

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

**AND**

**IN THE MATTER OF**

**JAMES THOMAS SHAW  
(157175)**

**AND**

**ANDREW ROBERT ORCHARD  
(147866)**

**AND**

**JIMY (JIM) HON CHUNG LAW  
(147412)**

**CONSENT ORDER**

RESPONDENT:	James Thomas Shaw, Representative, TAC Real Estate Corp. Andrew Robert Orchard, Representative, TAC Real Estate Corp. Jimmy Hon Chung Law, Associate Broker, TAC Real Estate Corp.
DATE OF REVIEW MEETING:	February 22, 2017
DATE OF CONSENT ORDER:	April 3, 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 Esther Jeon, 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 Mr. Shaw, Mr. Orchard, and Mr. Law was considered by the Consent Order Review Committee (the "Committee") but not accepted. On April 3, 2017, a revised ASF acceptable to the Committee was submitted by Mr. Shaw, Mr. Orchard, and Mr. Law.

**WHEREAS** the ASF, a copy of which is attached hereto, has been executed by Mr. Shaw, Mr. Orchard, and Mr. Law 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 Mr. Shaw, Mr. Orchard, and Mr. Law committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act*, orders that:

1. Mr. Shaw, Mr. Orchard and Mr. Law each be reprimanded;
2. Mr. Shaw, Mr. Orchard and Mr. Law shall each pay a discipline penalty to the Council in the amount of \$2,500 within ninety (90) days of the date of this Order;
3. Mr. Shaw, Mr. Orchard and Mr. Law shall each 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; and
4. Mr. Shaw, Mr. Orchard and Mr. Law further consent to an Order that they will not, either individually or collectively or with any other individuals:
  - a) provide real estate services outside of their related brokerage; and/or
  - b) permit an entity of which they have control to provide real estate services unless it is licensed as a brokerage.

If Mr. Shaw, Mr. Orchard, and Mr. Law fails to comply with any term of this Order, the Council may suspend or cancel their licence without further notice to them, pursuant to sections 43(3) and 43(4) of the *Real Estate Services Act*.

Dated this 3<sup>rd</sup> day of April, 2017 at the City of Vancouver, British Columbia.

ON BEHALF OF THE CONSENT ORDER REVIEW COMMITTEE



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R. Holmes, Q.C., Chair  
Consent Order Review Committee

Attch.

**IN THE MATTER OF THE *REAL ESTATE SERVICES ACT*  
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**IN THE MATTER OF**

**JAMES THOMAS SHAW  
(157175)**

**AND**

**ANDREW ROBERT ORCHARD  
(147866)**

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**JIMY (JIM) HON CHUNG LAW  
(147412)**

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

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The following agreement has been reached between James Thomas Shaw ("Mr. Shaw"), Andrew Robert Orchard ("Mr. Orchard"), Jimmy (Jim) Hon Chung Law ("Mr. Law") and the Real Estate Council of British Columbia (the "Council").

- A. Mr. Shaw hereby consents to an Order to be made pursuant to sections 41 and 43 of the *Real Estate Services Act* that:
- 1) he be reprimanded;
  - 2) he pay a discipline penalty to the Council in the amount of \$2,500 within ninety (90) days of the Order herein; and
  - 3) he be ordered to pay enforcement costs of this Consent Order to the Council in the amount of \$1,500 within sixty (60) days of the Order herein.
- B. Mr. Orchard hereby consents to an Order to be made pursuant to sections 41 and 43 of the *Real Estate Services Act* that:
- 1) he be reprimanded;
  - 2) he pay a discipline penalty to the Council in the amount of \$2,500 within ninety (90) days of the Order herein; and
  - 3) he be ordered to pay enforcement costs of this Consent Order to the Council in the amount of \$1,500 within sixty (60) days of the Order herein.

