

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

AND

IN THE MATTER OF

XIA WANG
(164819)

CONSENT ORDER

RESPONDENT: Xia "Anne" Wang, managing broker,
Vancenter Realty Ltd., while licensed as a
representative with Interlink (2008)
Realty Corporation dba Interlink Realty

DATE OF REVIEW MEETING: February 22, 2017

DATE OF CONSENT ORDER: March 2, 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 Xia "Anne" Wang was considered by the Consent Order Review Committee (the "Committee") but not accepted. On February 28, 2017, a revised ASF acceptable to the Committee was submitted by Xia "Anne" Wang.

WHEREAS the ASF, a copy of which is attached hereto, has been executed by Xia "Anne" Wang 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 Xia "Anne" Wang committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act*, orders that Xia "Anne" Wang:

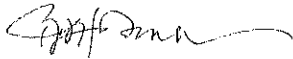
1. be reprimanded;

2. pay a discipline penalty to the Council in the amount of \$2,000 within ninety (90) days of the date of this Order;
3. at her own expense, register for and successfully complete the Property Management Remedial Education Course, as provided by the Real Estate Division, Sauder School of Business at the University of British Columbia in the time period as directed by the Council; and
4. pay enforcement expenses of this Consent Order to the Council in the amount of \$1,500 within sixty (60) days from the date of this Order.

If Xia "Anne" Wang fails to comply with any term of this Order, the Council may suspend or cancel her licence without further notice to her, pursuant to sections 43(3) and 43(4) of the *Real Estate Services Act*.

Dated this 2nd day of March, 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 as amended**

IN THE MATTER OF

**XIA WANG
(164819)**

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

The following agreement has been reached between Ms. Xia "Anne" Wang ("Ms. Wang") and the Real Estate Council of British Columbia (the "Council"),

- A. Ms. Wang hereby consents to an Order to be made pursuant to sections 41 and 43 of the *Real Estate Services Act* ("RESA") that she be reprimanded and pay a discipline penalty to the Council in the amount of \$2,000 within ninety (90) days of the of the Order herein.
- B. Ms. Wang hereby consents to an Order that she be liable to pay enforcement expenses to the Council in the total amount of \$1,500 within sixty (60) days from the date of the Order herein.
- C. Ms. Wang, at her own expense, register for and successfully complete the Property Management Remedial Education Course, as provided by the Real Estate Division, Sauder School of Business at the University of British Columbia in the time period as directed by the Council.
- D. Ms. Wang further consent to an Order that if she fails to comply with any of the terms of the Order as set out above, a Discipline Hearing Committee may suspend or cancel her licence without further notice to her pursuant to section 43(3) and 43(4) of the RESA.
- E. As a basis for this Order, Ms. Wang acknowledges and agrees that the facts set forth herein are correct:
 1. Ms. Wang was at all relevant times licensed as a representative with Interlink (2008) Realty Corporation dba Interlink Realty ("Interlink Realty") for trading and rental property management services.
 2. Ms. Wang's licensing history is as follows:

Brokerage	Licence Level	Licence Category	Start Date	End Date
Vancouver Realty Ltd. (X033298)	Managing Broker	Trading, Rental	18/02/2017	Present
Interlink (2008) Realty Corporation (X029053)	Representative	Trading, Rental	25/08/2014	18/02/2017
0929423 BC Ltd. dba Royal First Realty (X030377)	Representative	Trading, Rental	11/01/2013	25/08/2014
0929423 BC Ltd. dba Royal First Realty (X030377)	Representative	Trading	30/07/2012	11/01/2013

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

Page 2

The Bedford Property

3. In 2015, Ms. Wang provided rental property management services with respect to a property located at [REDACTED] Bedford Street, Port Coquitlam (the "Bedford Property") outside of her related brokerage. The Bedford Property is owned by Ms. Wang's cousin.
4. On or about June 2, 2015, Ms. Wang published a rental advertisement for the Bedford Property on Craigslist. The advertisement described the property in detail and specified a monthly rental amount and the availability. Interested parties were directed to contact a phone number which, although not identified as such, was Ms. Wang's personal cell phone number. The advertisement provided the name "Anne" but it did not indicate Ms. Wang's licensee name, nor did it indicate the name of the brokerage Interlink Realty.
5. In response to the Craigslist posting, Y.Z. (the "Complainant") submitted a Rental Application/Reference Check form (the "Rental Application Form") to Ms. Wang for the Bedford Property. Ms. Wang's e-mail address and phone number were provided on this form but it did not make a reference to her related brokerage.
6. On or about June 22, 2015, Ms. Wang entered into a verbal agreement with the Complainant to rent the Bedford Property, effective August 1, 2015. Ms. Wang collected \$825.00 in cash from the Complainant as a security deposit and issued a deposit receipt to the Complainant.
7. The security deposit receipt was signed by Ms. Wang as the "agent" and indicated that it was "approved by Anne". The security deposit receipt did not indicate Ms. Wang's licensee name, nor did it indicate the name of the brokerage Interlink Realty.
8. Ms. Wang did not deliver the \$825.00 cash which she collected from the Complainant to her related brokerage.
9. Ms. Wang did not provide her managing broker with a copy of the Rental Application Form, the deposit receipt or any other document which formed part of the rental agreement with the Complainant.
10. The rental agreement collapsed and there was a dispute between Ms. Wang and the Complainant over the return of the damage deposit. The dispute ultimately led to the filing of this complaint with the Council on July 30, 2015.

