

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

AND

IN THE MATTER OF

WAI KIT (LAWRENCE) TONG
(148928)

CONSENT ORDER

RESPONDENT: Wai Kit (Lawrence) Tong, Representative,
MVP Realty Ltd. dba RE/MAX Metro
Realty, while licensed with City Realty
Ltd. dba RE/MAX City Realty

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 Wai Kit (Lawrence) Tong.

WHEREAS the ASF, a copy of which is attached hereto, has been executed by the Council and by Wai Kit (Lawrence) Tong.

NOW THEREFORE, the Committee having made the findings proposed in the attached ASF, and in particular having found that Wai Kit (Lawrence) Tong committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act*, orders that:

1. Wai Kit (Lawrence) Tong be reprimanded;
2. Wai Kit (Lawrence) Tong pay a discipline penalty to the Council in the amount of \$1,500.00 within ninety (90) days of the date of this Order; and
3. Wai Kit (Lawrence) Tong 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 Wai Kit (Lawrence) Tong 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 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

IN THE MATTER OF

WAI KIT (LAWRENCE) TONG
(148928)

AGREED STATEMENT OF FACTS,
PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

The following agreement has been reached between Wai Kit (Lawrence) Tong ("Mr. Tong"), and the Real Estate Council of British Columbia (the "Council").

- A. Mr. Tong hereby consents to an Order to be made pursuant to sections 41 and 43 of the *Real Estate Services Act* that:
- a. he be reprimanded;
 - b. he pay a discipline penalty to the Council in the amount of \$1,500 within ninety (90) days of the date of the Order herein;
 - c. he pay enforcement expenses to the Council in the total amount of \$1,500 within sixty (60) days from the date of the Order herein; and
 - d. if he fails to comply with any of the terms of the Order set out above, a Discipline Hearing Committee may suspend or cancel his licence without further notice to him pursuant to section 43(3) and 43(4) of the *Real Estate Services Act*.
- B. As a basis for this Order, Mr. Tong acknowledges and agrees that the facts set forth herein are correct:
- 1. Mr. Tong was at all relevant times licensed as a representative with City Realty Ltd. dba RE/MAX City Realty ("RE/MAX").
 - 2. Mr. Tong's licensing history is as follows:

Start Date	End Date	Brokerage	Licence Level	Licence Category
27/07/2016	Present	RE/MAX Metro Realty (X030292)	Representative	Trading, Rental
06/06/2016	27/07/2016	RE/MAX City Realty (X027906)	Representative	Trading, Rental
08/03/2016	05/06/2016	RE/MAX City Realty (X027906)	Representative	Trading, Rental
13/06/2014	08/03/2016	RE/MAX City Realty (X027906)	Representative	Trading

AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

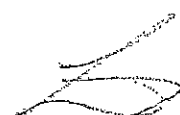
06/06/2014	13/06/2014	Royal Pacific Realty (Kingsway) Ltd. (X025459)	Representative	Trading, Rental
06/06/2012	05/06/2014	Royal Pacific Realty (Kingsway) Ltd. (X025459)	Representative	Trading, Rental
29/03/2012	05/06/2012	Royal Pacific Realty (Kingsway) Ltd. (X025459)	Representative	Trading, Rental
02/08/2011	29/03/2012	Magsen Realty Inc. (X023621)	Representative	Trading, Rental
18/05/2011	02/08/2011	Realty Executives Eco-World (X029071)	Representative	Trading, Rental
02/05/2011	18/05/2011	Realty Executives Eco-World (X029071)	Representative	Trading
06/06/2010	02/05/2011	Regent Park Fairchild Realty Inc. (X021528)	Representative	Trading
19/06/2008	05/06/2010	Regent Park Fairchild Realty Inc. (X021528)	Representative	Trading
06/06/2008	19/06/2008	Promerita Realty Corp. (X027370)	Representative	Trading
27/03/2007	05/06/2008	Promerita Realty Corp. (X027370)	Representative	Trading
05/10/2006	27/03/2007	RE/MAX Michelle Yu (X028806)	Representative	Trading
06/06/2006	05/10/2006	RE/MAX Real Estate Services (X012935)	Representative	Trading

3. Mr. Tong does not have a discipline history with the Council.
4. Between 2011 and June 13, 2014, Mr. Tong was licensed with the Council to provide trading and rental property management services.
5. On July 11, 2014, Mr. Tong executed a Tenancy Agreement in regard to [REDACTED] Elgin Avenue, Burnaby, BC (the "Property") as agent for the landlord of the Property.
6. In September 2015, the Council was notified by the REBGV that it had come to its attention during an unrelated matter that Mr. Tong may have been providing rental property management services when he was not licensed to do so.
7. On or about March 1, 2016, the Council requested an explanation from Mr. Tong.
8. In his response to the Council, Mr. Tong stated that in June 2014 he had submitted an application to the Council to transfer his license to Re/Max City Realty. He reviewed his application and discovered that he had neglected to tick off the box which indicated that he would be providing rental property management services in addition to trading services. As a result, during the period between June 13, 2014 and March 8, 2016 he was only licensed to provide trading services. Immediately after receiving the Council's correspondence, Mr. Tong submitted an application to upgrade his license to include rental property management, which was done on March 8, 2016.
9. Mr. Tong stated that his actions were inadvertent and not meant to deceive. His managing broker was aware that he was providing rental property management services and that he managed several properties.

10. No complaint was received from any member of the public about Mr. Tong, and no harm was caused to any member of the public by Mr. Tong's conduct.

C. 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. Tong is prepared to accept the following findings if made against him by the Council's Consent Order Review Committee:
 - (a) Wai Kit (Lawrence) Tong, while licensed as a representative City Realty Ltd. dba RE/MAX City Realty, committed professional misconduct within the meaning of section 35(1)(a) of the RESA and acted contrary to section 3(1)(a) of the RESA when he provided rental property management services for an owner in regard to a lease of [REDACTED] Elgin Avenue, Burnaby, BC when he was not licensed to do so.
2. Mr. Tong hereby waives his right to appeal pursuant to section 54 of the *Real Estate Services Act*.
3. Mr. Tong acknowledges that he 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. Tong 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. Tong acknowledges and is aware that the Superintendent of Real Estate has the right, pursuant to section 54 of the *Real Estate Services Act*, to appeal any decision of the Council, including this Agreed Statement of Facts, Proposed Acceptance of Findings, and Waiver and Consent Order.



AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

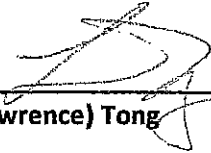
6. The Agreed Statement of Facts and Proposed Acceptance of Findings contained herein are made for the sole purpose of resolving a complaint being considered by the Council and for that purpose only. Such agreed statement of facts and proposed acceptance of findings cannot be used in any other proceeding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



Jennifer A. Clee, Legal Counsel
Real Estate Council of British Columbia

As to Part B only (Agreed Statement of Facts)

Dated 31, day of May, 2017



Wai Kit (Lawrence) Tong

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

Dated 17, day of April, 2017