

**IN THE MATTER OF THE REAL ESTATE SERVICES ACT,B.C. 2004 c.42 as amended AND IN THE MATTER  
OF THE QUALIFICATION FOR LICENSING OF ANIL KUMAR SINGH**

**REASONS FOR DECISION**

DATE AND PLACE OF HEARING:	November 5 & 6, 2020 Virtual Qualification Hearing
QUALIFICATION HEARING COMMITTEE:	Neal Nicholson Sukh Sidhu Len W Hrycan (Chair)
COUNSEL FOR THE REAL ESTATE COUNCIL OF BRITISH COLUMBIA:	Mr. Kyle A. Ferguson
COUNSEL FOR THE APPLICANT:	Ms. Kelly A. Murray
APPLICANT:	Anil Kumar Singh

**INTRODUCTION**

[1] This hearing was conducted pursuant to Section 10 of the Real Estate Services Act, S.B.C. 2004, CH. 42 (the “RESA”) and Section 2-6 of the Rules (the “Rules”) of the Real Estate Council of British Columbia (the “Council”) to determine whether Anil Kumar Singh (“Mr. Singh”) satisfied the Council that he is currently of good reputation and is suitable to be licensed under the Real Estate Services Act (“RESA”), provided he meets all the other requirements for licensing under RESA.

**DECISION**

[2] The Hearing Committee is satisfied that Mr. Singh is currently of good reputation and suitable to be licensed, subject to conditions and restrictions on his license as permitted in Section 15 of the RESA. We are persuaded by the evidence presented at the Qualification Hearing.

**ISSUES**

- [3] There were four issues before the Hearing Committee in this Qualification Hearing:
- (a) Does Mr. Singh meet the statutory burden to satisfy the Council that he is “of good reputation and suitable to be licensed” and that he “has not been disciplined by a professional body...for reasons that reveal the applicant is unfit to be a licensee,” as required by Section 10 of the RESA, in light of:

- i. Past disciplinary action by the Registrar of Mortgage Brokers resulting in a consent order agreement that canceled Mr. Singh's mortgage brokers license in September of 2018; and
  - ii. Mr. Singh's conduct while providing information to the Council during his suitability investigation?
- (b) If the Hearing Committee is not satisfied that Mr. Singh is currently of good reputation or suitable to be licensed, what should the time period be after which Mr. Singh may reapply?
- (c) If the Hearing Committee determines that Mr. Singh is suitable for licensing, should it impose any conditions on his license?
- (d) A determination on the need for Mr. Singh to rewrite modules 1 and 2 of the real estate trading services applied practice course given the length of time that has transpired during the review and investigation of his licencing application?

#### PROCEEDINGS

[4] Section 2-6 of the Rules provides:

“Qualification hearings

2-6 If the Council considers that there may be an issue as to whether an applicant is qualified to be licensed

- (a) in accordance with Section 10 [qualifications for obtaining license] of the Act, or
- (b) at the level and in the category for which the applicant is applying,

the Council may direct that the matter is to be dealt with by way of a hearing conducted by a hearing committee.”

Mr. Singh was advised by Counsel for RECBC that there were concerns with his qualification for licensing on July 9, 2020. The Notice of Qualification Hearing dated August 14, 2020 was sent to the Applicant on August 17, 2020, advising him of the issues listed above. Exhibit 1

[5] Section 10 of the RESA provides:

“Qualifications for obtaining licence

10 An applicant for a new license or license renewal must satisfy the real estate council that they meet the following applicable requirements:

- (a) the applicant is of good reputation and suitable to be licensed at the level and in the category for which the applicant is applying;

...

(d) in all cases, the applicant has not:

- i. been refused a licence under real estate, insurance, mortgage broker or securities legislation in British Columbia or in another jurisdiction,
- ii. held a licence that was suspended or cancelled under real estate, insurance, mortgage broker or securities legislation in British Columbia or in another jurisdiction,

- iii. been disciplined by a professional body, or
- iv. been convicted of an offence

for a reason that reveals the applicant to be unfit to be a licensee;

(e) in all cases, the applicant meets any other qualification requirements established by the rules.”

