

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  
AUDREY JUNE BUSCH  
(094343)

CONSENT ORDER

RESPONDENT: Audrey June Busch, Representative, Royal  
LePage Real Estate Services Ltd. dba Royal  
LePage West Real Estate Services, Surrey  
Branch

DATE OF REVIEW MEETING: February 27, 2019

DATE OF CONSENT ORDER: February 27, 2019

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

ALSO PRESENT: E. Duvall, Chair  
E. Seeley, Executive Officer  
D. Avren, Director, Legal Services  
K. Mactaggart Wright, 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 Audrey June Busch.

**WHEREAS** the Proposal, a copy of which is attached hereto, has been executed by Audrey June Busch.

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

1. Audrey June Busch be reprimanded;

2. Audrey June Busch pay a discipline penalty to the Council in the amount of \$1,000 within ninety (90) days from the date of this Order;
3. Audrey June Busch, at her own expense, register for and successfully complete the Rental Property Management 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. Audrey June Busch pay enforcement expenses to the Council in the amount of \$1,500 within sixty (60) days from the date of this Order.

If Audrey June Busch 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 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*  
S.B.C. 2004, c. 42 as amended**

**IN THE MATTER OF**

**AUDREY JUNE BUSCH  
(094343)**

**CONSENT ORDER PROPOSAL BY AUDREY JUNE BUSCH**

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**BACKGROUND AND FACTS**

This Consent Order Proposal (the "Proposal") is made by Audrey June Busch ("Ms. Busch") 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, Ms. Busch and the Council have agreed upon the following facts:

1. Ms. Busch (094343) has been licensed as a representative since 1992. She has been licensed as a representative of Royal LePage Real Estate Services Ltd. dba Royal LePage West Real Estate Services, Surrey branch ("Brokerage") since 2013.
2. Ms. Busch was at all relevant times licensed as a representative with the Brokerage.
3. A complaint was filed on May 11, 2016, by the tenants of a commercial rental property located at 225<sup>th</sup> Street, Maple Ridge BC ("Property"), which was owned by Ms. Busch and her husband.
4. In reviewing the complaint, Council noted contraventions of the RESA and the Rules with regards to management of rental real estate owned by a licensee.
5. The lease agreement for the Property was executed between the complainants and Ms. Busch's husband on October 22, 2014. When issues arose about a sublease Ms. Busch became involved in providing rental property management services for the Property.
6. Evidence provided by the complainants reveals that from about January to May 2016 Ms. Busch:
  - a. sent numerous text messages to the tenants requesting copies of documents;
  - b. was involved in telephone conversations with the tenants over payments and insurance documents; and
  - c. was involved in re-negotiating the lease, a sub-lease, and a lease extension.

7. On February 15, 2016, Ms. Busch and her husband signed a document as the “owners” of the Property addressed to the complainants regarding the sublease.
8. On February 17, 2016, Ms. Busch and her husband informed the complainants that the option to renew the lease after September 1, 2017 would not be honoured as it had only been signed by one owner. Ms. Busch and her husband both signed this letter.
9. On March 3, 2016, Ms. Busch and her husband sent the complainants a letter regarding the sublease in which both signed the letter as the “owners”.
10. On March 10, 2016, Ms. Busch and her husband sent the complainants a letter regarding the sublease. Ms. Busch and her husband both signed this letter as the “owners”.
11. On March 31, 2016, Ms. Busch left a voicemail for the complainants in which she stated that she had spoken to the City of Maple Ridge regarding the sublease.
12. On April 29, 2016, Ms. Busch called the complainants regarding the sublease and stated “*We’re going... We’re going to be locking the doors. We’re going to be changing the locks*” and “*And we’ll be suing you for the rent, if you don’t pay up*”.
13. On May 4, 2016, Ms. Busch and her husband sent a letter to the subtenant stating that they expected them to vacate the building and that after 10 pm they would be locked out. Ms. Busch and her husband both signed the letter as “owners”.
14. On August 10, 2016, Ms. Busch sent an email reply to Council’s investigation in which she stated in this case she did not manage the Property, but that her husband did. She stated that “*she occasionally help[s] him out a bit with being in on meetings and stuff like that*”.
15. Ms. Busch further stated that she is licensed to do property management but that in this case she had never formally disclosed in writing to the tenant that she was a realtor but that they were aware she was a realtor. The tenants concede becoming aware that Ms. Busch was a realtor at some point.
16. By emails dated October 6 and October 11, 2016, Ms. Busch’s managing broker stated that the Brokerage does not provide property management services. She also stated that there was nothing in the Brokerage file indicating that Ms. Busch had provided written disclosure to the Brokerage that she was providing property management in relation to her own Property.
17. Ms. Busch does not have a prior discipline history with the Council.

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

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

1. Ms. Busch committed professional misconduct within the meaning of section 35(1)(a) of the RESA while licensed as a representative with Royal LePage Real Estate Services Ltd. dba

Royal LePage West Real Estate Services, Surrey branch (the “Brokerage”) when she provided rental property management services for a commercial property she owned on 225<sup>th</sup> Street, Maple Ridge, BC (“Property”), in that she:

- a. failed to disclose in writing to the managing broker of her Brokerage that she was providing rental property management services on her own behalf in relation to her Property, contrary to section 9-1(2)(d) of the Rules; and
- b. provided real estate services other than on behalf of the Brokerage in relation to which she was licensed contrary to section 7(3)(a) of the RESA as she provided rental property management services for her own commercial property without meeting all the licensee exemption requirements set out in section 9-1(2) of the Rules.

### **PROPOSED ORDERS**

Based on the facts herein and the Proposed Findings of Misconduct, Ms. Busch 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. Busch be reprimanded.
2. Ms. Busch pays a discipline penalty to the Council in the amount of \$1,000 within ninety (90) days of the date of this Order.
3. Ms. Busch at her own expense, register for and successfully complete the Rental Property Management 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. Ms. Busch pays enforcement expenses to the Council in the amount of \$1,500 within sixty (60) days from the date of this Consent Order.
5. If Ms. Busch fails to comply with any of the terms of this Order, a Discipline Committee may suspend or cancel Ms. Busch’s licence without further notice to them.

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

1. Ms. Busch 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. Busch 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 she is making the Proposal with full knowledge of the contents and the consequences if the Proposal is accepted.

3. Ms. Busch 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. Busch 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. Busch hereby waives her right to appeal pursuant to section 54 of the RESA.
6. The Proposal and its contents are made by Ms. Busch 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. Busch in any civil proceeding with respect to the matter.

"Audrey June Busch"

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**AUDREY JUNE BUSCH**

**Dated 3<sup>rd</sup> day of December, 2018**