

**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**

**ARLENE CHRISTINA CHIANG**  
**(AKA ARLENE CHRISTINA UY)**  
**(152620)**

**AND**

**ARLENE CHIANG PERSONAL REAL ESTATE CORPORATION**  
**(152620PC)**

**CONSENT ORDER**

RESPONDENT:	Arlene Christina Chiang, managing broker, Oakwyn Realty Ltd. while licensed as a representative with Westmar Realty Ltd.  Arlene Chiang Personal Real Estate Corporation
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:	E. Seeley, Executive Officer G. Thiele, Director, Legal Services Patrick Gilligan-Hackett, Legal Counsel for the Real Estate Council
PROCEEDINGS:	

On May 24, 2018, 2018, the Consent Order Review Committee (“Committee”) resolved to accept the Consent Order Proposal (“COP”) submitted by Arlene Christina Chiang and Arlene Chiang Personal Real Estate Corporation.

**WHEREAS** the COP, a copy of which is attached hereto, has been executed by Arlene Christine Chiang on her own behalf and on behalf of Arlene Chiang Personal Real Estate Corporation.

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

1. Arlene Christina Chiang and Arlene Chiang Personal Real Estate Corporation be reprimanded;
2. Arlene Christina Chiang and Arlene Chiang Personal Real Estate Corporation be jointly and severally liable to pay a discipline penalty to the Council in the amount of \$7,500 within ninety (90) days from the date of this Order;
3. Arlene Christina Chiang and Arlene Chiang 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.

If Arlene Christina Chiang or Arlene Chiang 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 11<sup>th</sup> day of June, 2018, at the City of Vancouver, British Columbia.

ON BEHALF OF THE CONSENT ORDER REVIEW COMMITTEE



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

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ARLENE CHRISTINA CHIANG  
(aka ARLENE CHRISTINA UY)  
(152620)

AND

ARLENE CHIANG PERSONAL REAL ESTATE CORPORATION  
(152620PC)

CONSENT ORDER PROPOSAL BY ARLENE CHRISTINA CHIANG (aka ARLENE CHRISTINA UY) AND  
ARLENE CHIANG PERSONAL REAL ESTATE CORPORATION

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**BACKGROUND AND FACTS**

This Consent Order Proposal ("Proposal") is made by Arlene Christina Chiang (aka Arlene Christina Uy) ("Ms. Chiang") and Arlene Chiang Personal Real Estate Corporation ("AC 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 Services Act* ("RESA").

For the purposes of the Proposal, Ms. Chiang, on her own behalf and on behalf of AC PREC, and the Council have agreed upon the following facts:

1. Ms. Chiang has been licensed as a Managing Broker, Trading from February 5, 2013 to the present and was licensed as a Representative, Trading between August 21, 2007 and February 5, 2013. In addition, Ms. Chiang is licensed as a Managing Broker, Rental Property Management and Strata.

2. Ms. Chiang was at all relevant times licensed as a Representative, Trading with Westmar Realty Ltd.
3. AC PREC has been licensed from October 29, 2009 to the present.
4. At all relevant times, Ms. Chiang was known by the surname "Uy". However, for convenience, the surname "Chiang" is used throughout this document.
5. There are two complaints against Ms. Chiang from a single complainant.