Accordingly, the burden lies on each applicant to satisfy Council, on the balance of probabilities, that he or she is qualified.

[6] Section 13 of the RESA states that before refusing to issue a license the Council must provide the applicant with an opportunity to be heard respecting the matter.

[7] Section 15 of the RESA states:

“Conditions and restrictions in relation to a specific issue

15 (1) Subject to this section, the real estate council may, as it considers necessary or desirable in relation to a specific license,

- (a) impose conditions and restrictions on the license,
- (b) vary a condition or restriction applicable to the license,
- (c) ... [omitted].

(2) The powers under subsection (1)(a) or (b) to impose or vary a condition or restriction are exercisable only

- (a) on or before the date on which the license is issued, with effect on or after that date, or
- (b) on the written application or with the written consent of the licensee.

(3) Before imposing or varying a condition or restriction as referred to in subsection (2)(a), the real estate council must give notice to the applicant and provide the applicant with an opportunity to be heard respecting the matter.

(4) If the real estate council imposes or varies a condition or restriction as referred to in subsection (2)(a), it must:

- (a) provide the applicant with written notice of the condition or restriction and the reasons for it, and
- (b) advise the applicant of the right to appeal under Division 4 [Appeals to Financial Services Tribunal] of Part 4.

(5) The power under subsection (1)(c) to remove a condition or restriction is exercisable at any time on the real estate council’s own initiative or on the written application of the licensee.”

## EVIDENCE

[8] The evidence before the Hearing Committee consisted of 2 Exhibits as detailed in the List of Exhibits, the oral testimony of Mr. Vxxxxx Sxxxxx (a character reference), Mr. Rxxxx “Rxx” Axxxxx(Mr. Singh’s proposed managing broker) and Mr. Singh (the applicant),). The evidence included an Agreement Statement of Facts (Exhibit 1) and one book of documents (Exhibits 2).

- [9] Mr. Singh was registered as a sub-mortgage broker pursuant to the *Mortgage Brokers Act* from May 3, 2010 to September 22, 2018.
- [10] Mr. Singh was registered as a sub-mortgage broker with 081xxxx B.C. Ltd. dba Dxxxxxxx Lxxxxxx Cxxxxx Lxxxxxx Exxx (“**DLC Lxxxxxxx Exxx**”) until October 14, 2014.
- [11] On or around January 21, 2013, the Registrar of Mortgage Brokers received a complaint from a lender alleging that Mr. Singh had submitted mortgage applications to them on behalf of four different borrowers in which they believed that the incomes were being supported with altered Notices of Assessment (“NOAs”). The four NOAs that the lender raised issues with used the words “Social Insurance no.” (underlining added), notwithstanding that the NOAs were for the 2011 tax year. The CRA had previously changed this in 2010 to reflect the use of a capital “N” in the abbreviation “No.”
- [12] In or around March 2014, an investigator with the Registrar of Mortgage Brokers obtained copies of Mr. Singh’s files held at DLC Lxxxxxxx Exxx for the period January 1, 2012 to March 6, 2014. In total, 48 files were provided to the Registrar of Mortgage Brokers.
- [13] The Registrar of Mortgage Brokers identified at least seventeen files in which, in their view, there was evidence of altered NOAs.
- [14] Mr. Singh advises that there was no practice at DLC Lxxxxxx Exxx of searching for past applications by clients and he advises that such applications were not usually kept if a client had been declined a loan.
- [15] In the course of their investigation, the investigators for the Registrar of Mortgage Brokers obtained original copies of NOAs and other tax documentation from some of the borrowers. The incomes reported on the original NOAs and other tax documentation collected by the Registrar of Mortgage Brokers from the borrowers differed from the NOAs that Mr. Singh submitted to lenders as part of the mortgage applications.
- [16] On February 16, 2016, investigators with the Financial Institutions Commission (“**FICOM**”) interviewed Mr. Singh. A copy of the transcript from that interview, and Exhibits “A” to “F” from that interview, are attached at Exhibit 2 Tabs 3-9, respectively.
- [17] The Registrar of Mortgage Brokers issued a Notice of Hearing in 2017 to Mr. Singh. The Registrar also published an Alert to the finance industry March 30, 2017 setting out allegations against Mr. Singh. A copy of that Alert is found in Exhibit 2 Tab 10.
- [18] An Amended Notice of Hearing was issued on August 20, 2018 and is found at Exhibit 2 Tab 12.
- [19] Mr. Singh and the Registrar of Mortgage Brokers’ Designate entered into a Consent Order signed on September 22, 2018 (the “**Consent Order**”), whereby Mr. Singh admitted for the purposes of the Consent Order, *inter alia*, that:
- a. “...he submitted misleading information, including altered Canada Revenue Agency (“CRA”) documents, to lenders in support of mortgage applications when he ought to have known the documents were altered and therefore did not represent the true income of the borrower” [para. 1(a) of the Consent Order];
  - b. “between May 2012 and May 2013, he submitted at least seventeen (17) mortgage applications to lenders containing misleading income information” [para. 4 of the Consent Order];

