

**IN THE MATTER OF THE REAL ESTATE SERVICES ACT
S.B.C. 2004, c. 42 as amended**

AND

IN THE MATTER OF

**QING YUN (TERRY) DENG
(170305)**

AND

**TERRY DENG PERSONAL REAL ESTATE CORPORATION
(170305PC)**

CONSENT ORDER

RESPONDENT: Qing Yun (Terry) Deng, Representative,
Nu Stream Realty Inc, while licensed with
Pan Pacific Platinum Real Estate Services
Inc. dba New Coast Realty,

Terry Deng Personal Real Estate
Corporation

DATE OF REVIEW MEETING: June 28, 2017

DATE OF CONSENT ORDER: June 28, 2017

CONSENT ORDER REVIEW COMMITTEE:
R. Holmes, Q.C., Chair
C. Geurts
L. Hrycan
K. Khoo
S. Sidhu
T. Styffe

ALSO PRESENT: E. Seeley, Acting Executive Officer
G. Thiele, Director, Legal Services
Jennifer Clee, Legal Counsel for the Real
Estate Council

PROCEEDINGS:

On June 28, 2017, the Consent Order Review Committee ("Committee") resolved to accept the Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver ("ASF") submitted by

Qing Yun (Terry) Deng, on his own behalf and on behalf of Terry Deng Personal Real Estate Corporation.

WHEREAS the ASF, a copy of which is attached hereto, has been executed by the Council and by Qing Yun (Terry) Deng, on his own behalf and on behalf of Terry Deng Personal Real Estate Corporation.

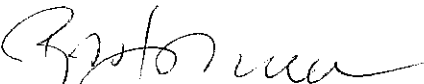
NOW THEREFORE, the Committee having made the findings proposed in the attached ASF, and in particular having found that Qing Yun (Terry) Deng and Terry Deng Personal Real Estate Corporation committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act*, orders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

1. Qing Yun (Terry) Deng's and Terry Deng Personal Real Estate Corporation's licences be suspended for thirty (30) days and that they will not act as an unlicensed assistant during the time of their licence suspensions;
2. Qing Yun (Terry) Deng and Terry Deng Personal Real Estate Corporation be jointly and severally liable to pay a discipline penalty to the Council in the amount of \$2,500.00 within ninety (90) days of the date of this Order;
3. Qing Yun (Terry) Deng and Terry Deng Personal Real Estate Corporation be under the enhanced direct supervision of a managing broker for a period of not less than six months (following the end of the suspension period) as more particularly described in the terms of the Enhanced Supervision Conditions attached as Schedule 1 to this Consent Order; and
4. Qing Yun (Terry) Deng and Terry Deng 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 Qing Yun (Terry) Deng or Terry Deng 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 28th day of June, 2017, 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**

IN THE MATTER OF

**QING YUN (TERRY) DENG
(170305)**

AND

**TERRY DENG PERSONAL REAL ESTATE CORPORATION
(170305PC)**

**AGREED STATEMENT OF FACTS,
PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER**

The following agreement has been reached between Qing Yun (Terry) Deng, ("Mr. Deng"), Terry Deng Personal Real Estate Corporation and the Real Estate Council of British Columbia (the "Council").

- A. Mr. Deng, on his own behalf and on behalf of Terry Deng Personal Real Estate Corporation, hereby consents to an Order to be made pursuant to sections 41 and 43 of the *Real Estate Services Act* ("RESA") that:
1. their licenses be suspended for thirty (30) days and that they be prohibited from acting as an unlicensed assistant during the period of license suspension;
 2. they be jointly and severally liable to pay a discipline penalty to the Council in the amount of \$2,500.00 within ninety (90) days of the date of this Order;
 3. they 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 Order herein; and
 4. if they 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.
- B. Mr. Deng, on his own behalf and on behalf of Terry Deng Personal Real Estate Corporation, further consents to an Order that he will be under the enhanced direct supervision of a managing broker for a period of not less than six months (following the end of the suspension period) as more particularly described in the terms of the Enhanced Supervision Conditions attached as Schedule 1 to this Consent Order Proposal, and agrees that the terms of the Enhanced Supervision Conditions form part of any Order made pursuant to Section 41 of the RESA.

