

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

IN THE MATTER OF
RICHARD MORRISON
(139578)

AND

RICHARD MORRISON PERSONAL REAL ESTATE CORPORATION
(139578PC)

CONSENT ORDER

RESPONDENTS:

Richard Morrison, Representative,
Multiple Realty Ltd. , while licensed
with City Realty Ltd. dba RE/MAX
City Realty

Richard Morrison Personal Real
Estate Corporation, currently
unlicensed while licensed with City
Realty Ltd. dba RE/MAX City Realty

DATE OF REVIEW MEETING:

April 11, 2016

DATE OF CONSENT ORDER:

April 28, 2016

CONSENT ORDER REVIEW COMMITTEE:

D. Fimrite
M. Leslie, Chair
S. McGougan
E. Mignosa

ALSO PRESENT:

R.O. Fawcett, Executive Officer
G. Thiele, Director, Legal Services
J. Gossen, Legal Counsel for the Real
Estate Council

PROCEEDINGS:

On April 11, 2016 the Consent Order Review Committee (the "Committee") resolved to accept the Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver

("ASF") submitted by Richard Morrison and Richard Morrison Personal Real Estate Corporation.

WHEREAS the ASF, a copy of which is attached hereto, has been executed by Richard Morrison, Richard Morrison 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 Richard Morrison and Richard Morrison Personal Real Estate Corporation committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act*, orders that:

1. Richard Morrison and Richard Morrison Personal Real Estate Corporation each be reprimanded;
2. Richard Morrison and Richard Morrison Personal Real Estate Corporation be jointly and severally liable to pay a discipline penalty to the Council in the amount of \$2,000.00 within ninety (90) days of the date of this Order; and
3. Richard Morrison and Richard Morrison Personal Real Estate Corporation be jointly and severally liable to pay enforcement expenses of this Consent Order to the Council in the amount of \$1,250.00 within sixty (60) days from the date of this Order.

If Richard Morrison or Richard Morrison 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 April, 2016 at the City of Vancouver, British Columbia.

ON BEHALF OF THE CONSENT ORDER REVIEW COMMITTEE



M. Leslie, 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

RICHARD MORRISON
(139578)

AND

RICHARD MORRISON PERSONAL REAL ESTATE CORPORATION
(139578PC)

AGREED STATEMENT OF FACTS,
PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

The following agreement has been reached between Richard Morrison ("Mr. Morrison"), Richard Morrison Personal Real Estate Corporation ("Morrison PREC"), and the Real Estate Council of British Columbia (the "Council").

- A. Mr. Morrison on his own behalf and on behalf of Morrison PREC hereby consents to an Order to be made pursuant to sections 41 and 43 of the *Real Estate Services Act* ("RESA") that they be reprimanded, that they be jointly and severally liable to pay a discipline penalty to the Council in the amount of \$2,000.00 within ninety (90) days from the date of the Order herein. Further, they agree to be jointly and severally liable to pay the enforcement expenses of this Consent Order to the Council in the amount of \$1,250.00 within sixty (60) days from the date of the Order herein.
- B. Mr. Morrison and Morrison PREC further consents 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 their licences without further notice to them pursuant to section 43(3) and 43(4) of RESA.
- C. As a basis for this Order, the Council and Mr. Morrison agree that the following facts are true and correct:
1. Mr. Morrison was at all relevant times licensed as a representative with City Realty Ltd. dba RE/MAX City Realty.
 2. Mr. Morrison'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>
2009/09/21	Present	City Realty Ltd. (X027906)	Representative	Trading

2008/05/28	2009/09/21	Sutton Group- West Coast Realty Ltd. (Brdwy) (X027671)	Representative	Trading
2006/03/23	2008/05/27	Sutton Group- West Coast Realty Ltd. (W.Blvd) (X027672)	Representative	Trading
2004/06/01	2006/03/23	Pacific Place - Arc Realty Ltd. (X021394)	Representative	Trading

3. Morrison PREC was, at all relevant times, licensed.

4. Morrison PREC'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>
2010/10/28	2014/05/27	Richard Morrison Personal Real Estate Corporation (139578PC)	Personal Real Estate Corporation	Trading

5. On April 18th, 2013, ReMax City Realty listed a property located on Saturna Drive in Burnaby, BC (the "Property"). The Property was tenanted at the time of the listing, and was under the management of Sunstar Realty Ltd. ("Sunstar"). The Multiple Listing Contract and the Working with a Realtor Brochure identified Richard Morrison as the designated agent for the seller of the Property.