- c. “in each such case, a) the mortgage application stated that the borrower was self-employed; b) the borrower’s true income was significantly overstated on the mortgage application by \$38,000 to \$95,000, the overstated income being equal to or greater than 500% of the true income in many cases; and c) the borrower’s overstated income was supported by tax documents that Mr. Singh ought to have known were altered” [para. 5 of the Consent Order];
- d. “for some or all of the mortgage applications in question, Mr. Singh failed to obtain tax documents and income information directly from the borrower, and instead accepted these documents and information from a third party, whom he believed to be a realtor. Mr. Singh states that he did not alter the tax documents” [para. 6 of the Consent Order];
- e. “the income information provided by the borrowers and third parties contained contradictions and was suspect on its face, and [he] failed [to] take reasonable steps to verify the accuracy of the income information in the circumstances” [para. 7 of the Consent Order];
- f. “...in one case, a lender asked [him] for clarification about a discrepancy in a borrower’s employment information, and he responded to the lender without first making reasonable inquiries to appropriately address the lender’s concern.” [para. 8 of the Consent Order];
- g. he “failed to conduct sufficient due diligence on the income information related to several other borrowers, resulting in his submission of misleading information to lenders” [para. 9 of the Consent Order].

[20] A copy of the Consent Order is found at Exhibit 2 Tab 13.

[21] There was no evidence to support an allegation that Mr. Singh created the falsified tax records that were submitted with the mortgage applications, although that was an initial concern of FICOM investigators.

[22] All of the mortgage applications that were the subject of the Consent Order came from the same referral source, Vxxxxx Lxx. The Registrar of Mortgage Brokers has issued a Notice of Hearing to Ms. Lxx in respect of allegations that she has engaged in unregistered mortgage broker activity.

[23] The Registrar also published an Alert to the finance industry on October 23, 2018.

[24] Prior to the Consent Order, Mr. Singh had no prior disciplinary history with the Registrar of Mortgage Brokers. Other than the complaint that FICOM received in 2013 in respect of the falsified tax documents, from 2013 until his license was cancelled in 2018 Mr. Singh had no other complaints.

#### **MR. SINGH’S APPLICATION FOR LICENSURE WITH THE COUNCIL**

[25] On January 11, 2019, Mr. Singh successfully completed the Council’s Real Estate Trading Services Supplemental Course and Examination.

[26] On March 12, 2019, Mr. Singh made an application for first time licensing with the Council as a Representative in the category of trading services (the “March 2019 Application”).

[27] A copy of the March 2019 Application is found at Exhibit 2 Tab 14.

[28] Mr. Singh seeks to be licensed with the brokerage Nationwide Realty Corp. (XO34437).

[29] On the March 2019 Application, Mr. Singh answered “yes” to Part E, Question 6, being “Have you ever been refused a licence, or held a licence that was suspended or cancelled, under real estate, insurance, mortgage broker or securities legislation in British Columbia or another jurisdiction, or have you ever been disciplined by a professional body?”.

