

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

TONG (TONY) LI
(167651)

AND

TONY LI PERSONAL REAL ESTATE CORPORATION
(167651PC)

CONSENT ORDER

RESPONDENT:	Tong (Tony) Li, Representative, Pan Pacific Platinum Real Estate Services Inc. dba New Coast Realty, Tony Li Personal Real Estate Corporation
DATE OF REVIEW MEETING:	December 6, 2017
DATE OF CONSENT ORDER:	December 6, 2017
CONSENT ORDER REVIEW COMMITTEE:	L. Hrycan, Chair J. Daly L. Sterritt S. Heath
ALSO PRESENT:	G. Thiele, Director, Legal Services Jennifer Clee, Legal Counsel for the Real Estate Council

PROCEEDINGS:

On December 6, 2017, the Consent Order Review Committee ("Committee") resolved to accept the Consent Order Proposal ("COP") submitted by Tong (Tony) Li, on his own behalf and on behalf of Tony Li Personal Real Estate Corporation.

WHEREAS the COP, a copy of which is attached hereto, has been executed by Tong (Tony) Li, on his own behalf and on behalf of Tony Li Personal Real Estate Corporation.

Tong (Tony) Li and Tony Li Personal Real Estate Corporation

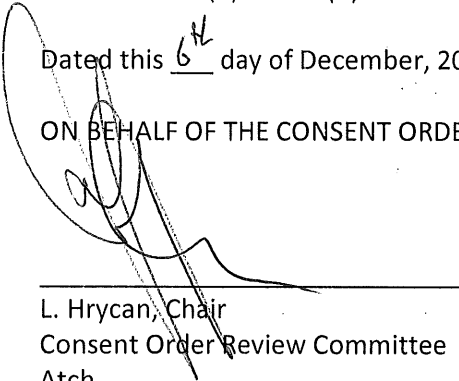
NOW THEREFORE, the Committee having made the findings proposed in the attached COP, and in particular having found that Tong (Tony) Li and Tony Li Personal Real Estate Corporation committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act*, orders that:

1. Tong (Tony) Li and Tony Li Personal Real Estate Corporation each be reprimanded;
2. Tong (Tony) Li and Tony Li Personal Real Estate Corporation be jointly and severally liable to pay a discipline penalty to the Council in the amount of \$3,000.00 within ninety (90) days of the date of this Order;
3. Tong (Tony) Li, within three months from the date of this Order:
 - i. review with his managing broker sections 3-4 and 5-10(a) of the Rules;
 - ii. submit to the Council a certification signed by his managing broker that he has completed this review; and
 - iii. prepare and submit to the Chair of the Council a statement which demonstrates, to the satisfaction of the Chair, what he has learned from this incident and from the review and how it will guide his practice in the future;
4. Tong (Tony) Li, 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; and
5. Tong (Tony) Li and Tony Li Personal Real Estate Corporation be jointly and severally liable to pay enforcement expenses of this Consent Order to the Council in the amount \$1,500.00 within sixty (60) days from the date of this Order.

If Tong (Tony) Li or Tony Li 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 6th day of December, 2017, at the City of Vancouver, British Columbia.

ON BEHALF OF THE CONSENT ORDER REVIEW COMMITTEE



L. Hrycan, 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**

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**TONG (TONY) LI
(167651)**

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**TONY LI PERSONAL REAL ESTATE CORPORATION
(167651PC)**

CONSENT ORDER PROPOSAL BY TONG (TONY) LI AND TONY LI PERSONAL REAL ESTATE CORPORATION

BACKGROUND AND FACTS

This Consent Order Proposal (the "Proposal") is made by Tong (Tony) Li ("Mr. Li") and Tony Li Personal Real Estate Corporation to the Consent Order Review Committee (the "CORC") of the Real Estate Council of British Columbia (the "REC") pursuant to section 41 of the *Real Estate Services Act* ("RESA").

