

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

AND

IN THE MATTER OF

**GREGORY BRUCE PURKIS
(150907)**

AND

**WESTCOAST STRATA MANAGEMENT SERVICES INC.
(X029900)**

CONSENT ORDER

RESPONDENT: Gregory Bruce Purkis, Managing Broker,
Westcoast Strata Management Services
Inc.

Westcoast Strata Management Services
Inc., Brokerage

DATE OF REVIEW MEETING: May 17, 2017

DATE OF CONSENT ORDER: July 7, 2017

CONSENT ORDER REVIEW COMMITTEE: R. Holmes, Q.C., Chair
J. Daly
E. Mignosa
T. Styffe
M. Leslie

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

PROCEEDINGS:

On May 17, 2017, the Consent Order Review Committee ("Committee") resolved to accept the Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver ("ASF") submitted by Gregory Bruce Purkis and Westcoast Strata Management Services Inc.

WHEREAS the ASF, a copy of which is attached hereto, has been executed by the Council and by Gregory Bruce Purkis, on his own behalf, and on behalf of Westcoast Strata Management Services Inc.

NOW THEREFORE, the Committee having made the findings proposed in the attached ASF, and in particular having found that Gregory Bruce Purkis and Westcoast Strata Management Services Inc. committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act*, orders that:

1. Gregory Bruce Purkis and Westcoast Strata Management Services Inc. each be reprimanded;
2. Gregory Bruce Purkis and Westcoast Strata Management Services Inc. each pay a discipline penalty to the Council in the amount of \$2,500 within ninety (90) days of the date of this Order; and
3. Gregory Bruce Purkis and Westcoast Strata Management Services Inc. be jointly and severally liable to pay enforcement expenses of this Consent Order to the Council in the amount \$1,500 within sixty (60) days from the date of this Order.

If Gregory Bruce Purkis or Westcoast Strata Management Services Inc. 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 7th day of July, 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

Atch.

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

IN THE MATTER OF

**GREGORY BRUCE PURKIS
(150907)**

AND

**WESTCOAST STRATA MANAGEMENT SERVICES INC.
(X029900)**

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

The following agreement has been reached between Gregory Bruce Purkis ("Mr. Purkis"), Westcoast Strata Management Services Inc. (the "Brokerage") and the Real Estate Council of British Columbia (the "Council").

- A. Mr. Purkis and the Brokerage hereby consent to an Order to be made pursuant to sections 41 and 43 of the *Real Estate Services Act* that:
1. they each be reprimanded;
 2. they are each liable to pay a discipline penalty to the Council in the amount of \$2,500.00 within ninety (90) days from the date of the Consent Order;
 3. they are jointly and severally liable to pay enforcement expenses pursuant to section 44 of the Act in the amount of \$1,500.00 within sixty (60) days from the date of the Consent Order; and
 4. if they fail to comply with any of the terms of the Order as set out above, a Discipline Committee may suspend or cancel their licences without further notice to them pursuant to section 43(3) and 43(4) of the RESA.
- B. As a basis for this Order, Mr. Purkis and the Brokerage acknowledge and agree that the facts set forth herein are correct:
1. Mr. Purkis was at all relevant times licensed as a managing broker with Westcoast Strata Management Services Inc. (the "Brokerage").
 2. Mr. Purkis' licensing history is as follows:

AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

<u>Start Date</u>	<u>End Date</u>	<u>Licensing History</u>	<u>Licence Level</u>	<u>Licence Category</u>
2011/01/01	Present	Westcoast Strata Management Services Inc.	Managing Broker	Strata
2009/01/30	2010/12/31	Westcoast Strata Management Services	Associate Broker	Strata
2007/01/30	2009/01/29	Westcoast Strata Management Services	Representative	Strata

3. The Brokerage's licensing history is as follows:

<u>Start Date</u>	<u>End Date</u>	<u>Brokerage</u>	<u>Licence Level</u>	<u>Licence Category</u>
01/01/2017	Present	Westcoast Strata Management Services Inc. (X029900)	Brokerage	Strata
19/11/2015	31/12/2016	Westcoast Strata Management Services Inc. (X029900)	Brokerage	Strata
01/01/2015	19/11/2015	Westcoast Strata Management Services Inc. (X029900)	Brokerage	Strata
01/01/2013	31/12/2014	Westcoast Strata Management Services Inc. (X029900)	Brokerage	Strata
01/01/2011	31/12/2012	Westcoast Strata Management Services Inc. (X029900)	Brokerage	Strata