[30] On March 25, 2019, Mr. Singh successfully completed Components 1 and 2 of the Council’s Applied Practice Course.

[31] On June 11, 2019, Mr. Singh provided a written statement with enclosures to the Council’s Compliance Officer. A copy of that statement and enclosures is found at Exhibit 2 Tab 15.

[32] The Council’s Compliance Officers conducted an interview of Mr. Singh on October 21, 2019 (the “**Council’s Interview**”). A copy of the transcript of the Council’s Interview is found at Exhibit 2 Tab 16.

[33] On October 22, 2019, Mr. Singh emailed further information to the Council’s Compliance Officer. A copy of that email with attachments is found at Exhibit 2 Tab 17 .

[34] On July 9, 2020, the Council advised Mr. Singh that the Council had concerns as to whether Mr. Singh met the requirements for licensing as set out in section 10 of the RESA and that if he wished to pursue his application for licensing, this matter would be dealt with by way of a qualification hearing pursuant to section 2-6 of the Real Estate Rules. A copy of that July 9, 2020 letter is found at Exhibit 2 Tab 18.

[35] On August 17, 2020, Mr. Singh was served with a Notice of Qualification Hearing. A copy of the Notice of Qualification Hearing with the cover letter is found at Exhibit 2 Tab 19.

[36] In advance of the hearing, a draft set of Enhanced Supervision Conditions were provided to counsel for Mr. Singh. A copy of those draft conditions are found at Exhibit 2 Tab 20.

**[37]** Mr. Singh also provided the Council with letters in support of his licensing Application:

- a. Letter of reference from Pxxxxxxx Kxxxxxxx, dated October 20, 2020; Exhibit 2 Tab 21
- b. Letter of reference from Sxxxx Gxxxxxx, dated October 28, 2020; Exhibit 2 Tab 21
- c. Letter of reference from Mxxxxxx Dxxxxxx dated October 29, 2020; and Exhibit 2 Tab 21
- d. Letter of reference from Sxxxx Txxxxx dated October 29, 2020; and Exhibit 2 Tab 21
- e. Letter of reference from Txxxxxx Kxxxxx dated October 29, 2020; and Exhibit 2 Tab 21
- f. Letter of reference from Sxxxx Rxxxxx dated October 29, 2020; Exhibit 2 Tab 21

#### WITNESS TESTIMONY

[38] Mr. Sxxxx testified orally at the hearing in support of Mr. Singh’s application for licensure. Mr. Sxxxx was a past co-worker and is a personal friend of Mr. Singh. Mr. Sxxxx also testified to the fact that Mr. Singh had acted as a mentor when he was first licensed as a mortgage broker at Ixxxx. Mr. Sxxxx spoke to Mr. Singh’s assistance to him during this early time in his career and to the extent to which Mr. Singh worked to ensure that Mr. Sxxxx approached his job with a keen eye for detail and undertaking his mortgage broker activities with a high degree of diligence and integrity. Of particular interest to the committee were Mr. Sxxxx’s comments that Mr. Singh often referenced that fact that

he did not wish for Mr. Sxxxxx to make the same mistakes that he had made in the past and often guided him to hold on to his reputation rather than his bank account and not take on clients where red flags are raised during his reviews. Mr. Sxxxxx acknowledged that he was aware of the situation with respect to Mr. Singh's loss of his mortgage brokers license and his desire to pursue a career in the real estate industry stating that he felt that Mr. Singh would be a valuable and credible real estate agent. Mr. Sxxxxx indicated during his testimony that he still seeks personal advice from Mr. Singh on a variety of issues.

