On July 5, 2015 the sellers and the buyer entered into a contract of purchase and sale with a completion date of August 29, 2015 (the “Contract”).
11. The buyer was not provided with an OBDN for the Property prior to entering into the Contract.
12. Mr. Singh and his co-listing agent did not have an OBDN in their possession prior to the sellers and the buyer entering into the Contract.
13. On July 17, 2015, BC Housing issued an OBDN for the Property.
14. The OBDN was provided to the buyer’s agent prior to subject removal.
15. The Property transaction closed and the Property transferred to the buyer.
16. A Notice of Discipline Hearing was issued on December 18, 2018, and served on Mr. Singh.
17. Mr. Singh has not been subject to any prior discipline from the Council.
18. Mr. Singh cooperated with the Council’s investigation.

PROPOSED FINDINGS OF MISCONDUCT

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

1. Mr. Singh committed professional misconduct within the meaning of section 35(1)(a) of RESA when acting as the listing agent in the sale of the Property, a new home built by an owner builder under the provisions of the HPA, and in particular, he failed to act with reasonable care and skill when he did not ensure that a disclosure notice was provided to a prospective purchaser as required under s. 21(2) of the HPA, contrary to s. 3-4 of the Rules.

PROPOSED ORDERS

Based on the facts herein and the Proposed Findings of Misconduct, Mr. Singh 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. Singh be reprimanded.
2. Amandeep Singh pay a discipline penalty to the Council in the amount of \$1,500 within ninety (90) days of the date of this Order.
3. Mr. Singh, at his own expense, register for and successfully complete the Real Estate Trading Services Remedial Education Course in the time period to be directed by the Council.
4. Mr. Singh pay enforcement expenses to Council in the amount of \$1,500 within sixty (60) days from the date of this Consent Order.
5. If Mr. Singh fails to comply with any of the terms of this Order, a Discipline Committee may suspend or cancel Mr. Singh's licence without further notice to him.

ACKNOWLEDGEMENTS AND WAIVER OF APPEAL RIGHT

1. Mr. Singh 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. Singh 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. Singh 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. Singh 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. Singh hereby waives his right to appeal pursuant to section 54 of the RESA.
6. The Proposal and its contents are made by Mr. Singh 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. Singh in any civil proceeding with respect to the matter.

"Amandeep Singh"

AMANDEEP SINGH

Dated 8th day of January, 2019