

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

KE (JERRY) LIU
(152636)

AND

JERRY LIU PERSONAL REAL ESTATE CORPORATION
(152636PC)

CONSENT ORDER

RESPONDENT: Ke (Jerry) Liu, Managing Broker, 1161678 B.C. Ltd. dba Sutton Group –Metroland Realty , while licensed with Sutton Centre Realty Ltd.

Jerry Liu Personal Real Estate Corporation

DATE OF REVIEW MEETING: December 6, 2018

DATE OF CONSENT ORDER: December 6, 2018

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

PROCEEDINGS:

On October 10, 2018, a Consent Order Proposal (“COP”) submitted by Ke (Jerry) Liu, on his own behalf and on behalf of Jerry Liu Personal Real Estate Corporation was considered by a Consent Order Review Committee (the “Committee”) but not accepted. On November 20, 2018, a revised COP acceptable to the Committee was submitted by Ke (Jerry) Liu, on his own behalf and on behalf of Jerry Liu Personal Real Estate Corporation.

WHEREAS the COP, a copy of which is attached hereto, has been executed by Ke (Jerry) Liu.

NOW THEREFORE, the Committee having made the findings proposed in the attached COP, and in particular having found that Ke (Jerry) Liu and Jerry Liu Personal Real Estate Corporation committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* (RESA), orders that:

1. Ke (Jerry) Liu and Jerry Liu Personal Real Estate Corporation have their licences suspended for fourteen (14) days:
2. Ke (Jerry) Liu and Jerry Liu Personal Real Estate Corporation will not act as an unlicensed assistant during the time of their licence suspension;
3. Ke (Jerry) Liu and Jerry Liu Personal Real Estate Corporation be jointly and severally liable to 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. Ke (Jerry) Liu, at his own expense, register for and successfully complete the Broker's 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;
5. Ke (Jerry) Liu and Jerry Liu Personal Real Estate Corporation be jointly and severally liable to pay enforcement expenses to the Council in the amount \$1,500.00 within sixty (60) days from the date of this Order.

If Ke (Jerry) Liu and/or Jerry Liu Personal Real Estate Corporation 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 6th day of December, 2018, at the City of Vancouver, British Columbia.

ON BEHALF OF THE CONSENT ORDER REVIEW COMMITTEE



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

KE (JERRY) LIU
(152636)

AND

JERRY LIU PERSONAL REAL ESTATE CORPORATION
(152636PC)

CONSENT ORDER PROPOSAL BY KE (JERRY) LIU and JERRY LIU PERSONAL REAL ESTATE
CORPORATION

BACKGROUND AND FACTS

This Consent Order Proposal (the “**Proposal**”) is made by Mr. Liu and Jerry Liu Personal Real Estate Corporation to the Consent Order Review Committee (the “**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, Mr. Liu, on his own behalf and on behalf of Jerry Liu Personal Real Estate Corporation, and the Council have agreed upon the following facts:

1. Mr. Liu (152636) was licensed as a representative from August 2007 to November 2011, and has been licensed as a managing broker from November 2011 to the present.
2. Mr. Liu became licensed as Jerry Liu Personal Real Estate Corporation on November 20, 2012.
3. Mr. Liu was at all relevant times licensed with Sutton Centre Realty Ltd.
4. On or about September 1, 2012, Mr. Liu, on behalf of the corporate owner (the “**Owner**”), rented a property on University High Street in Burnaby, BC (the “**Property**”) to a student (the “**Tenant**”). The tenancy lasted two years. Mr. Liu requested that the deposit cheque be made out to the Owner, while the tenancy agreement and rent cheques named another company (the “**Management Company**”).

-
5. At all material times, the Management Company and the Owner were not licensed.
 6. Mr. Liu was an officer of the Management Company, which is owned by his parents. Mr. Liu informed the Council during its investigation that he was not an officer of the Management Company.
 7. The Management Company, through Mr. Liu, managed the Property during the entire tenancy agreement despite Mr. Liu being aware that an unlicensed company could not provide those services. Mr. Liu was the primary point of contact with the Tenant.
 8. Mr. Liu provided rental property management for the Management Company with respect to eight additional properties around the same time period.
 9. The Management Company deposited the Tenant's rent cheques for the Property into its own bank account and then transferred the funds to the Owner's bank account.
 10. On August 1, 2014, Mr. Liu began providing rental property management services to the Owner through his brokerage. The Management Company continued providing unlicensed rental management services for a period of time afterwards.
 11. On June 4, 2015, an arbitrator of the Residential Tenancy Branch issued a decision between the Owner and the Management Company (as respondents) and the Tenant. Mr. Liu represented the Owner and the Management Company at the hearing. The arbitrator ordered that the Owner and the Management Company jointly pay the Tenant \$1,850 (the "**Judgment Amount**") as follows:
 - a. double the security deposit for failing to pay the security deposit within the statutorily-mandated time,
 - b. damages for lost use of a sink,
 - c. reimbursement for the cost of a plumber, and
 - d. reimbursement of the Tenant's filing fee.
 12. On August 3, 2016, the Tenant filed the judgment in Small Claims Court because she had not been paid the Judgment Amount. The Council became aware of this matter because the Tenant informed the Council.
 13. Neither Mr. Liu, the Management Company, nor the Owner has paid the Tenant the Judgment Amount.
 14. The Council issued a Notice of of Discipline Hearing on August 2, 2018. It was served on Mr. Liu on his own behalf and on behalf of Jerry Liu Personal Real Estate Corporation.
 15. Mr. Liu has a discipline history with the Council. On November 4, 2010, Mr. Liu and the CORC entered into a Consent Order, with a citation of 2010CanLII80318 (BCREC) (the "**Previous Discipline**").