[39] Mr. Axxxxx, the proposed managing broker for Mr. Singh, willingly participated in the full extent of the Qualification Hearing. He gave oral testimony on November 5, 2020 and indicated to the Committee that he wished to see Mr. Singh attain licensing from the Council. He clarified that he was fully aware of the requirements of Council's Proposed Draft Conditions to License, which he had been provided a copy of in advance of the hearing. Mr. Axxxxx expressed no reservation about his ability to meet all of the supervision expectations and spoke to the strength of the systems and training protocols that he has established at his brokerage, such that they would aid Mr. Singh in being successful in his new career as a real estate agent. Mr. Axxxxx expressed that he was confident in Mr. Singh's ability to meet the expectations of licensure and indicated that he personally felt that Mr. Singh would be an excellent real estate agent given his past experience as a mortgage broker and the focus he would have on ensuring that he was complying in all respects with the regulations of the industry, given his past discipline as a mortgage broker.

[40] Mr. Singh testified orally at the hearing on November 5 & 6, 2020. He stated that he understands the seriousness of his situation and expressed remorse for the mistakes he made in the past as a Mortgage Broker. He spoke to being somewhat naive at the time and the lack of supervision, training, guidance and structure in the industry in general. He acknowledged that he should have paid more attention to the details on the referral files from Ms. Lxx that he processed. Mr. Singh maintained a steadfast position that he had not falsified any of the documents in question, an allegation that the FICOM investigation was unable to substantiate despite a very concerted effort and for which there was no admission in the Consent Order signed by Mr. Singh. Mr. Singh emphasized his full cooperation throughout the FICOM investigation and that it was he who offered to have a 10 year suspension as well as expressing his moral obligation to ensure that he paid the consent order fine as the "right thing to do". Mr. Singh spoke to his desire for employment in the real estate industry and articulated that the strength of the regulation and the attention to process structure were elements that he felt would aid in his success, something that was greatly lacking in his previous career as a mortgage broker.

#### REASONS FOR DECISION

[41] The onus is on the Applicant to demonstrate that he is, on a balance of probabilities, currently of good reputation, and suitable to be licensed. Evidence must be scrutinized with care and must always be sufficiently clear, convincing and cogent to satisfy the balance of probabilities test.

[42] We are guided by the Council's "Good Reputation" Guidelines, which is a Council-approved document that provides guidance to applicants, and to Qualification Committees, about what hearing committees may consider when assessing an applicant's past and their current reputation, suitability, and fitness.

[43] The Council's Good Reputation Guidelines ("Guidelines") reiterate that every applicant for a licence must, among other things, be of "good reputation." General business and personal reputation... and/or whether an applicant has been disciplined by a professional body will be reviewed when considering an application's "good reputation".

[44] The Guidelines also provide rehabilitation factors that may be considered by a Hearing Committee when determining whether an applicant has fully rehabilitated himself or herself and is currently of good reputation and suitable to be licensed within Section 10 of the RESA. These rehabilitation factors include:

...

(d) Change in attitude from that which existed at the time of the conduct in question as evidenced by relevant sources such as:

- testimony of the applicant;
- evidence from family members, friends, or other persons familiar with the applicant's previous conduct and with the subsequent attitudes and behavior patterns;

...

[45] These Guidelines do not bind the Council or this Hearing Committee, but they provide notice of how Hearing Committees will generally approach issues of good reputation, suitability and fitness. Likewise, the Notice of Hearing is provided to applicants to give notice of the issues giving rise to a qualification hearing but cannot restrict the Hearing Committee's jurisdiction to consider whether the Applicant has met the requirements for a licence under Section 10 of the RESA.

[46] A tribunal is not bound to rely solely on the law as presented by the parties: *International Woodworkers of America, Local 2-69 v. Consolidated-Bathurst Packaging Ltd.* [1990] 1 S.C.R. 282 (S.C.C) (at para. 32). The Hearing Committee may therefore note that the good reputation, suitability and fitness requirement under the RESA are similar to the "good character" and "fitness" requirements of other professions in British Columbia and elsewhere in Canada.

[47] A hearing committee of the Law Society of British Columbia summarized good character and fitness principles in *Applicant 3 (Re)*, 2010 LSBC 23. Fitness encompasses good character, and in the context of the legal profession quoted the principle that "a lawyer must not only show that he or she has all the attributes of good character – honesty being one of them – the lawyer must also show that he or she has other attributes from which a forecast of future integrity can be made" (at para. 19). The panel noted that the standard is not one of perfection, but an applicant must establish good character at the time of the hearing (at para. 19), and that the determining factor is the public interest (at para. 23).

