

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  
JAGMOHAN SINGH BHANDARI  
(119085)

CONSENT ORDER

RESPONDENT: Jagmohan Singh Bhandari, Managing Broker,  
OMAX Realty Ltd. dba Coldwell Banker Universe  
Realty

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. Seeley, Executive Officer  
D. Avren, Director, Legal Services  
J. Whittow, QC, 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 Jagmohan Singh Bhandari.

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

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

1. Jagmohan Singh Bhandari be reprimanded;

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2. Jagmohan Singh Bhandari pay a discipline penalty to the Council in the amount of \$3,500 within ninety (90) days from the date of this Order;
  3. Jagmohan Singh Bhandari, at his own expense, register for and successfully complete the Broker's 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. Jagmohan Singh Bhandari pay enforcement expenses to the Council in the amount of \$1,500 within sixty (60) days from the date of this Order.

If Jagmohan Singh Bhandari 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 27<sup>th</sup> day of February, 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**

**JAGMOHAN SINGH BHANDARI  
(119085)**

**CONSENT ORDER PROPOSAL BY JAMOHAN SINGH BHANDARI**

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**BACKGROUND AND FACTS**

This Consent Order Proposal (the "Proposal") is made by Jagmohan Singh Bhandari ("Mr. Bhandari") 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. Bhandari and the Council have agreed upon the following facts:

1. Mr. Bhandari (119085) has been licensed with the Council since October 5, 2016.
2. During the period material to this matter, Mr. Bhandari was licensed as a managing broker at OMAX Realty Ltd. dba Coldwell Banker Universe Realty (the "Brokerage").
3. Between March 2016 and August 2016 TD Bank levied monthly services charges on the Brokerage trust account in the following amounts:

| MONTH       | BANK FEES |
|-------------|-----------|
| March 2016  | \$41.00   |
| April 2016  | \$42.10   |
| May 2016    | \$12.82   |
| June 2016   | \$57.99   |
| July 2016   | \$41.00   |
| August 2016 | \$26.36   |

4. The monthly service charges levied on the Brokerage trust account were approved by two previous Managing Brokers, Mr. M and Mr. P.
5. Mr. Bhandari commenced his position as Managing Broker of the Brokerage on October 5, 2016.
6. In its investigation of the bank service charges, Mr. P advised Council Staff that communications had been sent to TD Bank requesting that they stop charging the Brokerage trust account for bank service fees.

7. On or about October 7, 2016, Council Staff wrote to Mr. Bhandari requesting copies of the communications sent to TD Bank about the service charges being levied on the Brokerage trust account.
8. On or about October 11, 2016, Council Staff wrote to Mr. Bhandari requesting information of his involvement and knowledge of the monthly service fees and returned cheque chargebacks levied in the brokerage trust account #5XXXXX for the period of October 2015 to June 30 2016, among other questions about the matters that gave rise to the investigation by Council.
9. On or about October 28, 2016, Council Staff sent a follow up letter to Mr. Bhandari regarding her October 7, 2016 email requesting that he provide communications sent to TD Bank about the levy of service charges to the brokerage trust account.
10. On or about October 28, 2016, Mr. Bhandari emailed Council Staff providing a response to the questions posed in her October 11, 2016 letter.
11. Mr. Bhandari never responded to the October 7 or October 28, 2016 correspondence of Council Staff.
12. A Notice of Discipline Hearing was issued on July 13, 2018.
13. Mr. Bhandari has discipline history with the Council.

#### **PREVIOUS DISCIPLINE HISTORY**

14. On October 23, 2012, Mr. Bhandari entered into a Consent Order with the Council.
15. Mr. Bhandari admitted that he committed professional misconduct within the meaning of section 35(1) of the RESA, in that he:
  - a) provided trading services in relation to the Property without ensuring that a written service agreement was in place between the brokerage and the Owners, when the requirement was not waived, contrary to section 5-1(1) of the Council Rules;
  - b) failed to act with reasonable skill and care when drafting the Contract, contrary to section 3-4 of the Council Rules, by using incomplete clauses on the conditions of purchase contained in the addendum;
  - c) purported to act as a limited dual agent without first obtaining the consent of the Owners, contrary to section 5-10 of the Council Rules;
  - d) without the authority of the Owners, presented an offer concerning the Property to the Owners' son, contrary to section 3-3(1)(c) of the Council Rules; and
  - e) permitted the son of the Owners to sign the Contract on behalf of the Owners when he knew that the son did not have legal authority to enter a contract on the Owners' behalf, contrary to section 3-4 of the Council Rules.

16. As a result of his contraventions, Mr. Bhandari agreed to:
- a) Be suspended for thirty (30) days;
  - b) 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; and
  - c) pay enforcement expenses of this Consent Order to the Council in the amount of \$1,000.00 within sixty (60) days from the date of this Order.

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

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

1. Mr. Bhandari committed professional misconduct within the meaning of section 35(1)(a) of the RESA, and contravened section 37(3)(b) of the RESA and/or section 2-19 of the Rules, in that, between October 2016 and January 2017 he failed to respond promptly, in writing, to two inquiries of the Council requesting copies of communication sent to TD Bank about the levy of service charges and the request to withdraw those fees from the Brokerage's general account.

#### **PROPOSED ORDERS**

Based on the Facts herein and the Proposed Findings of Misconduct, Mr. Bhandari 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. Mr. Bhandari shall:

1. Be reprimanded;
2. Pay a discipline penalty to the Council in the sum of \$3,500 within ninety (90) days of the date of this Consent Order;
3. 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; and
4. Pay enforcement expenses of \$1,500 within sixty (60) days from the date of this Consent Order; and

If Mr. Bhandari fails to comply with any term of this Consent Order, the Council may suspend or cancel his license without further notice to him, pursuant to sections 43(4) and (4) of RESA.

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

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

"Jagmohan Singh Bhandari"

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**JAGMOHAN SINGH BHANDARI**

**Dated 25<sup>th</sup> day of October, 2018**