

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

AND

IN THE MATTER OF

ERIC ROBERT REDEKER  
(096035)

CONSENT ORDER

RESPONDENT: Eric Robert Redeker, Managing Broker,  
Windermere Valley Property  
Management Ltd. dba First Choice 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  
Patrick Gilligan-Hackett, 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 Eric Robert Redeker.

**WHEREAS** the ASF, a copy of which is attached hereto, has been executed by the Council and by Eric Robert Redeker.

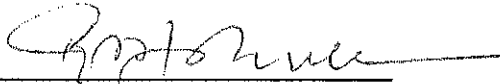
**NOW THEREFORE**, the Committee having made the findings proposed in the attached ASF, and in particular having found that Eric Robert Redeker committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act*, orders that:

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1. Eric Robert Redeker be reprimanded;
  2. Eric Robert Redeker pay a discipline penalty to the Council in the amount of \$2,500.00 within sixty (60) days of the date of this Order;
  3. Eric Robert Redeker, at his own expense, register for and successfully complete the Broker's 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
  4. Eric Robert Redeker 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 Eric Robert Redeker 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

Atch.

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

AND

IN THE MATTER OF  
ERIC ROBERT REDEKER  
(096035 and 096035-1)

AGREED STATEMENT OF FACTS  
PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

The following agreement has been reached between Eric Robert Redeker ("Mr. Redeker") and the Real Estate Council of British Columbia ("Council").

- A. Mr. Redeker hereby consents to an Order to be made pursuant to section 43 of the *Real Estate Services Act* ("RESA") that:
- a. He be reprimanded;
  - b. He pay a disciplinary penalty in the amount of \$2,500.00 within sixty (60) days from the date of the Order;
  - c. He successfully complete the Brokers Remedial Education Course as provided by the Real Estate Division, Sauder School of Business at the University of British Columbia within the time period directed by the Council;
  - d. He pay enforcement expenses pursuant to section 44 of RESA in the amount of \$1,500.00 within sixty (60) days from the date of the Order; and
  - e. If he fails to comply with any of the terms of the Order as set out above, a Discipline Committee may suspend or cancel his licence without further notice to him pursuant to section 43(3) and 43(4) of RESA.
- B. As a basis for this Order, the Council and Mr. Redeker acknowledge and agree that the facts set forth herein are correct:
1. Mr. Redeker was at all relevant times licensed as the Managing Broker of Windermere Valley Property Management Ltd., dba First Choice Realty ("Brokerage").

2. Mr. Redeker's licensing history is as follows:

096035

2009/10/30 – present	Managing Broker, Trading, Rental Windermere Valley Property Management Ltd.
2008/12/24 – 2009/10/29	Managing Broker, Trading, Rental Rockies West Realty
2008/07/31 – 2008/12/24	Managing Broker, Trading, Rental Rocky Mountain Realty Ltd. (Kim)
2008/04/09 – 2008/07/31	Managing Broker, Trading, Rental Rocky Mountain Realty Ltd. (Invm)
2007/05/25 – 2008/04/09	Managing Broker, Trading Rental Rocky Mountain Realty Ltd.
2005/06/13 – 2007/05/25	Representative, Trading, Rental Rocky Mountain Realty Ltd.
2002/07/02 – 2005/06/13	Representative, Trading, Rental Rockies West Realty Ltd
1998/10/20 – 2002/07/02	Representative, Trading, Rental High Country Realty Ltd.
1994/11/21 – 1998/10/20	Representative, Trading, Rental Rocky Mountain Property Services Ltd.
1993/05/05 – 1994/11/21	Representative, Trading, Rental Rocky Mountain Land Co. Ltd.
1991/11/08 – 1993/05/05	Representative, Rental Rocky Mountain Land Co. Ltd.

096035-1

2015/08/14 – present	Managing Broker, Trading, Rental Windermere Valley Property Management Ltd.
2008/08/01 – 2015/08/13	Unlicensed
2007/07/25 – 2008/07/31	Managing Broker, Trading, Rental Rocky Mountain Realty Ltd.

3. During a portion of the time Mr. Redeker was licensed as the Managing Broker of the Brokerage, the related licensees included C.M.. C.M. became a related licensee on November 2, 2010.
4. C.M. was not licensed at any relevant time to provide strata management services.
5. In November, 2007 the strata council ("Strata Council") of Strata Plan NESXX, a strata corporation ("Strata Corporation") operating at [REDACTED] ("Property"), began to employ C.M., then unlicensed, as an administrator. At this time, C.M. worked at or for the Property

for approximately 12 hours a week. Over the years, her duties at and for the Property increased.

