

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

SARDARA SINGH BOYAL
(090205)

AND

SHARI BOYAL PERSONAL REAL ESTATE CORPORATION
(090205PC)

CONSENT ORDER

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| RESPONDENT: | Sardara Singh Boyal, Representative, Royal LePage Global Force Realty Shari Boyal Personal Real Estate Corporation, Royal LePage Global Force 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 Lisa Fong, Independent Legal Counsel Kristine Mactaggart Wright, 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 Sardara Singh Boyal, on his own behalf and on behalf of Shari Boyal Personal Real Estate Corporation.

WHEREAS the COP, a copy of which is attached hereto, has been executed by Sardara Singh Boyal, on his own behalf and on behalf of Shari Boyal Personal Real Estate Corporation.

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

1. Sardara Singh Boyal and Shari Boyal Personal Real Estate Corporation each be reprimanded;
2. Sardara Singh Boyal and Shari Boyal Personal Real Estate Corporation be jointly and severally liable to pay a discipline penalty to the Council in the amount of \$2,500 within ninety (90) days from the date of this Order;
3. Sardara Singh Boyal, 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. Sardara Singh Boyal's and Shari Boyal Personal Real Estate Corporation's licences include a condition requiring enhanced supervision by their managing broker for a period of not less than six (6) months following the date of this Order, as more particularly described in Schedule 1 to this Order; and
5. Sardara Singh Boyal and Shari Boyal Personal Real Estate Corporation 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 Sardara Singh Boyal or Shari Boyal 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 11th day of July, 2018, at the City of Vancouver, British Columbia.

ON BEHALF OF THE CONSENT ORDER REVIEW COMMITTEE



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

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**IN THE MATTER OF THE *REAL ESTATE SERVICES ACT*
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**SARDARA (SHARI/ SANDY) SINGH BOYAL
(090205)**

AND

**SHARI BOYAL PERSONAL REAL ESTATE CORPORATION
(090205PC)**

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**CONSENT ORDER PROPOSAL BY SARDARA (SHARI/ SANDY) SINGH BOYAL
AND SHARI BOYAL PERSONAL REAL ESTATE CORPORATION**

BACKGROUND AND FACTS

This Consent Order Proposal (the Proposal) is made by Sardara (Shari/ Sandy) Singh Boyal and Shari Boyal Personal Real Estate Corporation (Shari Boyal PREC) 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. Boyal on his own behalf and on behalf of Shari Boyal PREC and the Council have agreed upon the following facts:

1. Mr. Boyal was licensed as a Trading Representative and Rental Property Management Representative between 1992 and 2014, and as a Trading Representative from 2014.
2. Mr. Boyal was at all relevant times licensed as a Trading Representative with Royal LePage Global Force Realty (Global Force).
3. Mr. Boyal became licensed as Shari Boyal PREC on May 10, 2018.
4. In February 2016, the brokerage representing the owners of real estate (the Sellers) at 13XXX 24th Avenue, Surrey (the Property) complained, on the Sellers' behalf, to the Council about Global Force representatives, including Mr. Boyal.
5. In January 2015, the Sellers agreed to sell the Property to a numbered company (the Buyer), with a closing date in January 2016 (the Sale).



6. In December 2015, an Assignment of Contract of Purchase and Sale (Assignment) was entered into between the Buyer and Mr. Boyal, where Mr. Boyal agreed to assume the obligations as Buyer.
7. The sole director of the Buyer resided in the basement of Mr. Boyal's residence. Mr. Boyal represents that he was approached by the Buyer and did not prepare the Assignment or receive any remuneration from it.
8. Mr. Boyal did not:
 - a. Deliver a copy of the Assignment or any related records to Global Force; or
 - b. Disclose his interest under the Assignment in acquiring the Property to the Sellers or Assignor in a Disclosure of Interest in Trade form.
9. In January 2016, the Sale did not complete because the Sellers did not extend the completion date at the Buyer's request. In the same month:
 - a. The Sellers relisted the Property for sale; and
 - b. Mr. Boyal commenced proceedings in the Supreme Court of British Columbia to enforce the Sale, and registered a *Certificate of Pending Litigation* (CPL) against the Property.
10. Although the Sellers received an offer to purchase the Property, they were unable to accept it because of the CPL.
11. In April 2016, the CPL was removed from the Property and its sale to new buyers completed in July 2016.
12. In August 2016, Mr. Boyal and the Sellers entered into a Consent Order to dismiss Mr. Boyal's Supreme Court proceedings based on the Sale.
13. A Notice of Discipline Hearing was issued on May 15, 2018 and served on Mr. Boyal.
14. Mr. Boyal does not have a discipline history with the Council.