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

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- C. Mr. Law hereby consents to an Order to be made pursuant to sections 41 and 43 of the *Real Estate Services Act* that:
- 1) he be reprimanded;
  - 2) he pay a discipline penalty to the Council in the amount of \$2,500 within ninety (90) days of the Order herein; and
  - 3) he be ordered to pay enforcement costs of this Consent Order to the Council in the amount of \$1,500 within sixty (60) days of the Order herein.
- D. Mr. Shaw, Mr. Orchard and Mr. Law further consent to an Order that they will not, either individually or collectively or with any other individuals:
- 1) provide real estate services outside of their related brokerage; and/or
  - 2) permit an entity of which they have control to provide real estate services unless it is licensed as a brokerage.
- E. Mr. Shaw, Mr. Orchard and Mr. Law further consent to an Order that 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 *Real Estate Services Act*.
- F. As a basis for this Order, Mr. Shaw, Mr. Orchard and Mr. Law acknowledge and agree that the facts set forth herein are correct:
1. Mr. Shaw was at all relevant times licensed as a representative with TAC Real Estate Corp.
  2. Mr. Shaw's licensing history is as follows:

Start Date	End Date	Brokerage	Licence Level	Licence Category
02/15/2017	Present	Cypress Land Services Inc. (X033359)	Representative	Trading
11/28/2012	02/15/2017	TAC Real Estate Corp (X029363)	Representative	Trading

3. Mr. Orchard was at all relevant times licensed as a representative with TAC Real Estate Corp.
4. Mr. Orchard's licensing history is as follows:

Start Date	End Date	Brokerage	Licence Level	Licence Category
02/15/2017	Present	Cypress Land Services Inc. (X033359)	Representative	Trading
11/08/2013	02/15/2017	TAC Real Estate Corp.	Representative	Trading

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

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		(X029363)		
30/05/2009	07/11/2013	Unlicensed		
27/06/2006	29/05/2009	Max Wright Real Estate Corporation dba South International Realty Canada (X026609)	Representative	Trading
24/01/2006	27/06/2006	Andrews Realty Ltd. dba RE/MAX Real Estate Services	Representative	Trading

5. Mr. Law was at all relevant times licensed as a representative with TAC Real Estate Corp.

6. Mr. Law's licensing history is as follows:

Start Date	End Date	Brokerage	Licence Level	Licence Category
02/15/2017	Present	Cypress Land Services Inc. (X033359)	Managing Broker	Trading
31/05/2011	02/15/2017	TAC Real Estate Corp. (X029363)	Associate Broker	Trading
13/12/2007	31/05/2007	MAC Marketing Solutions Inc. (X027220)	Associate Broker	Trading
25/09/2006	12/12/2007	MAC Marketing Solutions Inc. (X027220)	Representative	Trading
26/08/2006	24/09/2006	Unlicensed		
13/12/2005	25/08/2006	Bosa Properties Realty Inc.	Representative	Trading

7. This matter relates to the provision of real estate services by Mr. Shaw, Mr. Orchard or Mr. Law outside of their related brokerage, in particular through Cypress Land Services Inc. ("Cypress") which is not licensed by the Council.

8. Cypress was registered in B.C. as a general partnership on August 28, 2013. Mr. Shaw, Mr. Orchard and Mr. Law are each partners in Cypress.

9. Cypress was incorporated in B.C. on August 6, 2014. Its three of four directors are Mr. Shaw, Mr. Orchard or Mr. Law.

10. Mr. Shaw, Mr. Orchard or Mr. Law are engaged in two businesses:

- (i) Urban 8 Property Consultants, a real estate team operating through their related brokerage, TAC Real Estate Corp., which provides real estate services as defined by the *Real Estate Services Act*, with a focus on sourcing and acquiring land for developers; and
- (ii) Cypress, a separate company providing real estate consulting services to utility companies.

11. Cypress provides its services primarily to the telecommunications industry in facilitating and maintaining the erection of cellular towers and facilities. Since its inception, Cypress has provided a wide range of services to its clients which include, but are not limited to:
  - (i) Research and analysis;
  - (ii) Project management and reporting;
  - (iii) Site acquisition;
  - (iv) Land use consultation;
  - (v) Augmentation approvals;
  - (vi) Government approvals;
  - (vii) Property management and lease renewals.