6. On November 2, 2010 the Council first licensed C.M.. She was then licensed only for rental property management and became a related licensee of the Brokerage.
7. On November 2, 2011 the Council added trading services to C.M.'s real estate licence.
8. Mr. Redeker was aware of C.M.'s employment with the Strata Corporation at the time she became a related licensee of the Brokerage and he remained aware of her employment with the Strata Corporation throughout the time C.M. was a related licensee of the Brokerage.
9. On June 4, 2014 C.M. entered into an employment contract with the Strata Corporation as its "Resort Manager" ("Position"). The Strata Council paid C.M. a salary for her work in the Position and her job description included the following duties and responsibilities:
  - i. paying invoices;
  - ii. collecting laundry revenue;
  - iii. collecting condominium, capital, and special assessments;
  - iv. paying owner reimbursement for BC Hydro costs;
  - v. issuing strata documents required by buyers of units at the Property and their agents;
  - vi. purchasing office supplies;
  - vii. becoming familiar with Strata Property Act and Bylaws to ensure [the owners] meet their financial and administrative obligations;
  - viii. holding signing authority for banks and vendor accounts;
  - ix. providing emergency services to the owners;
  - x. managing renovation approvals;
  - xi. obtaining quotes, placing orders, booking contractors, and scheduling projects;
  - xii. managing staff and related scheduling activities; and
  - xiii. following up on infractions and video surveillance, as required.
10. On November 26, 2015 the Strata Council's Minutes erroneously identified C.M. as a Strata Council member and recorded that she had presented a manager's report.
11. On February 16, 2016 the Strata Council Minutes erroneously identified C.M. as a Strata Council member and recorded that she had presented a manager's report.
12. On March 17, 2016 [REDACTED] at the Property filed a complaint with the Council on behalf of the owner. The complaint alleged that C.M. was

providing strata management services to the Strata Corporation when she was not licensed to do so.

13. On July 29, 2016 Mr. Redeker, sent an email to the Council's Compliance staff returning C.M.'s licence to the Council. Mr. Redeker stated in his email that after careful consideration and discussions with C.M., he now understood that C.M. could not be employed as a manager for the Property and also remain licensed with the Brokerage.
14. Mr. Redeker did make some inquiries about C.M.'s status during the time she was both employed by the Strata Corporation and a related licensee with the Brokerage. As a result of those inquiries, Mr. Redeker believed C.M.'s employment with the Strata Corporation was acceptable because:
  - i. He concluded C.M. was an employee of the Strata Corporation pursuant to section 2.18 of the RESA and was therefore exempt from having to be licensed under RESA;
  - ii. C.M. had disclosed to the Strata Council that she was licensed for trading services; and
  - iii. While the Brokerage would be able to assist any owners at the Property who wished to sell their units, C.M. herself would not be permitted to list properties for or otherwise represent such owners.
15. Mr. Redeker acknowledges that his inquiries were inadequate and that he reached the wrong conclusion about C.M.'s status.
16. In mitigation, Mr. Redeker notes that:
  - i. he is a long-term licensee who does not have a prior disciplinary history with the Council;
  - ii. he made inquiries about C.M.'s status albeit the inquiries were inadequate; and
  - iii. the complaint in this matter was not filed by the Strata Corporation which continues to employ C.M..

#### C. Proposed Acceptance of Findings and Waiver

1. Based on the Agreement Statement of Facts herein, and without making any admission of liability, Mr. Redeker is prepared to accept the following findings if made against him by the Council's Consent Order Review Committee;

- (a) Mr. Redeker, as Managing Broker, committed professional misconduct within the meaning of section 35(1)(a) of RESA by in that he:
- i. contrary to section 6(2) of RESA, failed to be in active charge and control of the Brokerage's real estate business and its related licensees; and
  - ii. contrary to section 3-1 of the Rules, failed to be in active charge of the Brokerage and failed to adequately supervise its related representatives

when he permitted one of the Brokerage's related licensees, C.M., to provide strata management services to a strata corporation when she was not licensed to do so and, further, permitted her to accept remuneration directly from the strata corporation for her provision of the strata management services.

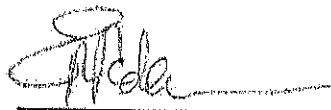
2. Mr. Redeker acknowledges that he has been advised that he has the right to seek independent legal advice before signing this Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver.
3. Mr. Redeker acknowledges and is aware that the Council will publish the Consent Order and penalty herein in its Report from Council newsletter, on the Council's website, and on CanLII, a website for legal research.
4. Mr. Redeker 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.
5. 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.



Patrick Gilligan Hackett, Legal Counsel

As to Part D only (Agreed Statement of Facts)

Dated 13 day of June, 2017



Eric Robert Redeker

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

Dated 14 day of April, 2017