*First Complaint*

6. On September 10, 2009 Ms. Chiang and another licensee ("Second Licensee") entered into an MLS Listing Contract ("Listing Contract") with [REDACTED] with respect to property located at 2XX – 9XX West 10<sup>th</sup> Avenue, Vancouver, BC ("Property"). The [REDACTED] referred to in the Listing Contract was [REDACTED]. Ms. Chiang and the Second Licensee were identified as designated agents in the Listing Contract.
7. At all material times, the registered owner of the Property was [REDACTED] [REDACTED] was [REDACTED] ex-husband.
8. Ms. Chiang worked with the Second Licensee to collect the documentation related to the Property. The Second Licensee met with [REDACTED] to prepare the FINTRAC Client Identification Record Form and to sign the Listing Agreement. Ms. Chiang says she was not involved in these activities. Ms. Chiang also says that in conformity with the usual practice between Ms. Chiang and the Second Licensee, she was also not involved in the negotiation of the agreement for purchase and sale of the Property.
9. The FINTRAC Client Information Record Form associated with the Listing Agreement recorded [REDACTED] driver's licence number as the source of client identification accepted by the Second Licensee.
10. Ms. Chiang says she recalls the Second Licensee telling her that [REDACTED] had shown the Second Licensee "some sort of documentation" authorizing [REDACTED] to act on [REDACTED]'s behalf in connection with the Property. Ms. Chiang was unable to locate a copy of this documentation in the records for the sale of the Property.
11. On September 17, 2009 [REDACTED], as seller, entered into a contract of purchase and sale with SLD, as buyer, with a completion date of December 1, 2009 ("Contract").
12. On September 24, 2009 [REDACTED] executed a power of attorney in favour of [REDACTED] whereby [REDACTED] was granted the power to execute any contracts of purchase and sale, any addendum thereto, and any other such documents conducive and incidental to the sale of the property ("POA").

13. On November 12, 2009 [REDACTED] executed a Trust Agreement made effective May 31, 2005 which confirmed he was holding title to the Property in trust for [REDACTED] ("Trust Agreement").
14. The Trust Agreement acknowledged and confirmed that [REDACTED] had entered into the Contract to sell the property with a completion date of December 1, 2009.
15. On November 27, 2009 the POA was registered against the title to the Property.
16. On December 1, 2009 the sale of the Property completed and the title to the Property was transferred to SLD.
17. Ms. Chiang admits that when she determined that [REDACTED] was not the registered owner of the Property, she failed to take reasonable steps to verify that [REDACTED] had the legal authority to sell the Property.

#### *Second Complaint*

18. On May 1, 2010 [REDACTED] and [REDACTED] entered into a rental agreement for a property, as landlords, at 2XX – 9XX West 8<sup>th</sup> Avenue, Vancouver BC ("Rental Property"). The tenancy resulting from that agreement came to an end on December 31, 2010.
19. On December 7, 2010 an advertisement for the Rental Property appeared on Craigslist. The advertisement identified Ms. Chiang as the contact for inquiries about the Rental Property.
20. On February 14, 2011 the new tenant for the Rental Property issued a cheque for \$675.00 payable to Ms. Chiang.
21. On February 21, 2011 Ms. Chiang sent [REDACTED] a copy of the credit check for and the lease signed by the new tenant for the Rental Property. Ms. Chiang asked [REDACTED] to sign the lease and provide her with a copy and confirmed that she would arrange for a locksmith to make extra keys to the Rental Property for [REDACTED] and [REDACTED]. Ms. Chiang asked [REDACTED] to send post-dated cheques in the amount of \$50.00 per month and payable to her. These cheques were compensation for Ms. Chiang's services in relation to the Rental Property.
22. In March, 2011 [REDACTED] sent Ms. Chiang post-dated cheques for twelve months from March, 2011 to February, 2012.
23. Ms. Chiang says that [REDACTED] first contacted her to arrange for the rental of the Rental Property because [REDACTED] was moving to Florida. At the time, she considered she was simply helping former clients to make arrangements for the Rental Property and did not recognize that the services she was providing included services for which a rental property management licence was required.
24. Ms. Chiang has since completed both the Rental Property Management Licensing Course and the Managing Broker's Licensing Course.

25. A Notice of Disciplinary Hearing was issued on 11 December, 2017 and served on Ms. Chiang.
26. An Amended Notice of Disciplinary Hearing was issued on 20 February, 2018 and served on Ms. Chiang.
27. Ms. Chiang does not have a prior disciplinary history with the Council.

