

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  
JASWINDER SINGH  
(162599)

CONSENT ORDER

RESPONDENT: Jaswinder Singh, while licensed with OMAX Realty Ltd. dba Coldwell Banker Universe Realty

DATE OF REVIEW MEETING: January 8, 2019

DATE OF CONSENT ORDER: January 8, 2019

CONSENT ORDER REVIEW COMMITTEE: S. Sidhu  
Y. Amlani  
E. Mignosa

PROCEEDINGS:

On September 13, 2017, an Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver (ASF) submitted by Jaswinder Singh was considered by the Consent Order Review Committee (Committee) but not accepted. On December 5, 2018, a revised ASF consistent with the suggestions of the said Committee was submitted by Jaswinder Singh.

**WHEREAS** the ASF, a copy of which is attached hereto, has been executed by Jaswinder Singh.

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

1. Jaswinder Singh's licence be suspended for twelve (12) months;
2. Jaswinder Singh will not act as an unlicensed assistant during the time of his licence suspension;

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3. Jaswinder Singh pay a discipline penalty to the Council in the amount of \$5,000.00 within ninety (90) days from the date of this Order;
  4. Jaswinder Singh at his own expense, register for and successfully complete the Real Estate Trading Services Licensing Course and Examination, as provided by Sauder School of Business at the University of British Columbia in the time period as directed by the Council;
  5. upon completion of his suspension, a condition be placed on his licence prohibiting him from engaging in the services of any unlicensed assistants for a period of five (5) years; and
  6. Jaswinder Singh pay enforcement expenses to the Council in the amount \$1,500.00 within sixty (60) days from the date of this Order.

If Jaswinder 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 8th day of January, 2019, at the City of Vancouver, British Columbia.

ON BEHALF OF THE CONSENT ORDER REVIEW COMMITTEE

*"Sukh Sidhu"*

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Sukh Sidhu  
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**

**JASWINDER SINGH  
(162599)**

**AGREED STATEMENT OF FACTS,  
PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER**

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The following agreement has been reached between Jaswinder Singh ("Mr. Singh") and the Real Estate Council of British Columbia ("Council").

- A. Mr. Singh hereby consents to an Order to be made pursuant to sections 41 and 43 of the *Real Estate Services Act* (RESA) that:
- a. his license be suspended for a period of twelve (12) months;
  - b. he will not act as an unlicensed assistant during the time of his licence suspension;
  - c. he pay a discipline penalty to the Council in the amount of \$5,000.00 within ninety (90) days of the date of the Order herein;
  - d. at his own expense, will register for and successfully complete the Real Estate Trading Services Licensing Course and Examination, as provided by Real Estate Division, Sauder School of Business at the University of British Columbia;
  - e. upon completion of his suspension, a condition be placed on his licence prohibiting him from engaging in the services of any unlicensed assistants for a period of five (5) years;
  - f. he pay enforcement expenses pursuant to section 44 of the RESA in the amount of \$1,500.00 within sixty (60) days from the date of the Consent Order; and
  - g. if he fails to comply with any of the terms of the Order as set out above, a Discipline Committee may suspend or cancel his licence without further notice to him pursuant to section 43(3) and 43(4) of the RESA.
- B. As a basis for this Order, the Council and Mr. Singh acknowledge and agree that the facts set forth herein are correct:

1. Mr. Singh was at all relevant times licensed as a representative with OMAX Realty Ltd. dba Coldwell Banker Universe Realty.
2. Mr. Singh’s licensing history is as follows:

Start Date	End Date	Brokerage	Licence Level	Licence Category
18/09/2015	Present	Coldwell Banker Universe Realty (X029063)	Representative	Trading
10/09/2013	09/09/2015	Coldwell Banker Universe Realty (X029063)	Representative	Trading
09/09/2011	08/09/2013	Coldwell Banker Universe Realty (X029063)	Representative	Trading

3. On January 28, 2016, Council received correspondence from the Registrar of Mortgage Brokers (the “Registrar”) in respect to a Cease and Desist Order (the “Order”) made against an unregistered mortgage broker, R.G, ordering her to cease and desist engaging in unregistered mortgage broker activity. The Order was made after an investigation by the Financial Institutions Commission (“FICOM”) confirmed that R.G. was acting as a mortgage broker without being registered.
4. R.G. is the spouse and business partner of Mr. Singh and consequently the investigation involved Mr. Singh as well.
5. On June 9, 2015, R.V., an investigator hired by FICOM, contacted Mr. Singh and advised that he was looking to purchase an investment property. Mr. Singh agreed to meet with him and informed him that he would bring his wife, R.G., who was a mortgage broker.
6. On June 19, 2015, R.V. met with Mr. Singh and R.G. to discuss purchasing a property. Mr. Singh and R.G. appeared to work as a team. R.G. made reference to a previous client stating “We just had a client – we gave him 17 listings to look...we started to make appointments...” It appeared that R.G. was acting as an unlicensed assistant to Mr. Singh.
7. Mr. Singh and R.G. advised R.V. that if he wanted to purchase an investment property, he could advise the bank that he was going to rent out the property that he was currently living in and move into the new property but to not actually do so, only changing his mailing address. By doing so, R.V. was told that he could get a better deal with the bank and when he sold the investment property, he would be able to save money and get a better deal.
8. In the transcript of the meeting between R.V. and Mr. Singh and R.G., Mr. Singh stated at page 15:

“In the papers...just change your mail...Change your mail address....”

