

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

GURVINDER SINGH BRAR
(149478)

AND

GURVINDER BRAR PERSONAL REAL ESTATE CORPORATION
(149478PC)

CONSENT ORDER

RESPONDENT:	Gurvinder Singh Brar, representative, Century 21 Coastal Realty Ltd. Gurvinder Brar Personal Real Estate Corporation, Century 21 Coastal Realty Ltd.
DATE OF REVIEW MEETING:	May 24, 2018
DATE OF CONSENT ORDER:	July 18, 2018
CONSENT ORDER REVIEW COMMITTEE:	R. Holmes, Q.C. S. Heath L. Hrycan
ALSO PRESENT:	E. Seeley, Executive Officer G. Thiele, Director, Legal Services P. Gilligan-Hackett, Legal Counsel for the Real Estate Council
PROCEEDINGS:	

On May 24, 2018, a Consent Order Proposal ("COP") submitted by Gurvinder Singh Brar, on his own behalf and on behalf of Gurvinder Brar Personal Real Estate Corporation was considered by the Consent Order Review Committee (the "Committee") but not accepted. On July 12, 2018, a revised COP acceptable to the Committee was submitted by Gurvinder Singh Brar on his own behalf and on behalf of Gurvinder Brar Personal Real Estate Corporation.

WHEREAS the COP, a copy of which is attached hereto, has been executed by Gurvinder Singh Brar.

NOW THEREFORE, the Committee, having made the findings proposed in the attached COP, and in particular having found that Gurvinder Singh Brar and Gurvinder Brar 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. Gurvinder Singh Brar and Gurvinder Brar Personal Real Estate Corporation have their licences suspended for one hundred and twenty (120) days;
2. Gurvinder Singh Brar be prohibited from acting as an unlicensed assistant during the licence suspension period;
3. Gurvinder Singh Brar be prohibited from applying for a managing broker's licence for a period of five (5) years;
4. Gurvinder Singh Brar and Gurvinder Brar Personal Real Estate Corporation 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;
5. Gurvinder Singh Brar and Gurvinder Brar Personal Real Estate Corporation be jointly and severally liable to pay enforcement expenses to the Council in the amount \$1,500 within sixty (60) days from the date of this Order;
6. Gurvinder Singh Brar at his own expense, register for and successfully complete the course entitled REIC2600 – Ethics in Business Practice; and
7. Gurvinder Singh Brar:
 - a. review with his managing broker what he learned from the course; and
 - b. submit to the Council a certification signed by his managing broker confirming that he has completed the review.

If Gurvinder Singh Brar or Gurvinder Brar Personal Real Estate Corporation fail 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 18th 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

Attch.

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CONSENT ORDER PROPOSAL BY GURVINDER SINGH BRAR

BACKGROUND AND FACTS

This Consent Order Proposal ("Proposal") is made by Gurvinder Singh Brar ("Mr. Brar") and by Gurvinder Singh Brar Personal Real Estate Corporation ("Brar PREC") to the Consent Order Review Committee ("CORC") of the Real Estate Council of British Columbia ("Council") pursuant to section 41 of the *Real Estate Service Act* ("RESA").

For the purposes of the Proposal, Mr. Brar, on his own behalf and on behalf of Brar PREC, and the Council have agreed upon the following facts:

1. Mr. Brar has been licensed as a representative since 2006.
2. Brar PREC has been licensed as a personal real estate corporation since 2015.
3. Mr. Brar was at all relevant times licensed as a representative with Century 21 Coastal Realty Ltd. ("Coastal Realty").

Managing Broker's Licensing Examination ("Examination")

4. On or about August 30, 2016 Mr. Brar wrote the Examination at the University of British Columbia.

5. Those responsible for administering the Examination discovered that Mr. Brar had brought documents containing information directly related to questions on the Examination to his workstation. Mr. Brar signed a confirmation on the outside of the envelope containing his examination paper that he had not brought any prohibited items into the examination room. The documents in his possession were prohibited items.
6. The documents in Mr. Brar's possession consisted of a page from the Broker's Licensing Course Manual with two highlighted passages and three lines of handwritten notes, also highlighted; a page from an unknown source reflecting printed information about the Brokerage Standards Manual and the Real Estate Services Act, Regulation, and Council Rules with five lines of handwritten notes; and a page of lined paper with 22 lines of handwritten notes, 12 lines of which are highlighted.
7. On September 1, 2016, the University of British Columbia notified Mr. Brar that his examination had been marked with a zero and that he was suspended from registering for any licensing courses for a period of two years.
8. In his response to the Council dated February 20, 2017, Mr. Brar stated that he was not thinking clearly on the day of the Examination and could not explain why he brought the documents into the Examination. He believed the stress of preparing for the Examination had clouded his judgment. Mr. Brar apologized and accepted full responsibility for his conduct.
9. Mr. Brar does not have a prior discipline record with the Council.
10. A Notice of Disciplinary Hearing was issued on December 13, 2017 and served on Mr. Brar.
11. An amended Notice of Disciplinary Hearing was issued on February 20, 2018 and served on Mr. Brar.

