

File # 14-491

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

IN THE MATTER OF
JASON KING SANG NG
(146930)

CONSENT ORDER

RESPONDENT: Jason King Sang Ng, Managing
Broker, Daylight Realty Ltd.

DATE OF REVIEW MEETING: August 31, 2016

DATE OF CONSENT ORDER: September 23, 2016

CONSENT ORDER REVIEW COMMITTEE: D. Fimrite
M. Leslie
S. Lynch, Chair
T. O'Grady

ALSO PRESENT: R.O. Fawcett, Executive Officer
G. Thiele, Director, Legal Services
S. Sheina, Legal Counsel for the Real
Estate Council

PROCEEDINGS:

On August 31, 2016, an Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver ("ASF") submitted by Jason King Sang Ng was considered by the Consent Order Review Committee (the "Committee") and rejected. On September 19, 2016, a revised ASF acceptable to the Committee was submitted by Mr. Ng.

WHEREAS the ASF, a copy of which is attached hereto, has been executed by Jason King Sang Ng and on behalf of the Council;

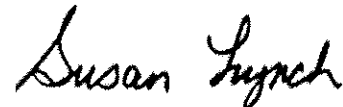
NOW THEREFORE, the Committee having made the findings proposed in the attached ASF, and in particular having found that Jason King Sang Ng committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act*, orders that:

1. Jason King Sang Ng's licence be suspended for twelve months;
2. Jason King Sang Ng will not provide services as an unlicensed assistant during the time of his licence suspension;
3. Jason King Sang Ng will pay a discipline penalty to the Council in the amount of \$10,000.00 within ninety (90) days of the date of this Order;
4. Jason King Sang Ng will register for and successfully complete the Broker's 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;
5. Jason King Sang Ng will pay enforcement expenses of this Consent Order to the Council in the amount of \$1,500.00 within sixty (60) days from the date of this Order.

If Jason King Sang Ng 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 September, 2016 at the City of Vancouver, British Columbia.

ON BEHALF OF THE CONSENT ORDER REVIEW COMMITTEE



S. Lynch, Chair
Consent Order Review Committee

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

IN THE MATTER OF
JASON KING SANG NG
(146930)

AGREED STATEMENT OF FACTS,
PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

The following agreement has been reached between Jason King Sang Ng (“Mr. Ng”) and the Real Estate Council of British Columbia (the “Council”).

- A. Mr. Ng hereby consents to an Order to be made pursuant to sections 41 and 43 of the *Real Estate Services Act* that he be suspended for twelve months and pay a discipline penalty to the Council in the amount of \$10,000 within ninety (90) days of the date of the Order. Mr. Ng further consents to an Order that he will not provide services as an unlicensed assistant during the time of his licence suspension. Further, that he, at his own expense, register for and successfully complete the Broker’s 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 and pay enforcement expenses of this Consent Order to the Council in the amount of \$1,500.00 within sixty (60) days from the date of the Order herein.
- B. Mr. Ng further consent to an Order that if he fails to comply with any of the terms of the Order 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 *Real Estate Services Act*.
- C. As a basis for this Order, Mr. Ng acknowledges and agrees that the facts set forth herein are correct:
1. Mr. Ng was at all relevant times licensed as a Managing Broker with Daylight Realty Ltd. (the “Brokerage”).
 2. Mr. Ng’s licensing history is as follows:

<u>Brokerage</u>	<u>Start Date</u>	<u>End Date</u>	<u>Licence Level</u>	<u>Licence Category</u>
Daylight Realty Ltd.	01/05/2014	Present	Managing Broker	Trading

AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

Joseph Yam-Chow 12/10/2005 01/05/2014 Representative Trading
Ng dba Daylight
Realty

3. On May 10, 2015, Mr. Ng submitted an offer for the purchase of a property on Francis Road in Richmond (the "Offer") on behalf of his client ZY.
4. The Offer provided for a \$200,000 deposit upon acceptance and an additional \$300,000 within 24 hours of subject removal, in the form of bank drafts payable to the Brokerage.
5. Mr. Ng attached to the Offer, a copy of a \$200,000 bank draft dated May 10, 2015 that was made payable to the Brokerage.
6. After some negotiations, the Offer was accepted by the seller of Francis Road.
7. On May 16, 2015, an addendum was executed by the buyer and seller of the property on Francis Road that stated both parties agreed to change the subject removal date from within 14 days of acceptance, to May 29, 2015.
8. On May 29, 2015, ZY, removed all subject conditions from the contract.
9. On May 30, 2015, an addendum was executed by ZY and the seller which stated that both parties agreed that the additional \$300,000 deposit would be due within 72 hours of the removal of subject conditions, instead of 24 hours as had been agreed to in the Offer dated May 10, 2015.
10. The listing agent stated to Council staff that he contacted Mr. Ng on June 1, 2015 to verify that he was in receipt of the additional \$300,000 deposit. He stated that during the call Mr. Ng advised him ZY did not want to proceed with the purchase of the property on Francis Road. He further stated that Mr. Ng informed him that the initial \$200,000 deposit bank draft that was attached to the Offer was not from ZY, but was in fact the deposit paid to his Brokerage by a different client he was representing with respect to a different property purchase.
11. The listing agent informed his managing broker who immediately reported Mr. Ng's actions to the Council.
12. On June 4, 2015, Mr. Ng admitted during an interview with Council staff that the \$200,000 bank draft that was attached to the Offer as the initial deposit for the purchase of the property on Francis Road, was in fact a copy of a deposit cheque obtained from another client he was representing in relation to the purchase of a different property on Oak Street.
13. Mr. Ng further stated during the interview that he did not receive any deposit for the property on Francis Road.

AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

14. Mr. Ng does not have a prior discipline history with the Council.

D. 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. Ng is prepared to accept the following findings if made against him by the Council's Consent Order Review Committee:

(a) he committed professional misconduct within the meaning of section 35(1)(a) of the RESA in that, while acting for the buyer of a property located on Francis Road, Richmond, BC (the "Property"), he:

(i) acted in a deceptive manner when he intentionally misrepresented that a bank draft deposit in the amount of \$200,000 was received from the buyer interested in the purchase of the Property, when in fact it had been received from another buyer in relation to a different trade, contrary to section 35(1)(c) of the RESA; and

(ii) failed to notify all parties to the agreement for the purchase and sale of the Property that the deposits contemplated by the agreement had not been received, contrary to section 3-1(4)(a) of the Council Rules.

2. Mr. Ng hereby waives his right to appeal pursuant to section 54 of the *Real Estate Services Act*.

3. Mr. Ng 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. Ng 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. Ng 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.

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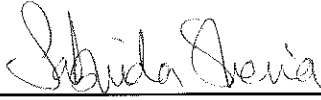
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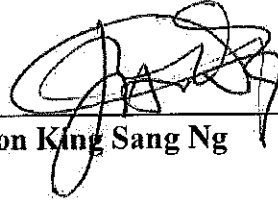
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AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

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.



**Sabinder Sheina, Legal Counsel
Real Estate Council of British Columbia**



Jason King Sang Ng

As to Part C only (Agreed Statement of Facts)

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

Dated 21 day of September, 2016

Dated 19 day of September, 2016