

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

AND

IN THE MATTER OF

YI WEN (RYAN) MOK
(160675)

CONSENT ORDER

RESPONDENT: Yi Wen (Ryan) Mok, Representative,
Interlink (2008) Realty Corporation dba
Interlink Realty

DATE OF REVIEW MEETING: February 22, 2017

DATE OF CONSENT ORDER: June 23, 2017

CONSENT ORDER REVIEW COMMITTEE: R. Holmes, Q.C., Chair
R. Gialloreto
S. Sidhu
L. Hrycan
J. Daly

ALSO PRESENT: G. Thiele, Director, Legal Services
John McLachlan, Legal Counsel for the
Real Estate Council

PROCEEDINGS:

On February 22, 2017, an Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver ("ASF") submitted by Yi Wen (Ryan) Mok was considered by the Consent Order Review Committee (the "Committee") but not accepted. On June 15, 2017, a revised ASF acceptable to the Committee was submitted by Yi Wen (Ryan) Mok.

WHEREAS the ASF, a copy of which is attached hereto, has been executed by the Council and by Yi Wen (Ryan) Mok.

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

1. Yi Wen (Ryan) Mok be reprimanded;

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2. Yi Wen (Ryan) Mok pay a discipline penalty to the Council in the amount of \$1,000.00 within ninety (90) days of the date of this Order;
 3. Yi Wen (Ryan) Mok be closely supervised by his managing broker for a period of one year from the date of this Order on any transactions involving foreclosures or court ordered sales;
 4. Yi Wen (Ryan) Mok, 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. Yi Wen (Ryan) Mok 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 Yi Wen (Ryan) Mok 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 23rd 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

Attch.

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

IN THE MATTER OF
YI WEN (RYAN) MOK
(160675)

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

The following agreement has been reached between Yi Wen (Ryan) Mok (“Mr. Mok”) and the Real Estate Council of British Columbia (the “Council”).

- A. Mr. Mok hereby consents to an Order to be made pursuant to sections 41 and 43 of the *Real Estate Services Act* that he be reprimanded, and that, at his own expense, he will 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 Council.
- B. Mr. Mok hereby consents to an Order made pursuant to sections 41 and 43 of the Act that he be liable to pay the enforcement expenses of this Consent Order to Council in the amount of \$1,500.00 within 60 days of the date of this Order.
- C. Mr. Mok hereby consents to an Order made pursuant to sections 41 and 43 of the Act that he pay a discipline penalty to the Council in the amount of \$1,000 within ninety (90) days of this Order.
- D. Mr. Mok hereby consents to an Order made pursuant to sections 41 and 43 of the Act that for a period of one year from the date of this Order any transactions involving foreclosures or court ordered sales must be closely supervised by his managing broker.
- E. Mr. Mok further consents to an Order that if he fails to comply with any of the terms of the Order as 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 Act.
- F. As a basis for this Order, Mr. Mok acknowledges and agrees that the facts set forth herein are correct:

1. Mr. Mok’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>
2013/04/03	Present	Interlink (2008) Realty	Representative	Trading

12. On October 31, 2014, Mr. Mok submitted the Contract of Purchase and Sale of September 22, 2014 and a Transaction Record Sheet to Dominic Fung, the Managing Broker of Interlink Realty. The sale of the Subject Property did not go through.
13. On November 1, 2014, Mr. Mok received the site survey of the Subject Property from the Seller.
14. On November 4, 2014, [REDACTED] d. made an application to Court and they became the Petitioner of the proceeding instead of [REDACTED]
[REDACTED]
15. On November 25, 2014, A Contract of Purchase and Sale Addendum was prepared as follows:
 - Completion date: From October 31, 2014 to December 11, 2014
 - Possession and Adjustments date: From November 1, 2014 to December 12, 2014
 - Subject to Court approval by November 28, 2014
 - Subject to the Buyer's inspector's approval by December 8, 2014

Neither the Seller nor the Buyer signed the above addendum.

16. On November 27, 2014, Ms. H [REDACTED] sent a complaint to Mr. Fung, in that she asked Mr. Fung for the return of the \$50,000 deposit.
17. On December 5, 2014, Mr. Fung sent a letter to [REDACTED]
[REDACTED], the Seller at the time about the validity of the Contract of Purchase and Sale.
18. On December 16, 2014, Mr. Fung received an email from [REDACTED]
[REDACTED], the Seller's Legal Counsel that the brokerage was not authorized by his client to release the deposit to the Buyer.
19. On December 17, 2014, [REDACTED], the Buyer's Legal Counsel wrote a Letter of Demand to [REDACTED] for the release of the \$50,000 to her client.
20. On December 18, 2014, [REDACTED] wrote a letter back to [REDACTED] that "If the Buyer is not in a position to complete, then my client will demand the immediate release of the deposit to our office from Interlink Realty".
21. On January 31, 2015, [REDACTED], the other Managing Broker of the Buyer's Brokerage, prepared an Addendum for the Buyer and the Seller with the following terms:

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- Seller: [REDACTED].
 - Buyer: [REDACTED]
 - New purchase price: \$946,500
 - Subject to Court Approval no later than February 20, 2015
 - Completion, possession and adjustments date on February 26, 2015
 - A holdback of \$2,500 for the installation of a TV outlet and the yard work
 - A holdback of \$7,000 for the warranty of the appliances
 - Commission to Interlink Realty: \$10,000 plus GST

The Addendum was signed by both the Seller and the Buyer.


22. On February 19, 2015, the Court approved the sale of the Subject Property.
23. On February 26, 2015, the file moved to completion.

G. Proposed Acceptance of Findings and Waiver:

1. Based on the Agreed Statement of Facts as outlined herein, and without making any admissions of liability, Yi Wen (Ryan) Mok is prepared to accept the following findings if made against him by the Council's Consent Order Review Committee:
 - (a) Yi Wen (Ryan) Mok committed professional misconduct within the meaning of section 35(1)(a) of RESA in that:
 - (i) contravened rule 3-3(a) and 3-4 of the Council Rules, in that he failed to act in the best interests of a purchaser and with reasonable care and skill by failing to ensure that there was an addendum of the contract of purchase and sale with respect to an extension for subject removal;
 - (ii) contravened rule 3-3(f), in that he failed to use reasonable efforts to discover material information respecting the Subject Property by failing to use reasonable efforts to discover the court ordered sale of the Subject Property;
 - (iii) contravened rule 3-3(h), in that he failed to promptly disclose to a purchaser all known material information respecting the Subject Property by failing to promptly inform a purchaser about the court ordered sale of the Subject Property;
 - (iv) contravened to rule 5-11 of the Council Rules, in that he failed to promptly disclose his remuneration to a purchaser; and

(v) contravened to rule 3-2(1)(b) of the Council Rules, in that he failed to promptly provide trading records to his managing broker.

2. Mr. Mok hereby waives his right to appeal pursuant to section 54 of the *Real Estate Services Act*.
3. Mr. Mok acknowledges that he has a right to seek independent legal advice before signing this Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver.
4. Mr. Mok 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. Mok 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.
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.



John A. McLachlan, Legal Counsel
Real Estate Council of British Columbia

As to Part F only (Agreed Statement of Facts)

Dated 15 day of June, 2017



Yi Wen (Ryan) Mok

As to Parts A, B, C, D, E, F and G
(Agreed Statement of Facts, Proposed
Acceptance of Findings and Waiver)

Dated 12 day of June, 2017