[48] We note that the Applicant expressed remorse and takes responsibility for his actions. He testified that he maintains a steadfast position that he never falsified any documents in regard to the investigation by the Registrar of Mortgage Brokers and acknowledged that he did not exercise the due diligence required by his license and necessary to ensure that the public interest is protected,

[49] Mr. Singh provided several letters of support for his licensing and the committee, having reviewed these and the testimony of witnesses, believes these to be a genuine indication of Mr. Singh. The Hearing Committee is satisfied that Mr. Singh is currently of good reputation and suitable to be licensed, subject to the conditions and restrictions set out below.

## CONDITIONS

[50] Section 15(1) of the RESA empowers the Council to impose conditions and restrictions on a licence, or to vary a condition or restriction applicable to a licence. In deciding to exercise this power, a regulatory body should not utilize terms and conditions to permit applicants to be licensed where they have failed to prove, on the balance of probabilities, they are currently of good reputation and suitable to be licensed. Where, however, the Hearing Committee finds that an applicant is of good reputation

and suitable, it may still exercise discretion to protect the public against recidivism. This basis for imposing conditions or restrictions on someone found to be of good character was noted by a hearing panel of the Law Society of Upper Canada (now the Law Society of Ontario) in *Law Society of Upper Canada v. Levenson*, 2009 ONLSHP 98. In rejecting a previous approach that disapproved of conditions upon a successful applicant for a licence, the hearing panel reasoned that proof of good character is no guarantee against recidivism:

“[81] ... (5) Contrary to the Hearing Panel's reasoning in *Re Preyra*, issues that might prompt the imposition of terms and conditions do not mean that the applicant has necessarily failed to prove his or her good character. First, terms and conditions may address concerns about public confidence in the regulation of licensees arising from the applicant's prior misconduct. Second, it is acknowledged that **proof of good character on a balance of probabilities provides no guarantee against recidivism. Terms and conditions can both assist the applicant, and protect the public.** Third, while hearings under s. 27 are directed to the issue of good character, it is untenable to say that terms and conditions cannot be imposed upon an applicant who is of good character to also ensure competency, particularly when the applicant is seeking to be readmitted or restored after a long absence from practising law.” (emphasis added)

[51] The hearing panel in *Levenson* recognized that a regulator should never address concerns about whether an applicant is of good character by imposing terms and conditions: “[82] ... We cannot emphasize strongly enough that terms and conditions should never be utilized to permit applicants to be licensed who have failed to prove, on a balance of probabilities, that they are currently of good character. That would erode this precondition for licensing in an unacceptable way.” The panel further reasoned, however, that, “[82] ... terms and conditions might be imposed where the hearing panel is satisfied that the applicant is currently of good character, but that public confidence in the regulation of lawyers and paralegals would be enhanced through such terms and conditions.”

[52] Another law society tribunal reiterated this reasoning more recently, in *Sheps v. Law Society of Upper Canada*, 2016 ONLSTH 124: “[85] Terms and conditions should not be used to ‘bootstrap’ good character. That is, terms and conditions cannot be used to enhance or improve the panel's consideration of whether the applicant has good character. Rather, only after the hearing panel determines that the applicant is of good character, may it consider whether terms and conditions are nevertheless required to ensure public confidence in the regulation of lawyers.”

[53] While the Hearing Committee is satisfied that Mr. Singh is currently of good repute and suitable to be licensed, no question exists that he had engaged in the conduct for which he was previously disciplined under the Mortgage Brokers Act. These circumstances warrant the Hearing Committee imposing terms and conditions to ensure public confidence. Overall, Mr. Singh's evidence and submissions satisfies the Hearing Committee, on the balance of probabilities, that he is suitable for licensing subject to the following conditions:

- 1) Anil Kumar Singh's ("Mr. Singh") licence will be restricted to Nationwide Realty Corp. or another brokerage acceptable to the Council (the "Brokerage") for a period of not less than 2 years following the issuance of his licence (the "Conditional Licence Period").
- 2) During the Conditional Licence Period, Mr. Singh must remain under the direct supervision of Rxx Axxxxx or another managing broker of the Brokerage who is acceptable to the Council, and who has confirmed in writing to the Council that they have read these conditions, is aware of their duties under these conditions, and agrees to accept these duties (the "Managing Broker").

