

THE REAL ESTATE COUNCIL OF BRITISH COLUMBIA  
IN THE MATTER OF THE *REAL ESTATE SERVICES ACT*  
S.B.C. 2004, c. 42 as amended

AND

IN THE MATTER OF  
STEVEN SIONG HOK OEI  
(118534)

CONSENT ORDER

RESPONDENT: Steven Siong Hok Oei, Representative, Star-West Realty Ltd. dba RE/MAX Select Properties, while licensed with Andrews Realty Ltd. dba RE/MAX Real Estate Services

DATE OF REVIEW MEETING: January 30, 2019

DATE OF CONSENT ORDER: January 30, 2019

CONSENT ORDER REVIEW COMMITTEE: S. Heath  
Y. Amlani  
R. Gialloreto  
M. Leslie

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

PROCEEDINGS:

On January 30, 2019, the Consent Order Review Committee (“Committee”) resolved to accept the Consent Order Proposal (“COP”) submitted by Steven Siong Hok Oei.

**WHEREAS** the COP, a copy of which is attached hereto, has been executed by Steven Siong Hok Oei.

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

1. Steven Siong Hok Oei be reprimanded;
2. Steven Siong Hok Oei pay a discipline penalty to the Council in the amount of \$5,000.00 within ninety (90) days from the date of this Order;
3. Steven Siong Hok Oei, 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. Steven Siong Hok Oei pay enforcement expenses to the Council in the amount of \$1,500.00 within sixty (60) days from the date of this Order.

If Steven Siong Hok Oei 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 30th day of January, 2019, at the City of Vancouver, British Columbia.

ON BEHALF OF THE CONSENT ORDER REVIEW COMMITTEE

“S. Heath”

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Sandra Heath  
Consent Order Review Committee

**IN THE MATTER OF THE *REAL ESTATE SERVICES ACT*  
S.B.C. 2004, c. 42 as amended**

**AND**

**IN THE MATTER OF**

**STEVEN SIONG HOK OEI  
118534**

**CONSENT ORDER PROPOSAL BY STEVEN SIONG HOK OEI**

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**BACKGROUND AND FACTS**

This Consent Order Proposal (the Proposal) is made by Steven Siong Hok Oei ("Mr. Oei") 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. Oei and the Council have agreed upon the following facts:

1. Mr. Oei (118534) has been licensed as a representative since 1995.
2. Mr. Oei was at all relevant times licensed as a representative with Andrew Realty Ltd. dba Re/Max Real Estate Services.
3. This matter arises out of Mr. Oei's misrepresentation of the age of a property for which he was the listing agent in early 2016.
4. Pursuant to a Multiple Listing contract between the sellers and Re/Max Real Estate Services dated January 29, 2016, Mr. Oei was the designated listing agent of a property located on Varley Street, Burnaby BC (the "Property"). The listing price of the Property was \$1,888,888.
5. The Property is a single-family detached home that was originally built in 1976. In 2005, the sellers embarked on a substantial renovation of the Property which was completed in 2006.
6. In conjunction with his listing of the Property, Mr. Oei prepared a feature sheet for the listing of the Property stating the following:
  - a. under the heading "Approx. Year Built" it stated "2006";
  - b. under the heading of "Reno. Year" the space was left blank;
  - c. under the heading "Renovations" the space was left blank; and

- d. under the heading “remarks”, it stated, in part: “... is offered for sale by the current owner, who’s [sic] refined sense of style developed this prime property in 2006 to make it the neighbourhood Gem!”
7. On Saturday, February 6, 2016, accompanied by her agent GL, the complainant viewed the Property at an open house held by Mr. Oei. At the open house Mr. Oei represented the house as being ten years old and owner-built. Mr. Oei had copies of the seller’s building plans on the table for viewing, as well as a photo album and the Owner Builder Declaration Form.
8. On February 8, 2016, the sellers and the complainant entered into a contract of purchase and sale (the “Contract”) with a purchase price of \$2,040,000. The Contract was subject-free.
9. On that same date, the complainant was provided with a property disclosure statement and a title search. Neither of these documents revealed that the Property was built in 1976.
10. On March 8, 2016, the transaction completed.
11. In March 2017, the complainant received the BC Assessment 2017 Property Assessment Notice pertaining to the Property, showing an assessed value of \$1,837,000 (\$203,000 less than the purchase price), prompting her to make inquiries. Through her inquiries at the City of Burnaby, the complainant learned that the Property was in fact built in 1976.
12. The complainant had the Property inspected and was told, among other things, that there was significant cracking in the foundation.
13. On May 8, 2017, the Council received a complaint from the complainant.
14. The complainant has advised the Council that during her property search in 2015-2016, she was looking to purchase a new home, but was willing to consider properties up to ten years old. The Complainant says she would not have purchased the Property had she known it was built in 1976. In addition, she says the purchase price offered in the Contract was based on a ten-year-old property, not one that was forty years old
15. A Notice of Discipline Hearing was issued on December 11, 2018, and served on Mr. Oei.
16. Mr. Oei has no prior discipline with the Council.

### **PROPOSED FINDINGS OF MISCONDUCT**

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

1. Mr. Oei committed professional misconduct within the meaning of section 35(1)(a) of the RESA in that when acting as listing agent of the property on Varley Street, Burnaby, BC in 2016, he represented that the house on that property had been built in 2006 when he knew

or ought to have known that it was originally constructed in 1976, contrary to section 3-4 *[acting honestly with reasonable care and skill]* and section 4-7 *[publishing real estate advertising containing a false or misleading statement or misrepresentation concerning real estate]* of the Rules

### **PROPOSED ORDERS**

Based on the facts herein and the Proposed Findings of Misconduct, Mr. Oei 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. Oei be reprimanded.
2. Mr. Oei pay a discipline penalty to the Council in the amount of \$5,000 within ninety (90) days of the date of this Order.
3. Mr. Oei , 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 within the time period directed by the Council.
4. Mr. Oei 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. Oei fails to comply with any of the terms of this Order, a Discipline Committee may suspend or cancel Mr. Oei's licence without further notice to him.

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

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

"S. S. H. Oei"

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**STEVEN SIONG HOK OEI**

**Dated 14<sup>th</sup> day of DECEMBER, 2018**