

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  
GURSHARAN SINGH PANESAR  
(149282)

CONSENT ORDER

RESPONDENT: Gursharan Singh Panesar, Managing Broker,  
Top Vision Realty Inc., while licensed with  
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 Gursharan Singh Panesar.

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

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

1. Gursharan Singh Panesar be reprimanded;
2. Gursharan Singh Panesar pay a discipline penalty to the Council in the amount of \$1,000 within ninety (90) days from the date of this Order; and
3. Gursharan Singh Panesar pay enforcement expenses to the Council in the amount of \$1,500 within sixty (60) days from the date of this Order.

If Gursharan Singh Panesar 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**

**GURSHARAN SINGH PANESAR  
(149282)**

**CONSENT ORDER PROPOSAL BY GURSHARAN SINGH PANESAR**

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**BACKGROUND AND FACTS**

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

1. Mr. Panesar (149282) has been licensed with the Council at different levels since July 18, 2006.
2. During the period material to this matter, Mr. Panesar was licensed as a managing broker at OMAX Realty Ltd. dba Coldwell Banker Universe Realty (the "Brokerage").
3. Mr. Panesar was Managing Broker of the Brokerage from June 10, 2016 through October 17, 2016.
4. In June, 2016 TD Bank levied a monthly bank service charge of \$57.99 on the Brokerage trust account.
5. On or about July 11, 2016, Mr. Panesar reviewed, initialed and approved the monthly trust account reconciliation for June, 2016 which indicated a bank service charge of \$57.99 on the Brokerage trust account.
6. During the material period, at least one letter was sent by Mr. Panesar to TD Bank requesting that it withdraw all service charges from the Brokerage's general account and not the Brokerage's trust account.
7. During the course of the investigation, Mr. Panesar acknowledged that he should be more diligent with reviewing bank records before he signs off on them and will endeavour to do so in the future.

8. The matter between the Brokerage and TD Bank was eventually resolved.
9. A Notice of Discipline Hearing was issued on July 13, 2018.
10. Mr. Panesar has a discipline history with Council.

#### **PREVIOUS DISCIPLINE HISTORY**

11. On October 23, 2012, Mr. Panesar entered into a Consent Order with Council.
12. Mr. Panesar admitted that he committed professional misconduct within the meaning of section 35(1)(a) of the RESA when he failed to ensure that the brokerage prepared a trade record sheet concerning the sale of a property as required by section 8-5(2) of the Council Rules.
13. As a result of the contraventions, Mr. Panesar agreed to:
  - (i) 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;
  - (ii) to 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. Panesar proposes the following findings of misconduct be made by the CORC:

14. Mr. Panesar committed professional misconduct within the meaning of section 35(1)(a) of the RESA, and contrary to section 30 (withdrawal from trust accounts) and section 6(2) of the RESA, and sections 3-1(1) and (3) of the Rules (managing broker responsibilities) when you permitted bank service charges to be withdrawn from the Brokerage trust account for the month of June, 2016.

#### **PROPOSED ORDERS**

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

1. Be reprimanded;
2. Pay a discipline penalty to the Council in the sum of \$1,000 within ninety (90) days of the date of this Consent Order;
3. Pay enforcement expenses of \$1,500 within sixty (60) days from the date of this Consent Order; and

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

"Gursharan Singh Panesar"

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**GURSHURAN SINGH PANESAR**

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