C. As a basis for this Order, Mr. Deng, on his own behalf and on behalf of Terry Deng Personal Real Estate Corporation, acknowledges and agrees that the facts set forth herein are correct:

1. Mr. Deng was at all relevant times licensed as a representative with Pan Pacific Real Estate Services Inc. dba New Coast Realty.
2. Mr. Deng's licensing history is as follows:

Start Date	End Date	Brokerage	Licence Level	Licence Category
04/02/2017	Present	Nu Stream Realty Inc. (X032196)	Representative	Trading
15/03/2016	03/02/2017	Nu Stream Realty Inc. (X032196)	Representative	Trading
02/10/2015	07/03/2016	New Coast Realty (X030113)	Representative	Trading
04/02/2015	02/10/2015	New Coast Realty (X030113)	Representative	Trading

3. Terry Deng Personal Real Estate Corporation's licensing history is as follows:

Start Date	End Date	Brokerage	Licence Level	Licence Category
04/02/2017	Present	Terry Deng Personal Real Estate Corporation (170305PC)	Personal Real Estate Corporation	Trading
15/03/2016	03/02/2017	Terry Deng Personal Real Estate Corporation (170305PC)	Personal Real Estate Corporation	Trading
02/10/2015	07/03/2016	Terry Deng Personal Real Estate Corporation (170305PC)	Personal Real Estate Corporation	Trading

4. Mr. Deng does not have a discipline history with the Council.
5. On December 15, 2016, K.C., who was licensed as a representative with Pan Pacific Platinum Real Estate Services Inc. dba New Coast Realty at the time, listed the property located at [REDACTED] Granville Avenue, Richmond, BC. The expiry date of this listing was April 15, 2016.
6. On January 1, 2016, K.C. listed the property located at [REDACTED] Granville Avenue, Richmond, BC. The expiry date of this listing was July 1, 2016.
7. Mr. Deng, who was licensed with the Richmond office of New Coast Realty, was a member of K.C.'s team at the time K.C. listed for sale [REDACTED] Granville Avenue, Richmond, BC and [REDACTED] Granville Avenue, Richmond, BC (the "Granville Avenue Properties") and a listing agent of the Granville Avenue Properties.
8. Mr. Deng's [REDACTED] owned the Granville Avenue Properties.
9. At the end of January, 2016, K.C. decided to transfer his license to Nu Stream Realty Inc.

10. According to Mr. Deng, Mr. Deng's [REDACTED], the owner/seller of the Granville Avenue Properties, wished the listings to remain with K.C.
11. On January 25, 2016, Mr. Deng prepared a Listing Amendment Form for [REDACTED] Granville Avenue, Richmond, BC, to change the listing expiry date from July 1, 2016 to January 25, 2016.
12. Also on January 25, 2016, Mr. Deng prepared a Listing Amendment Form for [REDACTED] Granville Avenue, Richmond, BC, to change the listing expiry date from April 15, 2016 to January 25, 2016.
13. The Listing Amendment Forms used by Mr. Deng were blank, except for the signature of E.Y., the Managing Broker of New Coast's Burnaby office.
14. Mr. Deng did not discuss cancellation of the listings for the Granville Avenue Properties with J.R., his Managing Broker at the time.
15. In communication with the Real Estate Council, Mr. Deng states he met with E.Y., had him sign the Listing Amendment Forms and received guidance from E.Y. as to how to complete the forms. E.Y. denies meeting with Mr. Deng or signing any Listing Amendment Forms at Mr. Deng's request.
16. On January 27, 2016, K.C. transferred his license to Nu Stream Realty Inc.
17. On February 12, 2016, J.R. texted Mr. Deng to ask whether he had cancelled the listings for the Granville Avenue Properties early so that they could be listed with K.C. at Nu Stream Realty. Mr. Deng responded that yes, he had, because they were his mother-in-law's properties and she wanted to re-list the Granville Avenue Properties with K.C.
18. During that text conversation, J.R. asked Mr. Deng if he had used a blank Listing Amendment Form with E.Y.'s signature already on the form and Mr. Deng confirmed that he had, further stating he thought this was common practice.
19. On March 3, 2016, J.R. surrendered Mr. Deng's license and on March 15, 2016, Mr. Deng became licensed as a representative with Nu Stream Realty Inc.
20. Mr. Deng indicated that he believed that it was acceptable practice to use blank Listing Amendment Forms pre-signed by a Managing Broker to terminate a listing earlier than the original expiry date.
21. The Policy Manual for New Coast Realty in effect at the relevant time specifically prohibits cancellation of a listing using a Listing Amendment Form and states that New Coast Realty will only recognize a proper MLS® Cancellation Form or Unconditional Release for the purpose of cancelling a listing.