For the purposes of this Proposal, Mr. Li on his own behalf and on behalf of Tony Li Personal Real Estate Corporation and the REC have agreed upon the following facts:

1. Mr. Li has been licensed as a representative since January 13, 2014.
2. Mr. Li became licensed as Tony Li Personal Real Estate Corporation on October 29, 2015.
3. Mr. Li was at all relevant times licensed as a representative with Pan Pacific Platinum Real Estate Services Inc. dba New Coast Realty (the "Brokerage").
4. Mr. Li signed the Real Estate Board of Greater Vancouver's Medallion Club Team Declaration form declaring that as at March 3, 2015 he would be working as a member of the W.Y. Team. W.Y. was the leader of the W.Y. Team.
5. On June 8, 2015, W.Y. and B.S., another member of the W.Y. Team, listed for sale residential property located at [REDACTED] Glendower Drive, Richmond, B.C. (the "Property"). The list price of the Property was \$1,538,000 and the expiry date was December 31, 2015. The remuneration was 7% on the first \$100,000, 2.5% on the balance plus a bonus of \$5,000 to the buyer's agent.

6. On August 30, 2015, Mr. Li prepared an offer for the Property on behalf of the buyer. The pertinent details of the offer were as follows:

Price:	\$1,355,000
Deposit:	\$65,000 held in trust upon subject removal
Conditions:	Financing, building inspection, title PDS, to be removed by Sept 8, 2015
Agency:	Designated agents for the Sellers-W.Y. and B.S./New Coast Realty Designated agents for the Buyers-T.L./New Coast Realty
7. The seller accepted the buyer's offer on August 30, 2015 (the "Contract").
8. Mr. Li neglected to include all members of the W.Y. Team on the Contract.
9. On August 30, 2015, a Limited Dual Agency Agreement was entered into by the buyers and the sellers and the licenses with the buyers and sellers acknowledging and agreeing to a limited dual agency relationship with Mr. Li, W.Y. and B.S.
10. On August 30, 2015, W.Y. and B.S. had the sellers sign a Commission Amendment Form that disclosed that the full amount of the commission was \$60,875.00, to include the \$25,000 bonus paid to the buyer's agent.
11. On August 30, 2015, Mr. Li had the buyer's initial a MLS® data sheet which indicated the amount of the commission payable to the buyer's agent was 3.2% on the first \$100,000, 1.15% on the balance plus a \$5,000 bonus. Given that Mr. Li, W.Y. and B.S. represented the buyers and sellers as limited dual agents, Mr. Li should have disclosed to the buyers that the commission payable to the brokerage was 7% on the first \$100,000, 2.5% on the balance, plus a \$30,000 bonus.
12. Pursuant to the terms of his team agreement with W.Y., Mr. Li received \$950 of the commission.
13. On August 30, 2015, Mr. Li had the buyers sign a Working with a Realtor Brochure acknowledging a customer relationship with Mr. Li.
14. On October 6, 2015, the Brokerage advised Mr. Li that clause 21 of the contract had been completed incorrectly and notified Mr. Li that the Working a Realtor Brochure should have indicated a client relationship with the buyers. At the request of the Brokerage, Mr. Li had the buyers sign a new Working with a Realtor Brochure, acknowledging a client relationship with Mr. Li, which he left dated August 30, 2015.
15. A Notice of Discipline Hearing was issued on August 30, 2017 and served on Mr. Li and Tony Li Personal Real Estate Corporation.
16. This matter arose after the Council conducted an audit of the transaction in relation to a complaint made by the sellers of the Property against W.Y., B.S. and Mr. Li. The Council did

not proceed against the licensees in regard to the sellers' complaint, given the lack of evidence supporting the sellers' allegations.