PROPOSED FINDINGS OF MISCONDUCT

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

1. Mr. Boyal and Shari Boyal PREC committed professional misconduct within the meaning of section 35(1)(a) of the RESA while Mr. Boyal was a Trading Representative with Global Force when Mr. Boyal became the Assignee in a December 2015 Assignment for a property located at 13XXX 24th Avenue, Surrey and he:



- a. failed to provide Global Force with the original or a copy of the Assignment, and failed to keep Global Force informed of the real estate services he provided, contrary to sections 3-2(1) [records] and 3-2(2) [keeping managing broker informed] of the Rules;
- b. provided real estate services outside of Global Force contrary to section 7(3) of RESA [relationships between brokerages and other licensees]; and
- c. failed to disclose the Assignment in a Disclosure of Interest in Trade form, contrary to section 5-9(1) [disclosure of interest in trade] of the Rules.

PROPOSED ORDERS

Based on the Facts herein and the Proposed Findings of Misconduct Mr. Boyal and Shari Boyal 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. Boyal and Shari Boyal PREC be reprimanded.
2. Mr. Boyal and Shari Boyal PREC be jointly and severally liable to pay a discipline penalty to the Council in the amount of \$2500 within ninety (90) days of the date of this Order.
3. Mr. Boyal, 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. Boyal and Shari Boyal PREC's licences include a condition requiring enhanced supervision by a managing broker for a period of not less than six (6) months following the date of this Order, as more particularly described in Schedule 1 to this Order.
5. Mr. Boyal and Shari Boyal PREC be jointly and severally liable to pay enforcement expenses in the amount of \$1500 within sixty (60) days from the date of this Consent Order.
6. If Mr. Boyal and Shari Boyal PREC fail to comply with any of the terms of this Order, a Discipline Committee may suspend or cancel Mr. Boyal and Shari Boyal's licences without further notice to them.

ACKNOWLEDGEMENTS AND WAIVER OF APPEAL RIGHT

1. Mr. Boyal and Shari Boyal PREC 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. Boyal and Shari Boyal PREC 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. Boyal and Shari Boyal PREC 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. Boyal and Shari Boyal PREC 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. Boyal and Shari Boyal PREC hereby waive their right to appeal pursuant to section 54 of the RESA.
6. The Proposal and its contents are made by Mr. Boyal and Shari Boyal PREC 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. Boyal and Shari Boyal PREC in any civil proceeding with respect to the matter.




SARDARA (SHARI/ SANDY) SINGH BOYAL
on his own behalf and on behalf of Shari Boyal
Personal Real Estate Corporation

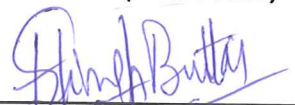
SARDARA (SHARI) SINGH BOYAL

Dated 29 day of JUNE, 2018

**Signature of Sardara (Shari/ Sandy) Singh Boyal
on his own behalf and on behalf of Shari Boyal
Personal Real Estate Corporation witnessed on
the above date by:**



Witness Name (Please Print)



