

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

AND

IN THE MATTER OF

MICHAEL MOOR
(151685)

AND

MIKE MOOR PERSONAL REAL ESTATE CORPORATION
(151685PC)

CONSENT ORDER

RESPONDENT:	Michael Moor, Representative, Century 21 Coastal Realty Ltd. Mike Moor Personal Real Estate Corporation
DATE OF REVIEW MEETING:	May 17, 2017
DATE OF CONSENT ORDER:	May 17, 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 Jessica Gossen, 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 Michael Moor, on his own behalf and on behalf of Mike Moor Personal Real Estate Corporation.

WHEREAS the ASF, a copy of which is attached hereto, has been executed by Michael Moor, on his own behalf and on behalf of Mike Moor Personal Real Estate Corporation, and on behalf of the Council;

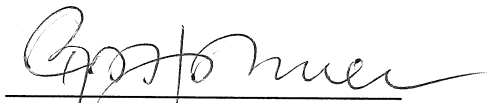
NOW THEREFORE, the Committee having made the findings proposed in the attached ASF, and in particular having found that Michael Moor and Mike Moor Personal Real Estate Corporation committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act*, orders that:

1. Michael Moor and Mike Moor Personal Real Estate Corporation have their licences suspended for 60 days and that they will not act as an unlicensed assistant during the time of their licence suspension;
2. Michael Moor and Mike Moor Personal Real Estate Corporation shall be jointly and severally liable to pay a discipline penalty to the Council in the amount of \$5,000 within ninety (90) days of the date of this Order;
3. Michael Moor, at his own expense, shall 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
4. Michael Moor and Mike Moor Personal Real Estate Corporation shall 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 Michael Moor or Mike Moor 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 17th day of May, 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*
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IN THE MATTER OF

**MICHAEL MOOR
(151685)**

AND

**MIKE MOOR PERSONAL REAL ESTATE CORPORATION
(151685PC)**

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

The following agreement has been reached between Michael Moor ("Mr. Moor"), Mike Moor Personal Real Estate Corporation ("Mike Moor PREC") and the Real Estate Council of British Columbia ("Council").

- A. Mr. Moor, on his own behalf and on behalf of Mike Moor PREC, hereby consents to an Order to be made pursuant to sections 41 and 43 of the *Real Estate Services Act* (RESA) that:
- a. their licenses be suspended for 60 days and that they be prohibited from acting as an unlicensed assistant during the period of suspension;
 - b. Mr. Moor, at his own expense, agrees to 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 the Council;
 - c. They be jointly and severally liable to pay a discipline penalty to the Council in the amount of \$5,000.00 within ninety (90) days from the date of the Order herein;
 - d. they be jointly and severally liable to pay enforcement expenses pursuant to section 44 of the Act in the amount of \$1,500 within sixty (60) days from the date of the Order herein; and
 - e. 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 licences without further notice to them pursuant to section 43(3) and 43(4) of the RESA.

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AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

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B. As a basis for this Order, Mr. Moor and Mike Moor PREC acknowledge and agree that the facts set forth herein are correct:

1. Mr. Moor was at all relevant times licensed as a representative with Century 21 Coastal Realty Ltd.
2. Mr. Moor's licensing history is as follows:

Start Date	End Date	Brokerage	Licence Level	Licence Category
May-08-07	Present	Century 21 Coastal Realty Ltd. (X028022)	Representative	Trading

3. Mr. Moor became licensed as Mike Moor Personal Real Estate Corporation on October 10, 2014.
4. On December 2, 2015, P.G. and N. G. ("the Sellers") entered into a Contract of Purchase and Sale for the sale of the property located at 5XXX Chesham Avenue ("the Property") in Burnaby, B.C. with [REDACTED] ("the Buyer"), a company owned by Mr. Moor who is the sole director, which included the following details:
 - Price: \$1,080,000
 - Deposit: \$50,000
 - Completion: March 9, 2016
 - Possession: March 9, 2016
 - Subject to: Financing, title, property disclosure statement, and oil tank inspection to be removed by December 10, 2015
5. A disclosure of interest in trade was provided to the Sellers and signed by them. The disclosure was made by Mr. Moor who was disclosing that he was acquiring the Property for personal, rental, or other use. The box on the Disclosure of Interest in Trade form stating that the real estate was to be resold was not checked.
6. On December 10, 2015, all subjects were removed and the \$50,000 deposit was provided to Century 21 Coastal Realty, the brokerage in which Mr. Moor was licensed.
7. On or about January 19, 2016, the Buyer as an Assignor and A.L. and J.D. ("the Assignees") entered into a limited dual agency relationship with Mr. Moor and another licensee, R.J., of Century 21 Coastal Realty.
8. On January 19, 2016, an Assignment of Contract of Purchase and Sale for the sale of the Property was entered into between the Buyer/Assignor and the Assignees with the following details:

Price:	\$1,210,000
Deposit:	\$50,000 paid directly to the Buyer/Assignor on January 22, 2016

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AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

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Subject to: \$100,000 paid directly to the Buyer/Assignor on March 8, 2016
\$30,000 paid directly to Century 21 Coastal Realty on March 8, 2016
Feasibility study, title, and property disclosure statement to be removed
by January 26, 2016.

9. On January 22, 2016, the Buyer/Assignor and the Assignees signed a declaration of deposit to be provided directly to the Buyer/Assignor.
10. On March 9, 2016, the Assignees completed on the purchase and became the registered owners on title.
11. On February 11, 2016, the Sellers filed a complaint with the Real Estate Council against a licensee acting on behalf of the Assignees, stating that, prior to completion of the original sale to the Buyer, the Sellers discovered the Property was listed for sale on Craigslist.

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. Moor, on his own behalf and on behalf of Mike Moor PREC, is prepared to accept the following findings if made against him by the Council's Consent Order Review Committee:
 - (a) Michael Moor and Mike Moor PREC as a representative licensed with Century 21 Coastal Realty committed professional misconduct within the meaning of section 35(1)(a) of the RESA in that:
 - (i) they acted in a conflict of interest contrary to sections 3-3(i) and 3-3(j) of the Rules in the assignment of the contract of purchase and sale of the Property, in that:
 - I. Mr. Moor and another licensee, R.J. acted as limited dual agents for the assignee and assignor, despite the interest he had in the property as a director and shareholder of the assignor; and
 - II. Mr. Moor accepted deposit funds directly through his company.
2. Mr. Moor and Mike Moor PREC hereby waive their right to appeal pursuant to section 54 of the RESA.
3. Mr. Moor and Mike Moor PREC 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. Moor and Mike Moor PREC 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.

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AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

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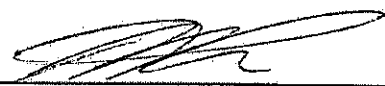
5. Mr. Moor and Mike Moor PREC acknowledge and are aware that the Superintendent of Real Estate has the right, pursuant to section 54 of the RESA, to appeal any decision of the Council, including this Agreed Statement of Facts, Proposed Acceptance of Findings, and Waiver and Consent Order.
6. The Agreed 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.



Jessica S. Gossen, Legal Counsel
Real Estate Council of British Columbia

As to Part B only (Agreed Statement
of Facts)

Dated 20 day of April, 2017



Michael Moor on his own behalf and on behalf of
Mike Moor Personal Real Estate Corporation

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

Dated 20 day of April, 2017