

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
GURINDER KAUR (PINKY) DHAMI
(108991)

CONSENT ORDER

RESPONDENT: Gurinder Kaur (Pinky) Dhami,
representative, Royal Pacific Realty Corp

DATE OF REVIEW MEETING: October 24, 2018

DATE OF CONSENT ORDER: October 24, 2018

CONSENT ORDER REVIEW COMMITTEE: L. Hrycan
S. Heath
E. Mignosa
R. Wong

ALSO PRESENT: E. Duvall, Chair
E. Seeley, Executive Officer
Catherine Davies, Legal Counsel for the
Real Estate Council

PROCEEDINGS:

On October 24, 2018, the Consent Order Review Committee ("Committee") resolved to accept the Consent Order Proposal ("COP") submitted by Gurinder Kaur (Pinky) Dhami.

WHEREAS the COP, a copy of which is attached hereto, has been executed by Gurinder Kaur (Pinky) Dhami.

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

1. Gurinder Kaur (Pinky) Dhami be reprimanded;

2. Gurinder Kaur (Pinky) Dhami pay a discipline penalty to the Council in the amount of \$1,500.00 within ninety (90) days from the date of this Order;
3. Gurinder Kaur (Pinky) Dhami, at her 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;
4. Gurinder Kaur (Pinky) Dhami pay enforcement expenses to the Council in the amount of \$1,500.00 within sixty (60) days from the date of this Order.

If Gurinder Kaur (Pinky) Dhami 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 24th day of October, 2018, at the City of Vancouver, British Columbia.

ON BEHALF OF THE CONSENT ORDER REVIEW COMMITTEE

"L. Hrycan"

Len Hrycan
Consent Order Review Committee

Attch.

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

AND

IN THE MATTER OF

**GURINDER KAUR (PINKY) DHAMI
(108991)**

CONSENT ORDER PROPOSAL BY GURINDER KAUR (PINKY) DHAMI

BACKGROUND AND FACTS

This Consent Order Proposal (the “Proposal”) is made by GURINDER KAUR (PINKY) DHAMI (“Ms. Dhami”) 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, Gurinder Kaur (Pinky) Dhami and the Council have agreed upon the following facts:

1. Gurinder Kaur (Pinky) Dhami (108991) has been licensed as a representative since 1996.
2. Gurinder Kaur (Pinky) Dhami was at all relevant times licensed as a representative with Royal Pacific Realty Corp.
3. Ms. Dhami acted as the buyer’s agent in connection with the purpose of a residential property located at XXXX – 148th St in Surrey, B.C. (the “Property”).
4. According to the New Homes Registry on the BC Housing website, the Property is an “owner-built” home, with a date of first occupancy of April 8, 2013.
5. Pursuant to the *Homeowner Protection Act* SBC 1998, within the first 10 years after initial occupancy, the owner-builder or any subsequent owner is required to provide a disclosure notice known as an Owner Builder Disclosure Notice (“OBDN”) to any prospective purchasers. The OBDN must be provided prior to entering into a purchase and sale agreement. It informs prospective purchasers: (1) that the home was built under an “Owner Builder Authorization” issued by the Homeowner Protection Office; (2) the date the 10-year period started; and (3) whether there is a voluntary policy of home warranty insurance in place.

6. As the Property was listed for sale within the 10-year period, the seller was required to provide an OBDN to a prospective buyer prior to entering into a contract of purchase and sale.
7. On August 10, 2015, a contract of purchase and sale was entered into for the Property, and included the following terms: a purchase price of \$848,000; a deposit of \$25,000 to be paid upon subject removal; a subject removal date of August 18, 2015; and a completion date of September 28, 2015.
8. At the time of the contract of purchase and sale, Ms. Dhami had obtained a copy of a New Home Registration / Owner Built Authorization form, indicating that the Property was an “owner-built” home, but failed to obtain from the seller and provide to her client an OBDN.
9. On August 18, 2015, the subjects were removed.
10. The OBDN was issued on September 19, 2015.
11. The seller’s agent has advised Council that he attempted to send a copy of the OBDN by email to Ms. Dhami on September 19, 2015. Ms. Dhami denies receiving the OBDN from the seller’s agent on that date, and denies receiving any email at all from the seller’s agent on September 19, 2015.
12. The sale completed on September 28, 2015.
13. The buyer did not receive a copy of the OBDN until September 7, 2017, almost two years after the sale completed.
14. A Notice of Discipline Hearing was issued on May 24th, 2018 and served on Gurinder Kaur (Pinky) Dhami.
15. Ms. Dhami 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, Gurinder Kaur (Pinky) Dhami proposes the following findings of misconduct be made by the CORC:

1. Gurinder Kaur (Pinky) Dhami committed professional misconduct within the meaning of section 35(1)(a) of the RESA in that:
 - a. When acting as buyer’s agent in the sale of XXXX – 148th St. Surrey, which was a new home built by an owner-builder pursuant to the *Homeowner Protection Act*, she failed to obtain a copy of an OBDN prior to the buyer entering into a contract of purchase and sale as required by section 21(2)

of that Act, contrary to: section 3-3(a) (best interests of the client); section 3-3(h) (reasonable efforts to discover relevant facts respecting real estate that the client is considering acquiring); and section 3-4 (acting with reasonable care and skill) of the Rules.

PROPOSED ORDERS

Based on the facts herein and the Proposed Findings of Misconduct, Gurinder Kaur (Pinky) Dhami 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. Gurinder Kaur (Pinky) Dhami be reprimanded.
2. Gurinder Kaur (Pinky) Dhami pay a discipline penalty to the Council in the amount of \$1,500 within ninety (90) days of the date of this Order.
3. Gurinder Kaur (Pinky) Dhami, at her 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. Gurinder Kaur (Pinky) Dhami pay enforcement in the amount of \$1,500 within sixty (60) days from the date of this Consent Order.
5. If Gurinder Kaur (Pinky) Dhami fails to comply with any of the terms of this Order, a Discipline Committee may suspend or cancel Gurinder Kaur (Pinky) Dhami's licence without further notice to her.

ACKNOWLEDGEMENTS AND WAIVER OF APPEAL RIGHT

1. Gurinder Kaur (Pinky) Dhami 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. Gurinder Kaur (Pinky) Dhami 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 they are making the Proposal with full knowledge of the contents and the consequences if the Proposal is accepted.
3. Gurinder Kaur (Pinky) Dhami 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

4. such other places and by such other means as the Council in its sole discretion deems appropriate.
5. Gurinder Kaur (Pinky) Dhani 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.
6. Gurinder Kaur (Pinky) Dhani hereby waives her right to appeal pursuant to section 54 of the RESA.
7. The Proposal and its contents are made by Gurinder Kaur (Pinky) Dhani 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 Gurinder Kaur (Pinky) Dhani in any civil proceeding with respect to the matter.

"G. K. Dhani"

GURINDER KAUR (PINKY) DHANI

Dated 2 day of September, 2018

Signature of Gurinder Kaur (Pinky) Dhani witnessed on
the above date by

"L. Dhani"

Witness Name *(Please Print)*

"L. Dhani"

Witness Signature