...When we put the application to the bank, we tell them that the property you live in, you are going to rent that one, and you are going to move in there...

...But you don't do it...Because first – first, if you sell that investment, you will save money. Plus when you – when you go to the bank, you say you are living there, you get a better deal than investment property. So their law a little bit different.”

9. R.G. advised R.V. that if he was going to have to borrow the down payment, she could provide a gift letter to conceal the fact that the funds were not coming from his own resources. In the transcript, R.V. stated at page 45:

“...So let's say if we're going to be short and you need to borrow, then we tell them, okay, then we make a gift letter. Then we tell them my parents, or whatever, they're going to give us a gift.”

10. R.G. confirmed that she was a mortgage broker and Mr. Singh supported her statement. Mr. Singh stated that once R.G. obtained mortgage preapproval for R.V., that he would then take over and begin searching for properties. In the transcript, Mr. Singh stated at page 18:

“First we have to look at the mortgage...Once she tells me you getting that much mortgage and you putting that much, then – then I'm going to take over; then I'm going to take you...”

11. On June 20, 2015, R.V. sent an email to Mr. Singh and R.G. requesting a mortgage application. R.G. provided him with one.
12. On August 19, 2015, R.G. advised R.V. that he could drop the application off at her home address which she described as “our home office”.
13. On January 22, 2016, the Registrar of Mortgage Brokers issued the Order against R.G.
14. During FICOM's investigation, it was also discovered that Mr. Singh and R.G. advertised themselves as a team with R.G. providing mortgage services and Mr. Singh providing real estate services.
15. A quote from the advertisement read “Sell your home faster with the Gill Team”. Mr. Singh did not have a registered team with the Council.
16. The advertisements continued being published following the issue of the Order.

17. On December 7, 2015, a hearing was conducted and found Mr. Singh to have committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* in that he failed to adequately supervise his unlicensed assistant, R.G., when in relation to the purchase and sale of a gas station at XXXXX Fraser Highway, Surrey, BC, he allowed her to provide services for which a real estate licence was required, contrary to section 3(1) of RESA and 3-2(4) of the Council Rules. Mr. Singh was reprimanded and ordered to register for and successfully complete the Real Estate Trading Services Remedial Education Course.

C. Proposed Acceptance of Findings and Waiver

1. Based on the Agreed Statement of Facts herein, and without making any admission of liability, Mr. Singh is prepared to accept the following findings if made against him by the Council's Consent Order Review Committee:

- a. Mr. Singh, while acting as representative, committed professional misconduct within the meaning of section 35(1)(a) of the RESA in that:
1. contrary to section 3-2(4) of the Rules, Mr. Singh permitted an unlicensed assistant, R.G.,
    - i. to provide real estate services on behalf of the brokerage when he permitted R.G. to make representations to R.V. relating to real estate;
    - ii. to act deceptively when R.G. offered to provide R.V. with a gift letter to the bank in order to conceal the fact that the funds for the down payment would not come from R.V.'s personal funds;
    - iii. to provide representations concerning obtaining mortgage funds to R.V. when he knew or ought to have known that R.G. was not licensed to provide that advice;
    - iv. to hold herself out as mortgage specialist in his advertising when she was not licensed as a mortgage broker;
  2. Mr. Singh acted deceptively when he advised R.V. to give false information to a lending bank in order to obtain financing at a better rate, contrary to section 35(1)(c) of RESA;
  3. contrary section 4-7 of the Rules, Mr. Singh permitted false and misleading advertising when he:
    - i. advertised himself as the Gill Team when he was not registered as a team with the Council;

- ii. included R.G. as part of the advertising without identifying her as an unlicensed assistant; and
  - iii. advertised R.G. as providing mortgage services as part of the Gill Team when he knew or ought to have known she was not licensed to provide those services.
2. Mr. Singh hereby waives his right to appeal pursuant to section 54 of the RESA.
  3. Mr. Singh acknowledges that he has been advised that he has the right to seek independent legal advice before signing this Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver.
  4. Mr. Singh acknowledges and is aware that the Council will publish the Consent Order and penalty herein in its Report from Council newsletter, on the Council’s website, and on CanLII, a website for legal research.
  5. 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 this Agreed Statement of Facts, Proposed Acceptance of Findings, and Waiver and Consent Order.
  6. The Agreed Statement of Facts and Proposed Acceptance of Findings contained herein are made for the sole purpose of resolving a complaint being considered by the Council and for that purpose only. Such agreed statement of facts and proposed acceptance of findings cannot be used in any other proceeding of any kind.

*“Catherine Davies”*

*“Jaswinder Singh”*

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**Catherine Davies, Legal Counsel  
Real Estate Council of British Columbia**

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**Jaswinder Singh**

**As to Part B only (Agreed Statement  
of Facts)**

**As to Parts A, B, and C, (proposed penalty,  
Agreed Statement of Facts, Proposed  
Acceptance of Findings and Waiver)**

**Dated 5th, day of December, 2018**

**Dated 5th, day of December, 2018**