- 3) These conditions are in addition to Mr. Singh's and the Managing Broker's obligations under the Real Estate Services Act ("RESA"), and the Regulations, Rules and Bylaws made under the RESA (together, the "Legislation"). The Council and Mr. Singh have agreed upon these additional conditions of supervision. The Managing Broker may impose their own additional conditions to ensure that Mr. Singh meets his obligations under the Legislation.
- 4) Mr. Singh must keep the Managing Broker informed weekly, or more frequently as required, of the real estate services that he is providing and other real estate-related activities that he is engaging in by providing written status reports (the "Status Reports") to the Managing Broker that include, for each matter, as applicable:
  - a. the names of the principals and their agents;
  - b. the locations of the properties;
  - c. a description of services provided;
  - d. the status of the matter;
  - e. scheduled dates (e.g. closing dates and dates for waiver or satisfaction of conditions precedent);
  - f. funds paid and received; and
  - g. any other information relevant to the matter.
- 5) To ensure that Mr. Singh meets his obligations under these conditions and the Legislation, the Managing Broker must meet with Mr. Singh on a weekly basis, or more frequently as required, to discuss the following:
  - a. the most recent Status Report;
  - b. any practice issues identified by the Managing Broker or Mr. Singh;
  - c. the appropriate course of action for addressing any identified practice issues and/or whether appropriate steps have been taken to address previously identified practice issues; and
  - d. confirm Mr. Singh's attendance at or completion of any educational or training opportunities recommended by the Managing Broker.
- 6) Mr. Singh must consult with the Managing Broker in advance of taking any action on matters in respect of which there are questions or concerns regarding compliance with the Legislation, other applicable legislation, or the Brokerage's policies and procedures.
- 7) In addition to providing the Brokerage with all records required under the Legislation, Mr. Singh must provide the Brokerage with all records created in connection with the provision of real estate services regardless of whether such records are associated with a specific transaction, including records of listing presentations, appraisals, competitive market analyses, correspondence, and referrals.

- 8) Mr. Singh must obtain the Managing Broker's approval before presenting documents prepared by Mr. Singh to principals or their agents for execution.
- 9) Mr. Singh must provide to the Managing Broker all documents signed by Mr. Singh's principals, and the Managing Broker must review all such documents.
- 10) Mr. Singh, at his own expense, must register for and successfully complete the *Anti-Money Laundering in Real Estate* course and the *Ethics for the Real Estate Professional* course, as provided by the Council, within 3 months of being licensed by the Council.
- 11) Within 14 days after the end of each calendar quarter, the Managing Broker will provide a report to the Council (each, an "Interim Report") confirming in relation to that calendar quarter (the "Reporting Period"):
  - a. that Mr. Singh has provided real estate services under their direct supervision;
  - b. that Mr. Singh's activities have been carried out competently and in compliance with these conditions, the Legislation, all other applicable legislation (to the best of the Managing Broker's knowledge having made reasonable inquiries), and in accordance with Brokerage's policies and procedures, or alternatively, providing details of non-compliance;
  - c. that they have reviewed all transactions in which Mr. Singh has provided real estate services, and that all documents relevant to the transactions are contained in the appropriate deal file and kept at the Brokerage;
  - d. they have met with Mr. Singh on a weekly basis, or more frequently as required, to discuss the matters specified under these conditions; and
  - e. the number of real estate transactions that Mr. Singh has conducted and details regarding the principal(s), the agency offered, and any dealings with unrepresented parties.
- 12) Each Interim Report will be reviewed by the Council, who will determine if Mr. Singh has been providing real estate services in accordance with the Legislation and these conditions during the Reporting Period and if not, will so advise the Managing Broker and Mr. Singh.
- 13) Within 30 days before the end of the Conditional Licence Period, or within 14 days after the Managing Broker ceases to be the Managing Broker, whichever is earlier, the Managing Broker must provide a final report (the "Report") to the Council confirming in relation to the Conditional Licence Period, or during the period in which Managing Broker acted as Managing Broker under these conditions, as applicable:
  - a. that Mr. Singh has provided real estate services under their direct supervision;
  - b. that Mr. Singh's activities have been carried out competently and in compliance with these conditions, the Legislation, all other applicable legislation (to the best of the Managing Broker's knowledge having made reasonable inquiries), and in accordance with Brokerage's policies and procedures, or alternatively, providing details of non-compliance;