-
16. The Previous Discipline was predominantly for the same or similar activity as the proposed findings of misconduct set out herein. The Council found that Mr. Liu committed professional misconduct within the meaning of s. 35(1) of RESA based on the Agreed Statement of Facts and Proposed Acceptance of Findings, including the following:
- a. Mr. Liu contravened section 3(1)(a) of RESA by providing rental property management services on behalf of owners of strata units while not licensed to provide rental management services;
 - b. Mr. Liu contravened section 7(3)(b) of RESA by collecting management fees and or receiving remuneration in respect of rental property management services he provided to owners of strata units directly from the owners and apart from the brokerage;
 - c. Mr. Liu contravened section 27(1) of RESA by failing to promptly pay or deliver to the Brokerage money he received from the provision of rental property management services he provided to owners of strata units;
 - d. Mr. Liu contravened section 4-6(2) of the Rules by advertising to offer “property services” on Craiglist.org without displaying the name of the brokerage in a prominent and easily readable way; and
 - e. Mr. Liu contravened section 4-3(2)(a) of the Rules by placing a sign that was visible outside his personal office, which advertised “property services” and included his name, telephone number and the brokerage name.
17. Pursuant to the Previous Discipline, Mr. Liu was ordered to successfully complete the Trading Services Remedial Education Course as provided by the Real Estate Division, Sauder School of Business at the University of British Columbia and pay enforcement expenses of \$1,000.

PROPOSED FINDINGS OF MISCONDUCT

For the sole purposes of the Proposal and based on the Facts outlined herein, Mr. Liu and Jerry Liu PREC propose the following findings of misconduct be made by the CORC:

1. Mr. Liu, on behalf of himself and on behalf of Jerry Liu Personal Real Estate Corporation, committed professional misconduct within the meaning of section 35(1)(a) of RESA in that, while licensed as a representative and managing broker with Sutton Centre Realty Ltd., he:
 - a. provided rental property management services for an unlicensed entity in relation to the rental of properties in and around Burnaby BC, and in particular, a property located on University High Street, Burnaby, BC (the “Property”), contrary to ss. 3(1) and 7(3) of RESA and ss. 3-1(1) and 3-4 of

the Rules;

- b. requested and received rent cheques from the tenant of the Property, made out to and cashed by an unlicensed entity, contrary to s. 27 of RESA; and
- c. agreed to allow remuneration, received from the tenant of the Property, to be paid to an unlicensed person, contrary to s. 6-1 of the Rules.

PROPOSED ORDERS

Based on the Facts herein and the Proposed Findings of Misconduct Mr. Liu and Jerry Liu Personal Real Estate Corporation 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. Mr. Liu and Jerry Liu Personal Real Estate Corporation be jointly and severally liable to pay a discipline penalty to the Council in the amount of \$5,000.00 CAD within ninety (90) days of the date of this Order.
2. Mr. Liu and Jerry Liu Personal Real Estate Corporation be suspended for fourteen (14) days commencing on a date to be determined by the Council.
3. Mr. Liu be prohibited from acting as an unlicensed assistant during the license suspension period.
4. Mr. Liu, at his own expense, register for and successfully complete the Broker's 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.
5. Mr. Liu and Jerry Liu Personal Real Estate Corporation be jointly and severally liable to pay enforcement expenses in the amount of \$1,500.00 CAD within sixty (60) days from the date of this Consent Order.
6. If Mr. Liu and Jerry Liu Personal Real Estate Corporation fail to comply with any of the terms of this Order, a Discipline Committee may suspend or cancel their licences without further notice to them.

ACKNOWLEDGEMENTS AND WAIVER OF APPEAL RIGHT

1. Mr. Liu and Jerry Liu Personal Real Estate Corporation 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. Mr. Liu and Jerry Liu Personal Real Estate Corporation 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. Mr. Liu and Jerry Liu Personal Real Estate Corporation 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. Mr. Liu and Jerry Liu Personal Real Estate Corporation 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. Mr. Liu and Jerry Liu Personal Real Estate Corporation hereby waive their right to appeal pursuant to section 54 of the RESA.
 6. The Proposal and its contents are made by Mr. Liu and Jerry Liu Personal Real Estate Corporation 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. Liu and Jerry Liu Personal Real Estate Corporation in any civil proceeding with respect to the matter.

"Ke (Jerry) Liu"

**KE (JERRY) LIU on his own behalf and on behalf of
JERRY LIU PERSONAL REAL ESTATE CORPORATION**

Dated 20th, day of November, 2018