Other Properties Managed by Ms. Wang Outside of the Brokerage

11. During the Council's investigation, Ms. Wang provided information confirming that she assisted the owners of the following rental properties:
 - 1) [REDACTED] Atlantic Avenue, Coquitlam;
 - 2) [REDACTED] Atlantic Avenue, Coquitlam;
 - 3) [REDACTED] Atlantic Avenue, Coquitlam;
 - 4) [REDACTED] Atlantic Avenue, Coquitlam;

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

Page 3

- 5) [REDACTED] Atlantic Avenue, Coquitlam;
- 6) [REDACTED] Atlantic Avenue, Coquitlam;
- 7) [REDACTED] Atlantic Avenue, Coquitlam;
- 8) [REDACTED] Atlantic Avenue, Coquitlam;
- 9) [REDACTED] Forest Street, Burnaby (the "Forest Street Property");

(collectively and including the Bedford Property, the "Properties").

- 12. In particular, Ms. Wang provided "free consulting services" which, although Ms. Wang did not characterize as such, involved managing landlord and tenant matters. Ms. Wang stated that she was only trying to assist the owners of the Properties, as they did not speak English and they were often out of the country.
- 13. In particular, Ms. Wang published a rental advertisement for the Forest Street Property on Craigslist. The date of publication is unclear but the availability date for the property was August 1, 2015. The advertisement described the Forest Street Property in detail and specified a monthly rental amount. Interested parties were directed to contact a phone number which, although not identified as such, was Ms. Wang's personal cell phone number. The advertisement provided the name "Anne" but it did not indicate Ms. Wang's licensee name, nor did it indicate the name of the brokerage Interlink Realty.
- 14. In particular, Ms. Wang published a rental advertisement for a unit at [REDACTED] Atlantic Avenue, Coquitlam, on a Chinese classified advertisements website at www.vansky.com. The date of publication is unclear but the availability date for the property was September 1, 2015. The advertisement described a two-bedroom property at [REDACTED] Atlantic Avenue in detail and specified a monthly rental amount. Interested parties were directed to contact a phone number which, although not identified as such, was Ms. Wang's personal cell phone number. The advertisement provided the name "Wang" but it did not indicate Ms. Wang's licensee name, nor did it indicate the name of the brokerage Interlink Realty.
- 15. Ms. Wang asserted that she did not receive any remuneration from the owners of the Properties for her services.
- 16. Ms. Wang also admitted that she provided rental property management on her own behalf in relation to the following properties which she owns in Coquitlam, BC:
 - (i) [REDACTED] Georgeson Avenue, Coquitlam;
 - (ii) [REDACTED] Pinetree Way, Coquitlam; and
 - (iii) [REDACTED] Princess Crescent, Coquitlam.
- 17. Ms. Wang claims that she disclosed her status as a licensee to her tenants but admitted that she did not report to her managing broker that she was managing those properties on her own behalf. Ms. Wang did not realize that in so doing, she was in contravention of the rules made under the RESA (the "Rules").
- 18. Ms. Wang's managing broker, D.F., stated that he was unaware of Ms. Wang's activities until the complaint was brought to his attention in August 2015. He explained to the Council that Ms. Wang never consulted with him prior to providing rental property

AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

Page 4

management services to her friends and family, or before posting rental advertisements online. He expressed his view that Ms. Wang did not intend to commit any wrong-doing.