D. Proposed Acceptance of Findings and Waiver

1. Based on the Agreed Statement of Facts as outlined herein, and without making any admissions of liability, Mr. Deng on his own behalf and on behalf of Terry Deng Personal Real Estate Corporation, is prepared to accept the following findings if made against him and against Terry Deng Personal Real Estate Corporation by the Council's Consent Order Review Committee:
 - a) In his capacity as the listing agent for properties located at [REDACTED] Granville Avenue, Richmond, BC and [REDACTED] Granville Avenue, Richmond BC (the Listings), he committed professional misconduct within the meaning of section 35(1)(a) of RESA and acted contrary to section 3-4 of the Rules (to act honestly, with reasonable care and skill) when, without the knowledge and consent of his managing broker and contrary to the Brokerage's policy about cancelling a listing, he altered two listing amendment forms, or alternatively made use of a listing amendment form that had been signed by the managing broker for another unrelated listing, in order to change the expiry dates of the Listings from April 15, 2016 and July 1, 2016 respectively, to January 25, 2016, so that the Listings would terminate earlier than the initial expiry dates and the properties could be listed with his new brokerage.
2. Mr. Deng, on his own behalf and on behalf of Terry Deng Personal Real Estate Corporation, hereby waives his right to appeal pursuant to section 54 of the RESA.
3. Mr. Deng, on his own behalf and on behalf of Terry Deng Personal Real Estate Corporation, acknowledges that has been advised that he has the right to seek independent legal advice before signing this Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver.
4. Mr. Deng, on his own behalf and on behalf of Terry Deng Personal Real Estate Corporation, acknowledges and is aware that the Council will publish the Consent Order and penalty herein in its Report from Council newsletter, on the Council's website, and on CanLII, a website for legal research.
5. Mr. Deng, on his own behalf and on behalf of Terry Deng 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 this Agreed Statement of Facts, Proposed Acceptance of Findings, and Waiver and Consent Order.

6. The Agreed Statement of Facts and Proposed Acceptance of Findings contained herein are made for the sole purpose of resolving a complaint being considered by the Council and for that purpose only. Such agreed statement of facts and proposed acceptance of findings cannot be used in any other proceeding of any kind.



Jennifer Clee, Legal Counsel
Real Estate Council of British Columbia

As to Part C only (Agreed Statement
of Facts)

Dated 24, day of May, 2017



Qing Yun (Terry) Deng on his own behalf and on
behalf of Terry Deng Personal Real Estate
Corporation

As to Parts A, B, C, and D (proposed penalty,
Agreed Statement of Facts, Proposed Acceptance
of Findings and Waiver)

