

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

MICHAEL KENNETH ROBLIN  
(094999)

CONSENT ORDER

RESPONDENT: Michael Kenneth Roblin, Representative,  
Dynamic Property Management Ltd.

DATE OF REVIEW MEETING: May 24, 2018

DATE OF CONSENT ORDER: May 24, 2018

CONSENT ORDER REVIEW COMMITTEE: R. Holmes, Q.C.  
E. Mignosa  
S. Sidhu

ALSO PRESENT: G. Thiele, Director, Legal Services  
Sabinder Sheina, Legal Counsel for the  
Real Estate Council

PROCEEDINGS:

On May 24, 2018, the Consent Order Review Committee (“Committee”) resolved to accept the Consent Order Proposal (“COP”) submitted by Michael Kenneth Roblin.

**WHEREAS** the COP, a copy of which is attached hereto, has been executed by Michael Kenneth Roblin.

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

1. Michael Kenneth Roblin be reprimanded;
2. Michael Kenneth Roblin pay a discipline penalty to the Council in the amount of \$3,000 within ninety (90) days from the date of this Order;

3. Michael Kenneth Roblin pay enforcement expenses to the Council in the amount \$1,500 within sixty (60) days from the date of this Order.

If Michael Kenneth Roblin 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 11<sup>th</sup> day of June, 2018, at the City of Vancouver, British Columbia.

ON BEHALF OF THE CONSENT ORDER REVIEW COMMITTEE

A handwritten signature in black ink, appearing to read "R. Holmes", written in a cursive style.

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

Atch.

IN THE MATTER OF THE *REAL ESTATE SERVICES ACT*  
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IN THE MATTER OF

MICHAEL KENNETH ROBLIN

CONSENT ORDER PROPOSAL BY MICHAEL KENNETH ROBLIN

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**BACKGROUND AND FACTS**

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

1. Mr. Roblin (094999) has been licensed as a representative since 1991.
2. Mr. Roblin was at all relevant times licensed as a managing broker with Dynamic Property Management Ltd. ("Brokerage").
3. On November 27, 2008, Strata Plan LMSXXXX, Oliver's Landing, Furry Creek, BC (the "Strata") and Mr. Roblin, on behalf of the Brokerage, entered into an Agency Agreement where the Brokerage would provide strata agency services which included financial duties such as keeping full and detailed books, attending four meetings including one annual general meeting, keep full and detailed records, and deliver statutory forms.
4. Mr. Roblin has been the strata manager to the Strata since February 1, 2009.
5. On August 18, 2014, Mr. Roblin issued a Form B Information Certificate ("Form B") for a unit that was being purchased by the complainants in the Strata, located on Whitecap Court, Furry Creek, BC (the "Property"). He had marked item "j" on Form B to indicate the Strata was not party to any court proceedings or arbitration. This was incorrect.
6. Mr. Roblin provided a letter dated December 9, 2016 to Council staff in which he stated that when the owner/developers wanted to close the recreation centre which the Strata used, a lawyer was retained to assist in representing the Strata. Over the years, the Strata has been working to reach a settlement agreement with the owner/developer and he has not been part of any meetings or negotiations.
7. Mr. Roblin states that he "*didn't fully understand the nature of the negotiations until much later recognizing that a formal 'petition to the court' had been filed.*"

8. From August 2012, when the Strata filed the petition in Supreme Court, until July 2016, all Form B's were marked "no" for item "j" that reads: *"Is the strata corporation party to any court proceedings or arbitration, and/or are there any judgments or orders against the strata corporation?"*
9. Mr. Roblin stated that although Form B item "j" has been incorrectly marked, *"almost every set of strata council meeting minutes and general meeting minutes makes reference to either resolutions for special levies for legal fees, or a resolution for a deal with [the owner/developer] or updates on the proceedings with the issue. One would just have to read through some council and general meeting minutes to see that there was a issue at hand with [the owner/developer] and legal fees, as they are noted in the budget and there were two separate special levies approved by the owners for addressing the recreation centre"*.
10. Mr. Roblin further states that when he was made aware of the mistake on Form B, he reported his error to the Strata Council and made the necessary correction.
11. A Notice of Discipline Hearing was issued on January 29, 2018 and served on Mr. Roblin.
12. Mr. Roblin has a prior discipline history with the Council. On April 30, 2015, Mr. Roblin entered into a consent order that he committed professional misconduct within the meaning of section 35(1)(a) of the RESA in that he:
  - i) contravened section 3-3(a), 3-3(b) and/or 3-3(c) of the Council Rules in that when the payment of an invoice to the repair company was processed by the repair company on a credit card belonging to a licensee with the said brokerage on file with the repair company in the amount of \$25,600.05 for the replacement of the HVA equipment, which was contrary to the instructions of the strata corporation, Mr. Roblin permitted the reimbursement to the licensee for the said amount charged on his credit card from the strata corporation trust account of the brokerage without authorization of the strata council;
  - ii) contravened section 5-10 of the Council Rules in that he failed to disclose to the strata corporation that the brokerage entered into a written service agreement with the commercial section.

Mr. Roblin was reprimanded, complete the Strata Management Remedial Education Course and pay enforcement expenses to the Council.

### **PROPOSED FINDINGS OF MISCONDUCT**

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

1. while licensed as a managing broker with Dynamic Property Management Ltd. and acting as the assigned strata manager for Strata Plan LMSXXXX, he committed professional misconduct within the meaning of section 35(1)(a) of the RESA in that:

- a. he did not act in the best interests of his client and failed to act with reasonable care and skill when he disclosed on Information Certificate, Form B, that the strata corporation was not party to a court proceeding, when he knew or ought to have known that it was engaged in litigation, contrary to 3-3(a) and 3-4 of the Rules.

### **PROPOSED ORDERS**

Based on the facts herein and the Proposed Findings of Misconduct, Mr. Roblin 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. Roblin be reprimanded.
2. Mr. Roblin pay a discipline penalty to the Council in the amount of \$3,000 within ninety (90) days of the date of this Order.
3. Mr. Roblin pay enforcement in the amount of \$1,500 within sixty (60) days from the date of this Consent Order.
4. If Mr. Roblin fails to comply with any of the terms of this Order, a Discipline Committee may suspend or cancel Mr. Roblin's licence without further notice to him.

### **ACKNOWLEDGEMENTS AND WAIVER OF APPEAL RIGHT**

1. Mr. Roblin 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. Roblin 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. Roblin 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. Roblin 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. Roblin hereby waives his right to appeal pursuant to section 54 of the RESA.

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



**MICHAEL KENNETH ROBLIN**

Dated 20 day of April, 2018

Signature of Mr. Roblin witnessed on the above date by



Witness Name *(Please Print)*



Witness Signature