(the "Services").
12. Cypress receives remuneration for the Services that consists of a fixed fee or hourly rate.
13. In the provision of the Services, Cypress assists clients with acquiring rights of ways and lease agreements. In so doing, it locates properties on which to acquire rights of ways and leases in favour of its clients, makes representations about those properties, and negotiates statutory right of way agreements and lease agreements (the "Agreements") on behalf of its clients.
14. Some of the activities executed in the provision of the Services as well as transactions contemplated by the Agreements amount to a form of "trade in real estate" and "trading services" as defined by the *Real Estate Services Act*.
15. Accordingly, some of the Services provided through Cypress fall within the definition of "real estate services" as defined by the *Real Estate Service Act*, such that they cannot be provided by an unlicensed entity.
16. Effective February 15, 2017, Cypress became licensed as a brokerage, with Mr. Law as the managing broker. Mr. Shaw and Mr. Orchard also transferred their licences to Cypress, effective February 15, 2017.
17. None of Mr. Shaw, Mr. Orchard and Mr. Law has a prior disciplinary history with the Council.

**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, Mr. Shaw is prepared to accept the following findings if made against him by the Council's Consent Order Review Committee:
  - (a) James Thomas Shaw, committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act*, in that contrary to section 7(3)(a) and section 7(3)(b) of the *Real Estate Services Act*, he provided real estate services outside of his related brokerage and received remuneration for real estate services other than from the brokerage in relation to which he was licensed.

2. Based on the Agreed Statement of Facts as outlined herein, and without making any admissions of liability, Mr. Orchard is prepared to accept the following findings if made against him by the Council's Consent Order Review Committee:
  - (a) Andrew Robert Orchard, committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act*, in that contrary to section 7(3)(a) and section 7(3)(b) of the *Real Estate Services Act*, he provided real estate services outside of his related brokerage and received remuneration for real estate services other than from the brokerage in relation to which he was licensed.
3. Based on the Agreed Statement of Facts as outlined herein, and without making any admissions of liability, Mr. Law is prepared to accept the following findings if made against him by the Council's Consent Order Review Committee:
  - (a) Jimmy (Jim) Hon Chung Law, committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act*, in that contrary to section 7(3)(a) and section 7(3)(b) of the *Real Estate Services Act*, he provided real estate services outside of his related brokerage and received remuneration for real estate services other than from the brokerage in relation to which he was licensed.
4. Mr. Shaw, Mr. Orchard or Mr. Law acknowledge that they have the right to seek independent legal advice before signing this Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver.
5. Mr. Shaw, Mr. Orchard or Mr. Law 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.
6. Mr. Shaw, Mr. Orchard or Mr. Law 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**

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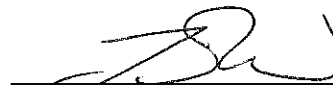
7. The Agreed Statement of Facts and Proposed Acceptance of Findings contained herein are made for the sole purpose of resolving a complaint being considered by the Council and for that purpose only. Such agreed statement of facts and proposed acceptance of findings cannot be used in any other proceeding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



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Esther Jeon, Legal Counsel  
Real Estate Council of British Columbia

As to Part F only (Agreed Statement  
of Facts)

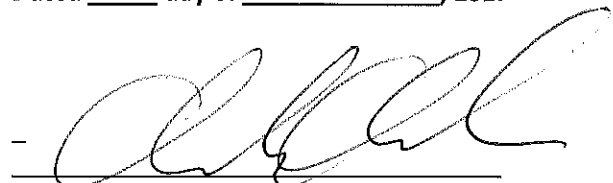
Dated 3 day of April, 2017



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James Thomas Shaw

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

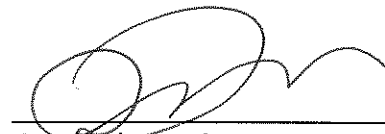
Dated 20 day of MARCH, 2017



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Andrew Robert Orchard

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

Dated 20 day of MARCH, 2017



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Jimmy (Jim) Hon Chung Law

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

Dated 20<sup>th</sup> day of MARCH, 2017