

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

MAXINE NANCY CAMPBELL
(147294)

AND

CAMPBELL STRATA MANAGEMENT LTD.
(X028547)

CONSENT ORDER

RESPONDENT: Maxine Nancy Campbell, Associate
Broker, Campbell Strata Management
Ltd., while licensed as Managing Broker
with Campbell Strata Management Ltd.

Campbell Strata Management Ltd.

DATE OF REVIEW MEETING: December 12, 2018

DATE OF CONSENT ORDER: December 12, 2018

CONSENT ORDER REVIEW COMMITTEE: E. Mignosa
Y. Amlani
L. Hrycan
N. Nicholson

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 December 12, 2018, the Consent Order Review Committee (“Committee”) resolved to accept the Consent Order Proposal (“COP”) submitted by Maxine Nancy Campbell and Campbell Strata Management Ltd.

WHEREAS the COP, a copy of which is attached hereto, has been executed by Maxine Nancy Campbell and Campbell Strata Management Ltd.

NOW THEREFORE, the Committee having made the findings proposed in the attached COP, and in particular having found that Maxine Nancy Campbell and Campbell Strata Management Ltd. committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act*, orders that:

1. Maxine Nancy Campbell and Campbell Strata Management Ltd. be reprimanded;
2. Maxine Nancy Campbell and Campbell Strata Management Ltd. be jointly and severally liable to pay a discipline penalty to the Council in the amount of \$5,000 within ninety (90) days from the date of this Order;
3. Maxine Nancy Campbell, at her own expense, register for and successfully complete the Strata 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. Maxine Nancy Campbell and Campbell Strata Management Ltd. be jointly and severally liable to pay enforcement expenses to the Council in the amount of \$1,500 within sixty (60) days from the date of this Order.

If Maxine Nancy Campbell or Campbell Strata Management Ltd. fails to comply with any term of this Order, the Council may suspend or cancel their licences without further notice to them, pursuant to sections 43(3) and 43(4) of the *Real Estate Services Act*.

Dated this 12th day of December, 2018, at the City of Vancouver, British Columbia.

ON BEHALF OF THE CONSENT ORDER REVIEW COMMITTEE

“Elana Mignosa”

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

**MAXINE NANCY CAMPBELL
(147294)**

AND

**CAMPBELL STRATA MANAGEMENT LTD.
(X028547)**

**CONSENT ORDER PROPOSAL BY MAXINE NANCY CAMPBELL AND
CAMPBELL STRATA MANAGEMENT LTD.**

BACKGROUND AND FACTS

This Consent Order Proposal (the "Proposal") is made by Maxine Nancy Campbell ("Ms. Campbell"), and Campbell Strata Management Ltd. ("CSM") 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, Ms. Campbell, CSM and the Council have agreed upon the following facts:

1. Ms. Campbell (147294) was licensed as a Managing Broker for strata management services between December 2005 and May 2016. In May 2016, she became licensed as an Associate Broker for strata management services.
2. Ms. Campbell was at all relevant times licensed as a Managing Broker with CSM. In May 2016, CSM engaged a new Managing Broker.
3. CSM (X028547) has been licensed as a Brokerage for strata management services since December 2005.
4. In April 2010, CSM entered into a Strata Management Services Agency Agreement with Strata Plan LMS 1190 (the "Strata").
5. In 2012, CSM made four installment payments in the amount of \$1,607.24 each to the Canada Revenue Agency ("CRA"), for the Goods and Services Tax ("GST") account of the Strata (the "2012 Installments"). The Strata was expecting a tax refund.