Dated 24, day of May, 2017

SCHEDULE 1

- 1) Qing Yun Deng and Terry Deng Personal Real Estate Corporation's licence will be restricted to Nu Stream Realty Inc., or another brokerage acceptable to Council (the "Brokerage"), for a period of not less than six months following completion of their licence suspension.
- 2) Qing Yun Deng and Terry Deng Personal Real Estate Corporation will be subject to enhanced supervision by their managing broker, as set out in these conditions, for a period of not less than six months following completion of their licence suspension (the "Enhanced Supervision Period").
- 3) Qing Yun Deng and Terry Deng Personal Real Estate Corporation must remain under the direct supervision of his managing broker, the managing broker of the Brokerage, or a successor managing broker acceptable to the Council (the "Managing Broker"), during the Enhanced Supervision Period.
- 4) Qing Yun Deng and Terry Deng Personal Real Estate Corporation must keep the Managing Broker informed on a timely basis of the real estate services that they are providing and other activities they are engaging in and must consult with the Managing Broker in advance of taking any action regarding any questions or concerns they may have regarding compliance with the RESA, the Regulations, the Bylaws, the Rules and all other applicable legislation and the Brokerage's policies and procedures.
- 5) Qing Yun Deng and Terry Deng Personal Real Estate Corporation must report all their transactions to the Brokerage promptly, and ensure that no such transactions are conducted outside the Brokerage.
- 6) Qing Yun Deng and Terry Deng Personal Real Estate Corporation must ensure that all documents relevant to each transaction are provided to the Brokerage and contained in the deal file, including the contract of purchase and sale, all offers received for the listing, assignment agreements, addendums, trade records sheets, disclosure statements, releases and other pertinent information.
- 7) The Managing Broker must provide a final report to the Council confirming:
 - a. that Qing Yun Deng and Terry Deng Personal Real Estate Corporation's real estate services have been conducted under their direct supervision;
 - b. that Qing Yun Deng and Terry Deng Personal Real Estate Corporation's activities have been carried out competently and in compliance with the RESA, the Regulations, the Bylaws, the Rules and all other applicable legislation, and in accordance with Brokerage's policies and procedures;
 - c. that they have reviewed all documents signed by Qing Yun Deng and Terry Deng Personal Real Estate Corporation's clients and that all documents relevant to the transaction have been provided to the client and are contained in the trade records file; and
 - d. the number of real estate transactions that Qing Yun Deng and Terry Deng Personal Real Estate Corporation's has conducted and details regarding the client(s), the agency offered; and any customer relationships.

- 8) The Report will be reviewed by the Chair of the Council, who will determine if the requirement for enhanced supervision for the period set by Council has been met, and if not, will so advise the Managing Broker and Qing Yun Deng and Terry Deng Personal Real Estate Corporation in which Qing Yun Deng and Terry Deng Personal Real Estate Corporation may elect to:
 - a. continue with enhanced supervision until the Chair of the Council is satisfied by further evidence that the required period and purpose of enhanced supervision has been met; or
 - b. have his licence suspended until a further order is made by the Council under section 43(4) or (5) of the RESA.
- 9) The Managing Broker must immediately report to the Council anything of an adverse nature with respect to Qing Yun Deng and Terry Deng Personal Real Estate Corporation's real estate services, including failure on his part to observe the requirements of the RESA, the Regulations, the Bylaws, the Rules and all other applicable legislation, complaints received by the Brokerage, the nature of the complaint and the parties, and how it was resolved.
- 10) The Managing Broker must ensure that to Qing Yun Deng and Terry Deng Personal Real Estate Corporation and his unlicensed or licensed assistants, if any, receive adequate, appropriate and ongoing training with respect to their obligations under the RESA, Regulations, Bylaws, and Rules, and in accordance with the Brokerage's policies and procedures.
- 11) The Managing Broker must be provided with a copy of these conditions and, prior to the commencement of the Enhanced Supervision Period, must confirm in writing to the Council that they have read these conditions, are aware of their duties under these conditions, and agree to accept those duties. Any acceptable successor managing broker will also be provided with a copy of these conditions and must provide the same confirmation within 14 days of assuming the Managing Broker's duties.
- 12) If for any reason the Managing Broker is unable to perform any of the duties imposed herein, they must immediately advise Council of this inability.
- 13) If the Managing Broker is unable or unwilling to perform any of these duties and/or fails to meet their obligations under these conditions, to Qing Yun Deng and Terry Deng Personal Real Estate Corporation's licences are suspended and will remain suspended until all conditions herein are met or a further order is made by Council under section 43(4) or (5) of the RESA. Any suspension of Qing Yun Deng and Terry Deng Personal Real Estate Corporation's licences under this paragraph does not limit the Council's ability to take further disciplinary action for breach of the conditions or of the RESA, the Regulations, the Bylaws, the Rules and all other applicable legislation.