

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

**IN THE MATTER OF
MICHAEL LESTER RONEY DBA
MLR REAL ESTATE SERVICES
(SOLE PROPRIETORSHIP)
050519**

CONSENT ORDER

RESPONDENT: Michael Lester Roney dba MLR Real Estate Services

DATE OF REVIEW MEETING: February 1, 2016

DATE OF CONSENT ORDER: February 12, 2016

CONSENT ORDER REVIEW COMMITTEE: C. Brown
M. Leslie, Chair
E. Mignosa

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

PROCEEDINGS:

On February 1, 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 Michael Lester Roney dba MLR Real Estate Services.

WHEREAS the ASF, a copy of which is attached hereto, has been executed by Michael Lester Roney dba MLR Real Estate Services and on behalf of the Council;

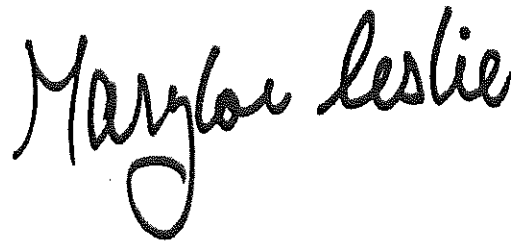
NOW THEREFORE, the Committee having made the findings proposed in the attached ASF, and in particular having found that Michael Lester Roney dba MLR Real Estate Services committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act*, orders that Michael Lester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

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1. be reprimanded;
 2. pay a discipline penalty to the Council in the amount of \$2,500.00 within ninety (90) days of the date of this Order; and
 3. pay enforcement expenses of this Consent Order to the Council in the amount \$1,500.00 within sixty (60) days from the date of this Order.

If Michael Lester Roney dba MLR Real Estate Services 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 12th day of February, 2016 at the City of Vancouver, British Columbia.

ON BEHALF OF THE CONSENT ORDER REVIEW COMMITTEE

A handwritten signature in black ink that reads "M. Leslie". The signature is written in a cursive, flowing style with a large loop at the end of the last name.

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
MICHAEL LESTER RONEY**

DBA

**MLR REAL ESTATE SERVICES
(SOLE PROPRIETORSHIP)
(050519)**

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

The following agreement has been reached between Michael Lester Roney dba MLR Real Estate Services (sole proprietorship) ("MLR") and the Real Estate Council of British Columbia (the "Council").

- A. MLR hereby consents to an Order to be made pursuant to sections 41 and 43 of the *Real Estate Services Act* ("RESA") that it:
1. be reprimanded;
 2. pay a discipline penalty to the Council in the amount of \$2,500.00 within ninety (90) days from the date of the Order herein; and
 3. pay enforcement expenses to the Council in the amount of \$1,500.00 within sixty (60) days from the date of the Order herein.
- B. MLR further consents to an Order that if it fails to comply with any of the terms of the Order set out above, a Discipline Hearing Committee may suspend or cancel its licence without further notice to it pursuant to sections 43(3) and 43(4) of the RESA.
- C. As a basis for this Order, MLR acknowledges and agrees that the facts sets forth herein are correct:
1. MLR is currently licensed as a sole proprietor and has been licensed as such at all material times. MLR's licensing history is as follows:

AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

Start Date	End Date	Brokerage	Licence Level	Licence Category
2010/12/03	To Present	Michael Lester Roney dba MLR Real Estate Services (050519)	Sole Proprietor	Trading
2010/11/06	2010/12/02	*** Unlicensed ***	N/A	N/A
2006/12/18	2010/11/05	BLJC Real Estate Services Inc. (X027126)	Managing Broker	Trading, Rental
2006/11/03	2006/12/18	BLJC Real Estate Services Inc. (X027126)	Associate Broker	Trading,
2006/05/04	2006/11/02	BLJC Real Estate Services Inc.	Representative	Trading, Rental
2006/05/02	2006/05/03	*** Unlicensed ***	N/A	N/A
1998/11/03	2006/05/01	CBRE Limited (X013567)	Representative	Trading, Rental
1998/11/01	1998/11/02	*** Unlicensed ***	N/A	N/A
1994/11/01	1998/10/31	CBRE Limited (X013567)	Representative	Trading, Rental
1994/10/26	1994/10/26	*** Unlicensed***	N/A	N/A
1994/10/26	1994/10/25	CBRE Limited (X013567)	Representative	Trading, Rental
1992/01/22	1992/10/25	*** Unlicensed ***	N/A	N/A
1984/07/26	1992/01/21	Knowlton Realty Ltd. (X004055)	Representative	Trading, Rental

2. On August 2, 2013, the Council conducted an audit of MLR's books and records, as result of MLR'S late filing of its 2012 Accountant's Report.
3. The auditor's Office and Records Inspection Report ("ORIR") noted that MLR's books and records were not sufficient enough to meet the basic requirements of RESA (and more particularly, as set out on pages 3 and 4 herein). The ORIR also noted that MLR did not hold any public monies during the period under review.