4. The Brokerage and the Owners of Strata Plan VIS XXXX had a service agreement that was effective as of November 1, 2009 ("Agreement").
5. Clause 4 of the Agreement stated that the Brokerage's list of duties included providing monthly financial statements for the Strata Council, showing the assets, liabilities and capital of the Strata Corporation. Clause 7 of the Agreement stated that the Brokerage would also provide Strata Council members with monthly reconciled bank statements for the operating account and contingency reserve fund account.
6. On July 18 and 19, 2011, the Council conducted an Office and Records Inspection ("O&RI") at the Brokerage and prepared a report dated August 17, 2011 ("Report"), that identified the results from its observations from the inspection and made recommendations.
7. The Report stated, that contrary to section 7-9(7) of the Rules, the Brokerage failed to provide monthly bank statements and reconciliations of those bank statements within six weeks of the date to which the bank statements related.
8. The Report also stated that the "Council normally interprets "provide" in this instance to mean deliver to the strata council member" and "if the strata council agrees to pick up or review the documentation at the brokerage on a monthly basis then the information has been provided." If the latter situation was the case, then the Report stated that such an

AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

“arrangement must be clarified in the service agreements to reflect more appropriately how the required documentation is to be provided.”

9. The Report noted that it was Mr. Purkis’ response that the monthly bank reconciliations and financial statements were prepared for each strata client and retained at the Brokerage and the strata clients received copies of the documents at their council meetings. He also stated that if there was no council meeting, the documents were not delivered to the strata clients but available at the Brokerage’s offices. Mr. Purkis further stated that he believed the Brokerage was in compliance as the documents were provided, just not delivered when the strata clients did not have a monthly meeting.
 10. The Council forwarded the Report to Mr. Purkis under cover of letter dated August 18, 2011, and asked for his response.
 11. Mr. Purkis replied to the Council by letter dated September 6, 2011, regarding the difference of opinion on the interpretation of the word “provide”. He stated the financial statements and reconciled bank statements are provided to the strata clients by having them completed in a timely manner and on file at our office. He also stated that all strata council members are aware of this and are able to view them at any time during office hours. To have them copied and delivered was not a cost the Brokerage had been authorized to incur.
 12. By letter dated September 26, 2011, the Council reiterated to Mr. Purkis, that clause 7 of the Brokerages’ service agreements needed to be modified so that its clients were aware and in agreement with the Brokerage’s definition and practice of the provision of financial statements.
 13. On March 20, 2015, the complainant, the treasurer of the Strata, emailed Mr. Purkis with a request for documents and information, including the monthly financial statements and monthly reconciled bank statements pursuant to the relevant clauses in the service agreement.
 14. In response to the Council’s investigation of the complaint, Mr. Purkis by letter dated November 14, 2015, stated that there was an oversight by the Brokerage regarding the provision of financial statements. He stated the Brokerage intended to alter the service agreements for each strata client following the O&RI, but it was not completed as planned.
 15. The oversight was rectified in Summer 2015, after a discussion with Council staff and since August 2015, financial statements have been scanned and distributed via email to strata clients.
 16. Mr. Purkis and the Brokerage have no prior discipline history with the Council
- C. Proposed Acceptance of Findings and Waiver

**AGREED STATEMENT OF FACTS, 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. Purkis and the Brokerage are prepared to accept the following findings if made against them by the Council's Consent Order Review Committee:
 - (a) Mr. Purkis and the Brokerage committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* in that while providing strata management services to the owners of a strata corporation located on Birch Street in Campbell River, BC ("Strata"):
 - (i) the Brokerage failed to provide to the Strata or a designated Strata council member, with a copy of the monthly financial statements and a copy of the monthly reconciliations of bank statements, no later than 6 weeks after the end of the month for which the statement was issued between July 18, 2011 to August, 2015, contrary to section 7-9(7) of the Rules.
 - (ii) Mr. Purkis, while licensed as a managing broker with the Brokerage, failed to:
 - a. modify the service agreement to ensure that the Strata client was aware of, and agreed to its financial records being provided to the Strata at the Brokerage address, contrary to sections 3-1(1)(b) and 3-4 of the Rules; and
 - b. provide to the Strata or a designated Strata council member, a copy of the monthly financial statements and a copy of the monthly reconciliations of bank statements, no later than 6 weeks after the end of the month for which the statement was issued, contrary to section 7-9(7) of the Rules
2. Mr. Purkis and the Brokerage hereby waive their right to appeal pursuant to section 54 of the *Real Estate Services Act*.
3. Mr. Purkis and the Brokerage acknowledge that they have a right to seek independent legal advice before signing this Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver.
4. Mr. Purkis and the Brokerage acknowledge and are 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. Purkis and the Brokerage acknowledge and are 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.



Sabinder Sheina, Legal Counsel
Real Estate Council of British Columbia

As to Part B only (Agreed Statement
of Facts)

Dated 9 day of May, 2017



Gregory Bruce Purkis, on his own behalf and
on behalf of Westcoast Strata Management Inc.

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

Dated 12th day of April, 2017