19. D.F. acknowledged that it was problematic that Ms. Wang provided rental property management services outside of the brokerage and failed to report her activities to him.
20. Since the matter was brought to his attention, D.F. has held several meetings with Ms. Wang, discussed the issues and reinforced the importance of providing all real estate services through the brokerage.
21. Ms. Wang has acknowledged her errors, has since made corrections and expressed her willingness to comply with the RESA and the Rules.
22. Effective February 18, 2017, Ms. Wang became licensed as managing broker of her own brokerage, Vancenter Realty Ltd., subject to a number of conditions and restrictions imposed on the brokerage licence pursuant to section 15(2) of the RESA (the "Conditions"). The terms of the Conditions are set out in Schedule A herein.
23. Ms. Wang has no prior discipline history with the Council.

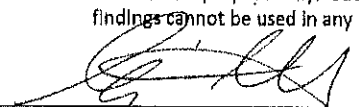
F. Proposed Acceptance of Findings and Waiver

1. Based on the Agreed Statement of Facts herein, and without making any admissions of liability, Ms. Wang is prepared to accept the following findings if made against her by the Council's Consent Order Review Committee:
 - (a) Xia "Anne" Wang, committed professional misconduct within the meaning of section 35(1)(a) of the RESA while acting as a representative of Interlink Realty, in that:
 - i. contrary to section 7(3)(a) of the RESA and section 3-2(2)(a) of the Rules, she provided rental property management services outside of her related brokerage with respect to the Properties;
 - ii. contrary to section 3-2(1)(c) of the Rules, she failed to promptly provide her managing broker with a copy of rental property management records with respect to the Properties;
 - iii. contrary to section 27(1)(a) of the RESA she failed to promptly pay or deliver to her related brokerage a security deposit which she received from the Complainant in the course of providing rental property management services with respect to the Bedford Property;
 - iv. contrary to sections 4-5, 4-6(1), 4-6(2) of the Rules, she published advertisements offering for rent the Bedford Property, the Forest Street Property and a two-bedroom unit at [REDACTED] Atlantic Avenue, Coquitlam, B.C., which advertisements failed to:
 - 1) clearly indicate Ms. Wang's licensee name, if at all; and

AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

Page 5

- 2) provide the name of her related brokerage in a prominent and easily readable way, if at all; and
 - v. contrary to section 9-1(2)(d) of the Rules, she provided rental property management services on her own behalf in relation to three rental properties which she owns in Coquitlam, B.C. without complying with exemption requirements. In particular, she failed to make a disclosure in writing to her managing broker that she was providing rental property management services on her own behalf in relation to her own real estate.
2. Ms. Wang hereby waives her right to appeal pursuant to section 54 of the RESA.
 3. Ms. Wang acknowledges that she has been advised that she has the right to seek independent legal advice before signing this Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver.
 4. Ms. Wang 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. Ms. Wang 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.
 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.



Esther Jeon, Legal Counsel
Real Estate Council of British Columbia



Xia (Anne) Wang

As to Part E only (Agreed Statement of Facts)

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

Dated 2 day of March, 2017

Dated 2 day of March, 2017

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

Page 6

Schedule A: Conditions and Restrictions on the Licence of Vancenter Realty:

- 1) For the first two years from the date of licensing, the managing broker shall submit to the Council quarterly reports which shall include the following information:
 - a. All service agreements entered into by the brokerage with clients for the provision of rental property management services;
 - b. All agreements entered into by the brokerage or its related licensees on behalf of clients in the provision of rental property management services;
 - c. All real estate transactions where the brokerage or any of its related licensees represented parties, either the buying or the selling side of the trade in real estate, and provided rental property management services in relation to the subject property;
 - d. Monthly trust account balances as reconciled in accordance with Rule 8-2;
 - e. Any unlicensed assistants engaged by the brokerage or its related licensees, and the nature of their duties and activities;
 - f. Any complaint(s) received by the brokerage, the nature of the complaint and the parties, and how it was resolved;
- 2) The quarterly reports referred to in Term #1 of these conditions shall be submitted to the attention of Lisa Holst, Director, Accounting and Audit;
- 3) For the first two years from the date of licensing, the brokerage will, at its own expense, be subject to audits/office and records inspections by the Council of its financial and trading records. The first audit will be conducted in the first three months following the licensing of the brokerage and the frequency of subsequent audits will be determined by the Council. Any follow-up audits required will also be at the expense of the brokerage;
- 4) For the first two years from the date of licensing, the brokerage will not submit any applications for new branch office licences;
- 5) Following one year from the date of licensing, the managing broker may submit a written application to the Council to vary or remove the said conditions herein. Otherwise, the Council will reassess the necessity of the said conditions upon receipt of an application for licence renewal, following which the Council may maintain, vary or remove the conditions as necessary;
- 6) The brokerage will promptly submit to the Council the written acknowledgement of its managing broker of her duties under the conditions and restrictions, and consent to perform those duties.