PROPOSED FINDINGS OF MISCONDUCT

For the sole purposes of the Proposal and based on the facts outlined herein, Mr. Brar, on his own behalf and on behalf of Brar PREC, proposes the following findings of misconduct be made by the CORC:

1. Mr. Brar committed conduct unbecoming a licensee within the meaning of section 35(2)(b) of the RESA in that he had in his possession on or about August 30, 2016 and while taking the Examination during the Managing Broker's Licensing course offered by the Sauder School of Business at the University of British Columbia prohibited materials, being one or more written records of information related directly to the subject matter of the Examination.

PROPOSED ORDERS

Based on the Facts herein and the Proposed Findings of Misconduct, Mr. Brar, on his own behalf and on behalf of Brar PREC, proposes that the Notice of Discipline Hearing and the Amended 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. Brar's licence and the licence of Brar PREC be suspended for a period of one hundred and twenty (120) days;
2. Mr. Brar be prohibited from acting as an unlicensed assistant during the licence suspension period;
3. Mr. Brar be prohibited from applying for a managing broker's licence for a period of five (5) years;
4. Mr. Brar and Brar PREC be jointly and severally liable to pay a disciplinary financial penalty of the Council in the amount of \$5,000.00 within ninety (90) days of the date of this Consent Order;

5. Mr. Brar and Brar PREC be jointly and severally liable to pay enforcement expenses pursuant to section 44 of the RESA in the amount of \$1,500.00 within sixty (60) days from the date of this Consent Order;
6. Mr. Brar at his own expense, register for and successfully complete the REIC2600-Ethics in Business Practice course;
7. Mr. Brar:
 - a. Review with his managing broker what he learned from the course; and
 - b. Submit to the Council a certification signed by his managing broker confirming that he has completed the review; and
8. If Mr. Brar and Brar PREC fail to comply with any of the terms of this Consent Order, a Discipline Hearing Committee may suspend or cancel their licenses without further notice to them pursuant to section 43(3) and section 43(4) of the RESA.

ACKNOWLEDGEMENTS AND WAIVER OF APPEAL RIGHT

1. Mr. Brar, on his own behalf and on behalf of Brar PREC, 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. Brar, on his own behalf and on behalf of Brar PREC, acknowledges that he has obtained independent legal advice with respect to the disciplinary process, the allegations contained in the Notice of Discipline Hearing and Amended Notice of Discipline Hearing, and the execution and submission of the Proposal to the CORC; and that he is making the proposal in his own right and on behalf of Brar PREC with full knowledge of the contents and the consequences if the Proposal is accepted.
3. Mr. Brar, on his own behalf and on behalf of Brar PREC, 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. Brar, on his own behalf and on behalf of Brar PREC, 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. Brar, on his own behalf and on behalf of Brar PREC, hereby waives his right to appeal pursuant to section 54 of the RESA.
6. The Proposal and its contents are made by Mr. Brar, on his own behalf and on behalf of Brar PREC, for the sole purpose of resolving the Notice of Discipline Hearing and Amended 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. Brar, given on his own behalf and on behalf of Brar PREC, in any civil proceeding with respect to the matter.


GURVINDER SINGH BRAR

Dated 12 day of July, 2018

Gurvinder Brar Personal Real Estate
Corporation

Per:



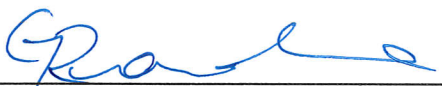
AUTHORIZED SIGNATORY
GURVINDER SINGH BRAR

Dated 12, day of July, 2018.

Signatures of Gurvinder Singh Brar and
Gurvinder Brar Personal Real Estate
Corporation witnessed on the above date by

Gurleen Randhawa

Witness Name (*Please Print*)



Witness Signature