6. CSM assumed that the 2012 Installments were received by the CRA and did not follow up on whether the 2012 Installments were received by the CRA until March 2015. CRA responded directly to the Strata in April 2015.
7. In March 2016, after further investigation, it was established by CRA that the 2012 Installments were mistakenly applied by the CRA to the GST account of CSM itself. The CRA was able to reverse these payments and ensure the Strata received the benefit of its 2012 Installments. It was always the intention of CSM that the Strata would receive the benefit of the 2012 Installments, based on the cheques for the 2012 Installments indicating a bank account "in trust for" the Strata.
8. However, CSM did not identify the erroneous application of the 2012 Installments to the benefit of its own GST account in a timely way. As managing broker, Ms. Campbell is responsible for an adequate level of supervision of the representative assigned to the Strata.
9. A Notice of Discipline Hearing was issued on July 10, 2018 and served on Ms. Campbell.
10. A Notice of Discipline Hearing was issued on July 10, 2018 and served on CSM.
11. Ms. Campbell and CSM have a discipline history with Council. In August 2011, they were subjects of a Consent Order in File #09-231, in which they were reprimanded and agreed to pay enforcement expenses, and Ms. Campbell agreed to take a course, for misconduct including breaches of RESA at section 25 [Brokerage records], and Rule 3-1 [Managing broker responsibilities], 7-9 [Additional rules for strata management trust accounts and investments], and 8-2 [Trust account and general account records].

PROPOSED FINDINGS OF MISCONDUCT

For the sole purpose of the Proposal and based on the Facts outlined herein, Ms. Campbell and CSM propose the following findings of misconduct be made by the CORC:

1. Ms. Campbell committed professional misconduct within the meaning of section 35(1)(a) of the RESA between 2012 and 2016 while providing strata management services to the Strata. In particular:
 - a. As the Managing Broker for CSM, Ms. Campbell failed to ensure CSM met its duties to its client to :
 - i. follow up on a 2012 GST tax refund expected by the Strata for over two years, contrary to section 3-3(a) of the Rules; and
 - ii. maintain books, accounts and other records that would have allowed CSM to identify that GST installment payments CSM made to CRA for the Strata in 2012, were erroneously applied by the CRA to the benefit of CSM's own GST account with CRA, in a timely way, contrary to

section 25 of RESA and section 3-4 of the Rules, contrary to section 6(2) of the RESA and section 3-1 of the Rules.

2. CSM committed professional misconduct within the meaning of section 35(1)(a) of the RESA between 2012 and 2016 while providing strata management services to the Strata. In particular, CSM failed to:
 - a. follow up on a 2012 GST tax refund expected by the Strata for over two years, contrary to section 3-3(a) of the Rules; and
 - b. maintain books, accounts and other records that would have allowed CSM to identify that GST installment payments CSM made to CRA for the Strata in 2012, were erroneously applied by the CRA to the benefit of CSM's own GST account with CRA, in a timely way, contrary to section 25 of RESA and section 3-4 of the Rules.

PROPOSED ORDERS

Proposed on the Facts herein and the Proposed Findings of Misconduct, Ms. Campbell and CSM propose 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. Campbell and CSM be reprimanded.
2. Ms. Campbell and CSM agree to be jointly and severally liable to pay a discipline penalty to the Council in the amount of \$5,000 within ninety (90) days of the date of this Order.
3. Ms. Campbell, at her own expense, register for and successfully complete the Strata 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. Campbell and CSM agree to be jointly and severally liable to pay enforcement expenses to the Council pursuant to section 44 of the RESA in the amount of \$1,500 within sixty (60) days from the date of the Order herein.
5. If either Ms. Campbell or CSM fails to comply with any of the terms of the Order set out above, a Discipline Committee may suspend or cancel their licences without further notice to them.

ACKNOWLEDGEMENTS AND WAIVER OF APPEAL RIGHT

1. Ms. Campbell and CSM acknowledge and understand 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. Campbell and CSM have been advised of and understand their right to obtain independent legal advice regarding the disciplinary process, including with respect to the execution and submission of the Proposal.
3. Ms. Campbell and CSM acknowledge and are 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. Campbell and CSM acknowledge and are 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. Campbell and CSM hereby waive their right to appeal pursuant to section 54 of the RESA.
6. The Proposal and its contents are made by Ms. Campbell and CSM 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. Campbell and CSM in any civil proceeding with respect to the matter.

"Maxine Nancy Campbell"

MAXINE NANCY CAMPBELL

Dated 6th day of November, 2018

"William Vincent Alexander (Bill) Koke"

**WILLIAM VINCENT ALEXANDER (BILL)
KOKE/Authorized Signatory for Campbell
Strata Management Ltd.**

Dated 6th day of November, 2018