4. On September 12, 2013, a copy of the ORIR was sent to Mr. Roney, with a request from the Council that he respond to the concerns identified during the audit and set out in the ORIR, and identify the corrective measures he had taken to address any outstanding matters.
5. Mr. Roney provided the necessary responses to the Council on August 26, 2013, February 14, 2014, and December 16, 2014.
6. The auditor also identified two instances in which Mr. Roney represented a tenant in obtaining commercial tenancy agreements on its behalf, and in each instance MLR received remuneration from the landlord. The auditor could not find any evidence that MLR had disclosed to the tenant the amount of remuneration MLR anticipated receiving. Mr. Roney stated to Council that he and the tenant had a long-term working relationship, and that the client was aware of the remuneration that MLR would receive from the landlord, which was standard in a commercial lease. Mr. Roney assured the Council that MLR would in the future advise its clients in writing of any remuneration that it anticipated receiving from another party during the provision of real estate services.

Previous Discipline

7. On August 1, 2013, MLR entered into a Consent Order with the Council for failure to file an Accountant's Report for the year ending December 31, 2011 on or before April 30, 2012. MLR was reprimanded and ordered to pay enforcement expense to the Council in the amount of \$1,000 within sixty (60) days from the date of the Order herein.
8. On January 6, 2014 MLR entered into a Consent Order with the Council for failure to file an Accountant's Report for the year ending December 31, 2012 on or before April 30, 2013. MLR was reprimanded and ordered to pay a discipline penalty in the amount of \$1,000 within (90) days from the date of the Order herein, and ordered to pay enforcement expenses to the Council in the amount of \$1,000 within sixty (60) days from the date of the Order herein.

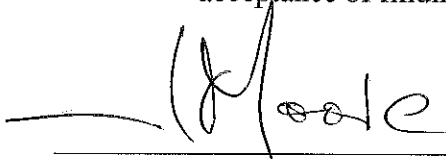
D. Proposed Acceptance of Findings and Waiver

1. Based on the Agreed Statement of Facts as outlined herein, and without making any admissions of liability, MLR is prepared to accept the following findings if made against it by the Council's Consent Order Review Committee:
 - (a) in his capacity as a brokerage, he committed professional misconduct within the meaning of section 35(1)(a) of the RESA, and contrary to section 25 of the RESA and sections 8-1, 8-2 and 8-4 of the Council Rules when he failed to:
 - (i) maintain proper books, accounts, and other records in accordance with the Council Rules;

- (ii) prepare and retain financial records in connection with the operation of the brokerage;
 - (iii) prepare and maintain the requisite bank statements, bank reconciliations and general ledgers for either the trust or general accounts;
 - (iv) retain all banking records relating to account transactions, including bank statements, cancelled cheques and other documents related to deposits and withdrawals;
 - (v) prepare and retain monthly bank reconciliations, in the required time period of five weeks after the end of month; and
 - (vi) prepare and retain a list of all trades in real estate including leases, in which the broker was involved during that year.
- (b) in his capacity as a managing broker he committed professional misconduct within the meaning of section 35(1)(a) of the RESA , contrary to sections 3-1(1), 3-1(3)(a) and 3-1(3)(b) of the Council Rules, when he:
- (i) failed to be in active charge of the brokerage;
 - (ii) failed to ensure that the trust account and records of the brokerage were maintained in accordance with the Act, regulations, rules and bylaws; and
 - (iii) failed to ensure proper management and control of the books and records of the brokerage, in accordance with the Act, regulations, rules and bylaws; and
- (c) in his capacity as a managing broker, he committed professional misconduct within the meaning of section 35(1)(a) of the RESA, and contrary to section 5-11 of the Council Rules, when he failed to disclose to his client in writing, the source, amount and all other relevant facts relating to remuneration that he received, or anticipated receiving, directly or indirectly, other than from his client.
2. MLR hereby waives its right to appeal pursuant to section 54 of the RESA.
 3. MLR acknowledges that it has the right to seek independent legal advice before signing this Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver.
 4. MLR 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. MLR 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.

AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

6. The Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver 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.



Janice L. Moore, Legal Counsel
Real Estate Council of British Columbia

As to Part C only (Agreed Statement of Facts)

Dated th 26 day of JANUARY, 2016



Michael Lester Roney dba MLR Real Estate Services

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

Dated 21 day of JANUARY 2016