### **PROPOSED FINDINGS OF MISCONDUCT**

For the sole purposes of the Proposal and based on the Facts outlined herein, Ms. Chiang, on her own behalf and on behalf of Arlene Chiang Personal Real Estate Corporation, proposes the following findings of misconduct be made by the CORC:

#### *First Complaint*

Ms. Chiang committed professional misconduct within the meaning of section 35(1)(a) of the RESA, when, in her capacity as the seller's agent in the sale of a residential property located at 2XX – 9XX West 10<sup>th</sup> Avenue, Vancouver BC ("Property"), she:

- i. contravened section 3-4 of the Rules by failing to take sufficient steps to ensure she was dealing with either the registered owner of the Property or a person who, despite not being the registered owner of the property, had the legal authority to sell the Property.

#### *Second Complaint*

Ms. Chiang committed professional misconduct within the meaning of section 35(1)(a) of the RESA, when, in connection with the rental of a residential property located at 2XX – 9XX West 8<sup>th</sup> Avenue, Vancouver BC ("Rental Property"), she:

- i. contravened section 3(1)(a) of the RESA by providing real estate services in relation to the Rental Property, being more particularly rental property management services, when she was not licensed to do so;
- ii. contravened section 7(3)(a) of the RESA by providing real estate services, being more particularly rental property management services, other than on behalf of the brokerage to which she was then licensed;
- iii. contravened section 7(3)(b) of the RESA by accepting remuneration in relation to the provision of real estate services, being the rental property management services, from a person, being the registered owner of the Rental Property, other than the brokerage to which she was then licensed.

## **PROPOSED ORDERS**

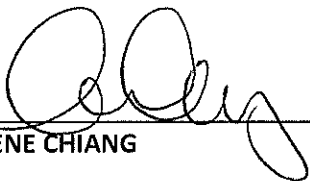
Based on the Facts herein and the Proposed Findings of Misconduct, Ms. Chiang on her own behalf and on behalf of Arlene Chiang Professional Real Estate Corporation proposes that the Notice of Discipline Hearing in this matter be resolved through the following Orders being made by the CORC, pursuant to section 43 of the RESA:

1. Ms. Chiang and Arlene Chiang Personal Real Estate Corporation be reprimanded.
2. Ms. Chiang and Arlene Chiang Personal Real Estate Corporation be jointly and severally liable to pay a discipline penalty to the Council in the amount of \$7,500.00 within ninety (90) days of the date of this Order.
3. Ms. Chiang and Arlene Chiang Personal Real Estate Corporation be jointly and severally liable to pay enforcement expenses in the amount of \$1,500.00 within sixty (60) days from the date of this Consent Order.
4. If Ms. Chiang and Arlene Chiang Personal Real Estate Corporation fail to comply with any of the terms of the Orders set out above, a Discipline Hearing Committee may suspend or cancel their licenses without further notice to them pursuant to section 43(3) and 43(4) of the RESA.

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

1. Ms. Chiang, on her own behalf and on behalf of Arlene Chiang Personal Real Estate Corporation, 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. Ms. Chiang, on her own behalf and on behalf of Arlene Chiang Personal Real Estate Corporation acknowledges, that she 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 she has obtained independent legal advice or has chosen not to do so; and that she is making the Proposal with full knowledge of the contents and the consequences if the Proposal is accepted.
3. Ms. Chiang, on her own behalf and on behalf of Arlene Chiang Personal Real Estate Corporation, 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. Ms. Chiang, on her own behalf and on behalf of Arlene Chiang Personal Real Estate Corporation 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. Ms. Chiang, on her own behalf and on behalf of Arlene Chiang Personal Real Estate Corporation, hereby waives her right to appeal pursuant to section 54 of the RESA.
6. The Proposal and its contents are made by Ms. Chiang and Arlene Chiang 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 Ms. Chiang in any civil proceeding with respect to the matter.

  
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ARLENE CHIANG

Dated 1, day of MAY, 2018

Signature of Ms. Chiang witnessed on the above date by

Amanda Lehman-Choi  
Witness Name (Please Print)

  
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Witness Signature