

File # 15-277

IN THE MATTER OF THE *REAL ESTATE SERVICES ACT***S.B.C. 2004, c. 42****AND****IN THE MATTER OF****MICHAEL B. IRELAND****(109210)****AND****MICHAEL IRELAND PERSONAL REAL ESTATE CORPORATION****(109210PC)****CONSENT ORDER****RESPONDENTS:**Michael B. Ireland, Representative,
Colonial Pacific Realty Ltd. dba
RE/MAX Colonial Pacific RealtyMichael Ireland Personal Real Estate
Corporation, Colonial Pacific Realty
Ltd. dba RE/MAX Colonial Pacific
Realty**DATE OF REVIEW MEETING:**

July 7, 2016

DATE OF CONSENT ORDER:

July 28, 2016

CONSENT ORDER REVIEW COMMITTEE:D. Fimrite
C. Lindberg
S. Lynch, Chair
C. Squires**ALSO PRESENT:**R.O. Fawcett, Executive Officer
G. Thiele, Director, Legal Services
J. Gossen, Legal Counsel for the Real
Estate Council**PROCEEDINGS:**

On July 7, 2016, an Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver ("ASF") submitted by Michael B. Ireland and Michael Ireland Personal Real Estate Corporation was considered by the Consent Order Review Committee (the "Committee") and rejected. On July 25, 2016, a revised ASF acceptable to the Committee was submitted by Mr. Ireland and Michael Ireland Personal Real Estate Corporation.

WHEREAS the ASF, a copy of which is attached hereto, has been executed by Michael B. Ireland, Michael Ireland Personal Real Estate Corporation and on behalf of the Council;

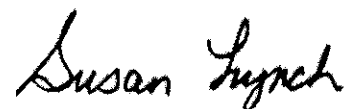
NOW THEREFORE, the Committee, having made the findings proposed in the attached ASF, and in particular having found that Michael B. Ireland and Michael Ireland Personal Real Estate Corporation committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act*,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

1. The licences of Michael B. Ireland and Michael Ireland Personal Real Estate Corporation be suspended for thirty (30) days;
2. Michael B. Ireland, at his own expense, 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 in the time period as directed by the Council;
3. Michael B. Ireland and Michael Ireland Personal Real Estate Corporation be jointly and severally liable to 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 Michael B. Ireland or Michael Ireland Personal Real Estate Corporation fail 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 28th day of July, 2016 at the City of Vancouver, British Columbia.

ON BEHALF OF THE CONSENT ORDER REVIEW COMMITTEE



S. Lynch, 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

**MICHAEL B. IRELAND
(109210)**

AND

**MICHAEL IRELAND PERSONAL REAL ESTATE CORPORATION
(109210PC)**

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

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

- A. Mr. Ireland and Michael Ireland Personal Real Estate Corporation hereby consents to an Order to be made pursuant to sections 41 and 43 of the *Real Estate Services Act* (the "Act") that:
- a. they each be suspended for (30) thirty days;
 - b. they agree to be jointly and severally liable to pay enforcement expenses pursuant to section 44 of the Act in the amount of \$1,500.00 within sixty (60) days from the date of the Order herein;
 - c. Mr. Ireland 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; and
 - d. 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 Act.

AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

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B. As a basis for this Order, Mr. Ireland and Michael Ireland Personal Real Estate Corporation acknowledge and agree that the facts set forth herein are correct:

1. Mr. Ireland was at all relevant times licensed as a representative with Colonial Pacific Realty Ltd. dba RE/MAX Colonial Pacific Realty.

2. Mr. Ireland's licensing history is as follows:

<u>Start Date</u>	<u>End Date</u>	<u>Licensing History</u>	<u>Licence Level</u>	<u>Licence Category</u>
2002/04/02	Present	Colonial Pacific Realty Ltd. dba RE/MAX Colonial Pacific Realty (X000783)	Representative	Trading, Rental
1998/07/09	2002/04/02	Homelife Benchmark Realty Corp. (Sur152) (X013161)	Representative	Trading, Rental
1995/06/16	1998/07/08	*** Unlicensed ***		
1993/09/15	1995/06/15	Milborne Real Estate Corporation (X021443)	Representative	Trading, Rental

3. Mr. Ireland became licensed as Michael Ireland Personal Real Estate Corporation on October 31, 2015.

4. On June 5, 2015 Mr. Ireland entered into a MLS Listing Contract with the seller, L.K. to list a 5 acres of land located on Taggart Road, Abbotsford which listing expired on September 5, 2015.

5. At the same time the MLS Listing Contract was signed, Mr. Ireland had L.K. sign a blank amendment of the MLS Listing Contract which Mr. Ireland stated was done to expedite any changes that needed to be made on the listing.

6. During the listing Mr. Ireland stated that the market was not responding to the price on the property and he advised his client that the price should be adjusted accordingly. During this conversation Mr. Ireland assumed that the listing would be extended, but did not specifically request permission from L.K. to do so.

7. On August 27, 2015 Mr. Ireland filled the signed blank amendment to the MLS Listing Contract and extended the listing to January 5, 2016 without the knowledge or consent of L.K.

8. On September 14, 2015 L.K. contracted another licensee to list the property and it was during this time that she discovered that the listing with Mr. Ireland was still

AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

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active. L.K. contacted Mr. Ireland who informed her that he had extended the listing as a result of their earlier conversation using the signed blank amendment form.

9. Following this conversation with L.K., Mr. Ireland signed L.K.'s name to a Cancellation Form and dated it for September 6, 2015 without the knowledge or consent of L.K.

Previous Discipline

10. Mr. Ireland entered into a Consent Order dated July 16, 2014 in which he was reprimanded for committing professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* by contravening section 27(1)(a) of the *Real Estate Services Act* when he:
 - (a) failed to promptly pay or deliver all money held or received from, for or on behalf of a principal in relation to real estate services.

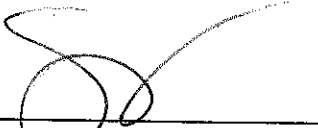
C. Proposed Acceptance of Findings and Waiver

1. Based on the Agreed Statement of Facts as outlined herein, and without making any admissions of liability, Michael B. Ireland and Michael Ireland Personal Real Estate Corporation are prepared to accept the following findings if made against them by the Council's Consent Order Review Committee:
 - (a) Michael B. Ireland and Michael Ireland Personal Real Estate Corporation committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* in that as the listing agent for a property located on Taggart Road, Abbotsford, he contravened sections 3-3(c) and section 3-4 of the Council Rules in that he failed to act within the scope of authority given by his client and failed to act honestly and with reasonable care and skill when he:
 - (i) had his client sign a blank amendment to the MLS Contract at the same time as signing of the Listing Contract; then used the blank amendment to extend the listing of the property without the knowledge or consent of his client; and
 - (ii) filled out and signed a listing cancellation form on behalf of his client without their knowledge or consent.
2. Mr. Ireland and Michael Ireland Personal Real Estate Corporation hereby waive their right to appeal pursuant to section 54 of the *Real Estate Services Act*.

AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

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3. Mr. Ireland and Michael Ireland Personal Real Estate Corporation 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. Ireland and Michael Ireland Personal Real Estate Corporation 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.
5. Mr. Ireland and Michael Ireland Personal Real Estate Corporation 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.
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 26 day of July, 2016



Michael B. Ireland on his behalf and
on behalf of Michael Ireland Personal Real
Estate Corporation

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

Dated 15 day of July, 2016