

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
KAMALJIT SINGH BANSAL
(162494)

CONSENT ORDER

RESPONDENT: Kamaljit Singh Bansal, representative,
City 2 City Real Estate Services Inc. while
licensed with Satnam Real Estate
Services 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: E. Seeley, Executive Officer
G. Thiele, Director, Legal Services
Patrick Gilligan-Hackett, 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 Kamaljit Singh Bansal.

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

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

1. Kamaljit Singh Bansal's licence be suspended for a period of fourteen (14) days.
2. Kamaljit Singh Bansal be prohibited from acting as an unlicensed assistant during the licence suspension period.
3. Kamaljit Singh Bansal pay a discipline penalty to the Council in the amount of \$2,500 within ninety (90) days from the date of this Order.
4. Kamaljit Singh Bansal, 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 in the time period as directed by the Council.
5. Kamaljit Singh Bansal pay enforcement expenses to the Council in the amount of \$1,500.00 within sixty (60) days from the date of this Order.

If Kamaljit Singh Bansal 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 June, 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
S.B.C. 2004, c. 42 as amended**

AND

IN THE MATTER OF

KAMALJIT SINGH BANSAL

CONSENT ORDER PROPOSAL BY KAMALJIT SINGH BANSAL

BACKGROUND AND FACTS

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

1. Mr. Bansal (licence number 162494) has been licensed as a Representative, Trading since 2011 and was at all relevant times licensed as a Representative, Trading with Satnam Real Estate Services Ltd. ("Brokerage").
2. Mr. Bansal, as a designated agent, represented the buyer ("Buyer") in connection with the purchase of a house located at XXXX Morgan Drive, Surrey, British Columbia ("Property").
3. On June 6, 2012 the Buyer entered into an agreement of sale and purchase ("Agreement") to buy the Property. The Agreement was subject to financing only and the subject condition had to be removed by June 15, 2012. Under the Agreement, the purchase of the Property was to (and did) complete on July 17, 2012.
4. On June 13, 2012 Mr. Bansal sent an email to the seller's representative asking for a copy of the Property Disclosure Statement and the Title Search. The seller's agent replied "don't have title".
5. On June 15, 2012 the subject to financing condition was removed. Mr. Bansal did not have a copy of the title to the Property at this time.
6. On June 18, 2012 Mr. Bansal first submitted the Agreement to the Brokerage. Mr. Bansal acknowledges that in doing so he failed to submit the Agreement to the Brokerage promptly. The material submitted to the Brokerage by Mr. Bansal on June 18, 2012 did not include the title or a title search.

7. On July 16, 2012 Mr. Bansal sent an email to the seller's agent asking again for a copy of the title. In reply, the seller's agent told Mr. Bansal that a copy was available at the online MLS listing. Mr. Bansal replied that he had been unable to obtain a copy. The seller's agent replied that the Buyer's lawyer would obtain the title just before completion.
8. On July 17, 2012 the office of the Buyer's notary public provided Mr. Bansal with a copy of the title to the Property. This was the first time Mr. Bansal had a copy of the title. (In this regard, Mr. Bansal confirms he is aware that both the Notice of Discipline Hearing and the Amended Notice of Discipline Hearing identified below refer, in error, to the date of this event as June 17, 2012. Mr. Bansal further confirms that the correct date is July 17, 2012.)
9. On March 19, 2016 a lawyer acting for the Buyer, wrote to Mr. Bansal to advise him that in late January, 2016 the Buyer, while considering alterations to the Property, had discovered a Statutory Right of Way registered in the name of BC Hydro was located at the back of the Property. The Statutory Right of Way had been registered in the name of BC Hydro in 1979.
10. Mr. Bansal does not have a prior discipline history.
11. The Council issued a Notice of Discipline Hearing dated 19 December, 2017 and it was served on Mr. Bansal.
12. The Council issued an Amended Notice of Discipline Hearing dated 5 March, 2018 and it was served on Mr. Bansal.

PROPOSED FINDINGS OF MISCONDUCT

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

Mr. Bansal committed professional misconduct within the meaning of section 35(1)(a) of the RESA in connection with the purchase by his client ("Buyer") of a property located at XXXX Morgan Drive, Surrey, BC ("Property") in that he failed:

A. contrary to

section 3-3(a) of the Rules, to act in the best interests of his client, the Buyer; and

section 3-3(h) of the Rules, to use reasonable efforts to discover relevant facts respecting real estate that the Buyer was considering acquiring; and

section 3-4 of the Rules, to act with reasonable care and skill;

by his omissions to:

a) make timely inquiries about the state of the title to the Property;

- b) obtain a current certificate of title to the Property before preparing an offer for the Property; and
 - c) prepare an offer for the Property that included as a condition a review, the outcome of which was satisfactory to the Buyer, of the title to the Property;
- B. contrary to section 3-4 of the Rules, to act with reasonable care and skill when, on or around July 17, 2012 he received but failed to review a certificate of title to the Property or, having reviewed the certificate of title, failed to inform the Buyer that the certificate of title reflected a statutory right of way registered in the name of BC Hydro; and
- C. contrary to section 3-2(1) of the Rules, to promptly provide his managing broker with a copy of all substantive records in relation to his provision of real estate services to the Buyer when he failed to submit the Agreement for the Purchase and Sale of the Property to his brokerage at or near the time it was formed.

PROPOSED ORDERS

Based on the Facts herein and the Proposed Findings of Misconduct, Mr. Bansal 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:

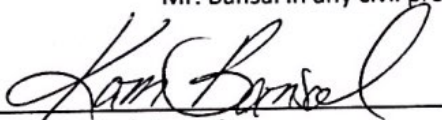
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4. Mr. Bansal, at his own expense, register for successfully complete the Real Estate Trading Services Remedial Education Course, as provided by the Real Estate Division, Sauder School of Business at the University of British Columbia in the time period as directed by the Council.
5. Mr. Bansal pay enforcement expenses of this Order in the amount of \$1,500.00 within sixty (60) days from the date of this Order.
6. If Mr. Bansal fails to comply with any of the terms of this Order, a Discipline Committee may suspend or cancel Mr. Bansal's licence without further notice to Mr. Bansal.

ACKNOWLEDGEMENTS AND WAIVER OF APPEAL RIGHT

1. Mr. Bansal 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.

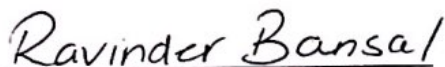
2. Mr. Bansal acknowledges that he has been urged and given the opportunity to seek and obtain independent legal advice with respect to the disciplinary process, the allegations contained in the Notice of Discipline Hearing, and the execution and submission of the Proposal to the CORC; and that he has 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. Bansal 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. Bansal 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. Bansal hereby waives his right to appeal pursuant to section 54 of the RESA.
6. The Proposal and its contents are made by Mr. Bansal for the sole purpose of resolving both the Notice of Discipline Hearing and the 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. Bansal in any civil proceeding with respect to the matter.




Kamaljit Singh Bansal

Dated 13, day of MARCH, 2018

Signature of Mr. Bansal witnessed on the above date by



Witness Name (Please Print)



Witness Signature