- c. that they have reviewed all transactions in which Mr. Singh has provided real estate services, and that all documents relevant to the transactions are contained in the appropriate deal file and kept at the Brokerage;
  - d. they have met with Licensee on a weekly basis, or more frequently as required, to discuss the matters specified under these conditions; and
  - e. the number of real estate transactions that Mr. Singh has conducted and details regarding the principal(s), the agency offered, and any dealings with unrepresented parties.
- 14) The Report will be reviewed by the Council, who will determine if the Conditional Licence Period has provided an adequate opportunity for Council to make a determination that Licensee is providing real estate services in accordance with the Legislation and these conditions and if not, will so advise the Managing Broker and Mr. Singh.
- 15) The Managing Broker must immediately report to the Council anything of an adverse nature with respect to Mr. Singh's real estate services, including
- a. failure of Mr. Singh to observe these conditions, the requirements of the Legislation or all other applicable legislation; and
  - b. complaints received by the Brokerage, including the nature of the complaint, the parties involved, and how the complaint was resolved.
- 16) The Managing Broker must ensure that Mr. Singh and his licensed assistants, if any, receive adequate, appropriate and ongoing training with respect to their obligations under the Legislation and the Brokerage's policies and procedures.
- 17) Mr. Singh may have no unlicensed assistant(s) during the Conditional Licence Period.
- 18) If the Managing Broker is absent from the Brokerage:
- a. for more than one week but less than one month, the Managing Broker may delegate their duties to another managing broker or an associate broker who confirms their agreement to accept the supervision duties under these conditions to the Council in writing; or
  - b. for more than one month, Mr. Singh must notify Council immediately and approval from the Council for a successor-managing broker to supervise Mr. Singh must be sought as set out in paragraph 20 of these conditions.
- 19) If for any reason the Managing Broker is unable to perform any of the duties imposed herein, they must immediately advise Council.
- 20) If there is a change in the managing broker of the Brokerage, the former managing broker and Mr. Singh must immediately notify Council in writing. If Council determines that the successor managing broker is acceptable as a managing broker for the purposes of these conditions, they will be provided with a copy of these conditions and will be asked to confirm in writing to the Council that they have read these conditions, is aware of their duties under these conditions, and agrees to accept these duties. If that managing broker fails to provide such confirmation

within 14 days of becoming a managing broker at the Brokerage, they will be deemed to be unable or unwilling to perform the duties set out in these conditions.

- 21) Failure by Mr. Singh to adhere to one or more of the conditions may constitute professional misconduct and the Council retains the discretion to investigate this and any other matter, including matters set out in the Interim and Final Reports reviewed by the Council, pursuant to section 37 or the RESA.

DATED at VANCOUVER, BRITISH COLUMBIA this 24th day of November 2020.

“Len Hrycan”

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Len W Hrycan, Chair  
Qualification Hearing Committee

“Neal Nicholson”

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Neal Nicholson  
Qualification Hearing Committee

“Sukh Sidhu”

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Sukh Sidhu  
Qualification Hearing Committee

## LIST OF EXHIBITS

- |           |                           |
|-----------|---------------------------|
| Exhibit 1 | Agreed Statement of Facts |
| Exhibit 2 | Common Book of Documents  |