

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
ANTHONY ROLAND BOOS
(141281)

CONSENT ORDER

RESPONDENT:	Anthony Roland Boos, Managing Broker of Cascade Realty Ltd. dba Royal LePage Cascade Realty
DATE OF REVIEW MEETING:	July 11, 2018
DATE OF CONSENT ORDER:	July 11, 2018
CONSENT ORDER REVIEW COMMITTEE:	R. Holmes, Q.C. G. Martin R. Wong
ALSO PRESENT:	E. Seeley, Executive Officer L. Fong, Independent Legal Counsel Alexander Bjornson, Legal Counsel for the Real Estate Council

PROCEEDINGS:

On July 11, 2018, the Consent Order Review Committee ("Committee") resolved to accept the Consent Order Proposal ("COP") submitted by Anthony Roland Boos.

WHEREAS the COP, a copy of which is attached hereto, has been executed by Anthony Roland Boos.

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

1. Anthony Roland Boos be reprimanded;

2. Anthony Roland Boos pay a discipline penalty to the Council in the amount of \$8,500 within ninety (90) days from the date of this Order;
3. Anthony Roland Boos, 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;
4. Anthony Roland Boos pay enforcement expenses to the Council in the amount of \$1,500 within sixty (60) days from the date of this Order.

If Anthony Roland Boos 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 11th day of July 2018, at the City of Vancouver, British Columbia.

ON BEHALF OF THE CONSENT ORDER REVIEW COMMITTEE

A handwritten signature in dark ink, appearing to read 'R. Holmes', with a long horizontal flourish extending to the right.

R. Holmes, Q.C., Chair
Consent Order Review Committee

Atch.

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

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IN THE MATTER OF

ANTHONY ROLAND BOOS (141281)

CONSENT ORDER PROPOSAL BY ANTHONY ROLAND BOOS

BACKGROUND AND FACTS

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

1. Mr. Boos (141281) has been licensed as a representative since 2005 and a managing broker since 2009.
2. Mr. Boos was at all relevant times licensed as a representative and managing broker with Cascade Realty Ltd. dba Royal LePage Cascade Realty (the "Brokerage").
3. On May 29, 2016 Mr. Boos, along with KB, a Brokerage representative, listed a Dawson Creek property for sale.
4. On or about June 24, 2016 the seller accepted an offer from a buyer (the "First Buyer"). The First Buyer's offer had a subject removal date of July 31, 2016.
5. After the offer was accepted, the First Buyer discovered from an inspection that repair work was required on the property. The First Buyer suggested to the seller that the sale price be reduced.
6. The seller and the First Buyer did not reach an agreement on a price reduction, but no documentation confirming the collapse of the transaction was provided by either the seller or the First Buyer.
7. On or about July 13, 2016 the seller accepted a second offer from a second buyer (the "Second Buyer").
8. On July 15, 2016 the representative for the First Buyer contacted KB regarding the sale price. KB took the position that the First Buyer's offer was no longer valid. The First Buyer's

representative took the position that the First Buyer was still considering proceeding with the transaction.

9. On July 15, 2016, Mr. Boos and KB advised the seller to seek legal advice with respect to the two offers.
10. On July 22, 2016, the First Buyer provided a "collapse form" for the offer.
11. On August 15, 2016 the property transferred to the Second Buyer.
12. On August 31, 2016 the managing broker for the First Buyer filed a complaint with the Council. Prior to the Council investigating the complaint, neither Mr. Boos nor KB informed the Council that their client had accepted two offers.
13. In a response to the Council, Mr. Boos largely blamed the matter on an overload of work for his property managers.
14. A Notice of Discipline Hearing was issued on May 7, 2018 and served on Mr. Boos.
15. Mr. Boos has a previous discipline history with the Council. On February 22, 2017, Mr. Boos entered into a consent order in which he acknowledged committing professional misconduct within the meaning of s. 35(1)(a) of the RESA by failing to be in active charge of the business of his brokerage, and failing to ensure an adequate level of supervision for related representatives, contrary to section 6(2) of the RESA and section 3-1(1) of the Rules. Mr. Boos agreed to be reprimanded and pay enforcement expenses of the consent order (Council File #15-583).

PROPOSED FINDINGS OF MISCONDUCT

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

1. Mr. Boos committed professional misconduct within the meaning of section 35(1)(a) of the RESA in that:
 - a. when acting as the listing agent for a Dawson Creek property, he permitted two offers to be accepted on the Property, contrary to sections 3-3(a) and 3-4 of the Rules; and
 - b. when acting as the managing broker of the Brokerage, he permitted two offers to be accepted on the property, contrary to section 3-1(1) of the Rules and section 6(2) of RESA.

PROPOSED ORDERS


Based on the Facts herein and the Proposed Findings of Misconduct, Mr. Boos 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. Boos be reprimanded.
2. Mr. Boos pay a discipline penalty to the Council in the amount of \$8,500 within ninety (90) days of the date of this Order.
3. Mr. Boos, 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. Boos pay enforcement in the amount of \$1,500 within sixty (60) days from the date of this Consent Order.
5. If Mr. Boos fails to comply with any of the terms of this Order, a Discipline Committee may suspend or cancel Mr. Boos's licence without further notice to him.

ACKNOWLEDGEMENTS AND WAIVER OF APPEAL RIGHT

1. Mr. Boos 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. Boos 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 he is making the Proposal with full knowledge of the contents and the consequences if the Proposal is accepted.
3. Mr. Boos 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. Boos 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. Boos hereby waives his right to appeal pursuant to section 54 of the RESA.

6. The Proposal and its contents are made by Mr. Boos 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. Boos in any civil proceeding with respect to the matter.



Anthony Roland Roos

Dated 31, day of May, 2018

Signature of Mr. Boos witnessed on the above
date by

Rachel Henry

Witness Name (Please Print)

Rachel Henry

Witness Signature