6. On May 7th, 2013 an offer for the Property was accepted. The offer listed Mr. Morrison as the designated agent of the seller.

7. Over the course of the listing, Mr. Morrison neither met with, nor provided advice or services to the seller of the Property. Mariana Ramos, another licensee with the brokerage provided all real estate services to the seller, however there was no written disclosure of the services that would be provided by Ms. Ramos.

8. Mr. Morrison and Ms. Ramos have a business relationship. Mr. Morrison provides Ms. Ramos with leads and she shares commission on the sales with him. Both Mr. Morrison and Ms. Ramos were identified as listing agents on the conveyancing instructions.

Previous Discipline History

9. Mr. Morrison entered into a Consent Order with the Council on June 16, 2010, in which he was reprimanded. This Consent Order found that he:

(a) allowed real estate advertising to be published for a team approved by Council in accordance with section 4-6(5) of the Council Rules, the Richard Morrison Real Estate Investment Team ("Team"), when this advertising was misleading and contrary to section 4-7 of the Council Rules because:


- i. until being licensed on March 10th, 2009, a former unlicensed assistant was not represented in marketing as "unlicensed assistant" and after his licensing, he ceased to be a member of the Team but continued to be represented as a Team member;
- ii. during the period of November 4th, 2008 until her resumed licensing on May 5th, 2009, a former licensee was not represented as an unlicensed member of the Team.

(b) failed to ensure that the team name and the name of the brokerage were clearly indicated during the provision of real estate services and failed to ensure that the names were displayed on all real estate advertising in a prominent and easily readable way, contravening sections 4-5(1), 4-5(2) and 4-6(2) of the Council Rules.

D. Proposed Acceptance of Findings and Waiver

1. Based on the Agreed Statement of Facts herein, and without making any admission of civil liability to the complainant, Mr. Morrison and Morrison PREC will accept the following findings if made against them by the Consent Order Review Committee:
 - a. Mr. Morrison and Morrison PREC committed professional misconduct within the meaning of section 35(1)(a) of RESA in that, while acting as the representative for the seller for the purchase of a property on Saturna Drive in Burnaby, BC (the "Property"), they:
 - i. contravened sections 5-8 and 5-10 of the Council Rules by failing to disclose, in writing, the nature of the agency relationship with their client before providing trading services. The Contract of Purchase and Sale, the Multiple Listing Contract, and the Working with a Realtor Brochure (together the "Agreements") all indicated that Mr. Morrison was the designated agent for the seller, when in fact another licensee was providing all trading services to the seller under the Agreements.
2. Mr. Morrison and Morrison PREC hereby waive their right to appeal pursuant to section 54 of RESA.
3. Mr. Morrison and Morrison PREC acknowledge that they have been advised that they have the right to seek independent legal advice before signing this Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver.

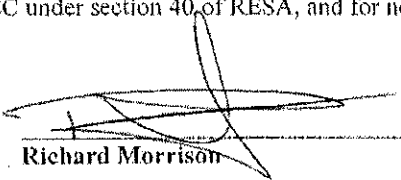
4. Mr. Morrison and Morrison PREC acknowledge and are aware that the Consent Order will be published in accordance with section 47 of RESA, and such publication will include publication in the *Report from Council*, on the Council's website, and on the CanLii legal information database.
5. Mr. Morrison and Morrison PREC acknowledge and are aware that the Superintendent of Real Estate has the right, pursuant to section 54(d) of RESA, to appeal an order of a discipline committee of the Council, including a Consent Order entered into on the basis of this Agreed Statement of Facts, Proposed Acceptance of Findings, and Waiver.
6. This Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver is entered into for the sole purpose of resolving a proceeding brought against Mr. Morrison and Morrison PREC under section 40 of RESA, and for no other purpose.



Jessica S. Gossen, Legal Counsel
Real Estate Council of British Columbia

As to Part B only (Agreed Statement
of Facts)


Dated 04 day of April, 2015



Richard Morrison

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

Dated 15TH day of MARCH, 2015



Richard Morrison on behalf of Richard
Morrison Personal Real Estate Corporation.

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

Dated 15TH day of MARCH, 2015