Witness Signature

SCHEDULE 1

- 1) Sardara (Shari/Sandy) Singh Boyal (Boyal)'s and Shari Boyal Personal Real Estate Corporation (Shari Boyal PREC) licences will be restricted to Global Force Realty Ltd. dba Royal LePage Global Force Realty, or another brokerage acceptable to Council (the "Brokerage"), for a period of not less than six months following the date of Council's Consent Order.
- 2) Boyal and Shari Boyal PREC will be subject to enhanced supervision by Boyal's managing broker, as set out in these conditions, for a period of not less than six months following the date of Council's Consent Order (the "Enhanced Supervision Period").
- 3) Boyal and Shari Boyal PREC must remain under the direct supervision of Navroop Kaur, the managing broker of the Brokerage, or a successor managing broker acceptable to the Council (the "Managing Broker"), during the Enhanced Supervision Period.
- 4) Boyal and Shari Boyal PREC must keep the Managing Broker informed on a timely basis of the real estate services that he or Shari Boyal PREC are providing and other activities he is engaging in and must consult with the Managing Broker in advance of taking any action regarding any questions or concerns he may have regarding compliance with the RESA, the Regulations, the Bylaws, the Rules and all other applicable legislation and the Brokerage's policies and procedures.
- 5) Boyal and Shari Boyal PREC must report all their transactions to the Brokerage promptly, and ensure that no such transactions are conducted outside the Brokerage.
- 6) Boyal and Shari Boyal PREC must ensure that all documents relevant to each transaction are provided to the Brokerage and contained in the deal file, including the contract of purchase and sale, all offers received for the listing, assignment agreements, addendums, trade records sheets, disclosure statements, releases and other pertinent information.
- 7) The Managing Broker must provide a final report to the Council confirming:
 - a. That Boyal and Shari Boyal PREC's real estate services have been conducted under their direct supervision;
 - b. That Boyal and Shari Boyal PREC's activities have been carried out competently and in compliance with the RESA, the Regulations, the Bylaws, the Rules and all other applicable legislation, and in accordance with Brokerage's policies and procedures;
 - c. that they have reviewed all documents signed by Boyal and Shari Boyal PREC's clients and that all documents relevant to the transaction have been provided to the client and are contained in the trade records file; and
 - d. the number of real estate transactions that Boyal and Shari Boyal PREC have conducted and details regarding the client(s), the agency offered; and any customer relationships.

- 8) The Report will be reviewed by the Chair of the Council, who will determine if the requirement for enhanced supervision for the period set by Council has been met, and if not, will so advise the Managing Broker and Boyal and Boyal may elect to:
 - a. continue with enhanced supervision until the Chair of the Council is satisfied by further evidence that the required period and purpose of enhanced supervision has been met; or
 - b. have his and Shari Boyal PREC's licence suspended until a further order is made by the Council under section 43(4) or (5) of the RESA.
- 9) The Managing Broker must immediately report to the Council anything of an adverse nature with respect to Boyal or Shari Boyal PREC's real estate services, including failure on their part to observe the requirements of the RESA, the Regulations, the Bylaws, the Rules and all other applicable legislation, complaints received by the Brokerage, the nature of the complaint and the parties, and how it was resolved.
- 10) The Managing Broker must ensure that Boyal, Shari Boyal PREC and their unlicensed or licensed assistants, if any, receive adequate, appropriate and ongoing training with respect to their obligations under the RESA, Regulations, Bylaws, and Rules, and in accordance with the Brokerage's policies and procedures.
- 11) The Managing Broker must be provided with a copy of these conditions and, prior to the commencement of the Enhanced Supervision Period, must confirm in writing to the Council that they have read these conditions, are aware of their duties under these conditions, and agree to accept those duties. Any acceptable successor managing broker will also be provided with a copy of these conditions and must provide the same confirmation within 14 days of assuming the Managing Broker's duties.
- 12) If for any reason the Managing Broker is unable to perform any of the duties imposed herein, they must immediately advise Council of this inability.
- 13) If the Managing Broker is unable or unwilling to perform any of these duties and/or fails to meet their obligations under these conditions, Boyal and Shari Boyal PREC's licence are suspended and will remain suspended until all conditions herein are met or a further order is made by Council under section 43(4) or (5) of the RESA. Any suspension of Boyal's or Shari Boyal PREC's licence under this paragraph does not limit the Council's ability to take further disciplinary action for breach of the conditions or of the RESA, the Regulations, the Bylaws, the Rules and all other applicable legislation.

SARDARA (SHARI) SINGH BOYAL