17. Mr. Li and Tony Li Personal Real Estate Corporation do 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. Li, on his own behalf and on behalf of Tony Li Personal Real Estate Corporation, proposes the following findings of misconduct be made by the CORC:

Mr. Li committed professional misconduct within the meaning of section 35(1)(a) of RESA, when, in his capacity as the buyer's agent in the sale of residential property located at [REDACTED] Glendower Drive, Richmond, B.C. (the "Property"), and as a member of the W.Y. Team, he:

1. contrary to sections 3-4 [duty to act with reasonable care and skill] and 5-10(a) [disclosure of representation] of the Rules, failed to disclose the nature of the representation he was providing to the buyer when he:
 - a) prepared the contract of purchase and sale for the Property to indicate that he was acting as the designated agent for the buyer and B.S. and W.Y. were acting as the designated agents for the seller when Mr. Li, B.S. and W.Y. had at the same time entered into a limited dual agency agreement with the seller and the buyer;
 - b) failed to ensure that all members of the W.Y. team were identified on the contract of purchase and sale;
 - c) had the buyer sign two Working with a Realtor Brochures on August 30, 2015, one acknowledging a client relationship and the other acknowledging a customer relationship; and
2. contrary to sections 3-4, 5-11 [disclosure of remuneration] and 3-3(f) [disclosure of material information] of the Rules, failed to disclose to the buyer the full amount of the commission payable to the brokerage prior to the buyer entering into the contract of purchase and sale.

PROPOSED ORDERS

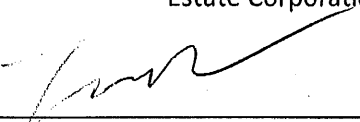
Based on the Facts herein and the Proposed Findings of Misconduct, Mr. Li on his own behalf and on behalf of Tony Li Personal Real Estate Corporation proposes that the Notice of Discipline Hearing in this matter be resolved through the following Orders being made by the CORC, pursuant to section 43 of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

- a. Mr. Li and Tony Li Personal Real Estate Corporation be reprimanded;
- b. Mr. Li and Tony Li Personal Real Estate Corporation be jointly and severally liable to pay a discipline penalty to the Council in the amount of \$3,000 within ninety (90) days of the date of the Order herein;
- c. At his own expense, Mr. Li shall 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 as directed by the Council;
- d. Mr. Li and Tony Li Personal Real Estate Corporation be jointly and severally liable to pay enforcement expenses pursuant to section 44 of the RESA in the amount of \$1,500 within sixty (60) days from the date of the Order herein;
- e. Mr. Li, within three months from the date of this Order:
 - i. review with his managing broker sections 3-4 and 5-10(a) of the Rules;
 - ii. submit to the Council a certification signed by his managing broker that he has completed this review; and
 - iii. prepare and submit to the Chair of the Council a statement which demonstrates, to the satisfaction of the Chair, what he has learned from this incident and from the review and how it will guide his practice in the future; and
- f. if Mr. Li and Tony Li Personal Real Estate Corporation fail to comply with any of the terms of the Order 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. Mr. Li on his own behalf and on behalf of Tony Li 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. Mr. Li on his own behalf and on behalf of Tony Li Personal Real Estate Corporation 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 she has obtained independent legal advice or has chosen not to do so, and that they are making the Proposal with full knowledge of the contents and the consequences if the Proposal is accepted.

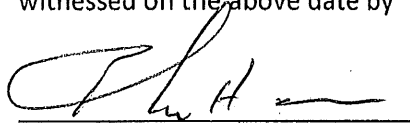
3. Mr. Li on his own behalf and on behalf of Tony Li Personal Real Estate Corporation acknowledges and is aware that the Council will publish the Proposal and the Consent Order or summaries thereof in its Report from Council newsletter, on the Council's website, on CanLII, a website for legal research and in such other places and by such other means as the Council in its sole discretion deems appropriate.
4. Mr. Li on his own behalf and on behalf of Tony Li 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. Mr. Li on his own behalf and on behalf of Tony Li Personal Real Estate Corporation hereby waives their right to appeal pursuant to section 54 of the RESA.
6. The Proposal and its contents are made by Mr. Li on his own behalf and on behalf of Tony Li 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 Mr. Li on his own behalf and on behalf of Tony Li Personal Real Estate Corporation in any civil proceeding with respect to the matter.



Tong (Tony) Li and Tony Li Personal Real Estate Corporation

Dated 14, day of November, 2017

Signature of Mr. Li on his own behalf and on behalf of Tony Li Personal Real Estate Corporation witnessed on the above date by



Witness Name (Please Print)

ROSARIO SETTICASI
Witness Signature