

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

IN THE MATTER OF
KAMALJIT (KAM) SINGH MINHAS

CONSENT ORDER

RESPONDENT: Kamaljit (Kam) Singh Minhas,
Representative, Royal Pacific Realty
(Kingsway) Ltd.

DATE OF REVIEW MEETING: December 7, 2015

DATE OF CONSENT ORDER: December 8, 2015

CONSENT ORDER REVIEW COMMITTEE: C. Lindberg
M. Leslie
S. Lynch, Chair
S. McGougan
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 December 7, 2015 the Consent Order Review Committee (the "Committee") resolved to accept the Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver ("ASF") submitted by Kamaljit (Kam) Singh Minhas.

WHEREAS the ASF, a copy of which is attached hereto, has been executed by Kamaljit (Kam) Singh Minhas and on behalf of the Council;

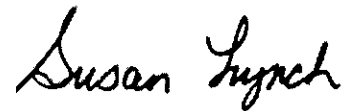
NOW THEREFORE, the Committee having made the findings proposed in the attached ASF, and in particular having found that Kamaljit (Kam) Singh Minhas committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act*, orders that:

1. Kamaljit (Kam) Singh Minhas' licence be suspended for twenty-one (21) days;
2. Kamaljit (Kam) Singh Minhas, at his own expense, register for and successfully complete the Real Estate Trading Services Remedial Education Course; and
3. Kamaljit (Kam) Singh Minhas 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 Kamaljit (Kam) Singh Minhas 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 8th day of December, 2015 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

**KAMALJIT (KAM) SINGH MINHAS
(148670)**

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

The following agreement has been reached between Kamaljit (Kam) Singh Minhas ("Mr. Minhas") and the Real Estate Council of British Columbia (the "Council").

- A. Mr. Minhas hereby consents to an Order to be made pursuant to sections 41 and 43 of the *Real Estate Services Act* that his licence be suspended for twenty-one (21) days, that he, 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 within the time period as directed by the Council. Further, he agrees 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 the Order herein. Mr. Minhas 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 his licence without further notice to him pursuant to section 43(3) and 43(4) of the *Real Estate Services Act*.
- B. As a basis for this Order, Mr. Minhas acknowledges and agrees that the facts set forth herein are correct:
1. Mr. Minhas was at all relevant times licensed as a representative with Royal Pacific Realty (Kingsway) Ltd.

Brokerage	Licence Level	Licence Category	Start Date	End Date
Royal Pacific Realty (Kingsway) Ltd. (X025459)	Representative	Trading	05/05/2010	Present
*** Unlicensed ***			20/04/2010	04/05/2010
Royal Pacific Realty (Kingsway) Ltd. (X025459)	Representative	Trading	25/11/2008	19/04/2010
Masters Realty (2000) Inc. (X027315)	Representative	Trading	12/12/2007	25/11/2008
Century 21 Coastal Realty Ltd. (Abb) (X028780)	Representative	Trading	01/11/2006	12/12/2007

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Century 21 Coastal Realty Ltd.
(X028022)

Representative Trading

16/05/2006

01/11/2006

3. In or about November 26, 2011 S.P. and M.P. (the "Buyers") enter into a Contact of Purchase and Sale for the purchase of Unit [REDACTED] 258 6th Street, New Westminster (the "Property") after viewing the display suites for a one bedroom and two bedroom suite.
4. Mr. Minhas was present when the Contact of Purchase of Sale was drafted and he confirms that he reviewed the paperwork with the Buyers.
5. Once the Contact of Purchase and Sale was signed both the buyers and Mr. Minhas assert that neither himself or the Buyers received a copy of the Disclosure Statement as it was understood that it would be mailed out to the Buyers.
6. On Page three of the "Addendum A" to the Contact of Purchase and Sale which had the following clause which was initialed by the Buyers:

Disclosure Statement: The Purchaser acknowledges that the Purchaser has received a copy of the Disclosure Statement for the Development including all amendments thereto, filed up to the date hereof (collective the "Disclosure Statement") and has been given a reasonable opportunity to read the Disclosure Statement and the execution by the Purchaser of this Agreement will constitute a receipt in respect thereof. The Disclosure Statement contains provisions explaining the obligations of the owner for the Strata Lot to pay monthly contributions to the common expenses of the Strata Corporation (Strata Fees).

7. The Buyers claim that the Disclosure Statement did not arrive until December 15, 2011, although the Contract of Purchase and Sale indicated that it was received on November 26, 2011 and the Disclosure Statement was dated for November 24, 2011.
8. Mr. Minhas stated that despite the late receipt of the Disclosure Statement the Buyers were satisfied and proceeded to provide the second deposit. In the Disclosure Statement it was indicated that the Buyers would be purchasing strata lot 10.
8. On January 9, 2014 Mr. Minhas accompanied the Buyers to conduct a walk-through of the Property. At this time they observed the Property did not have 2 bedrooms and a den and two bathrooms as shown in the display suite. Upon inquiry they were advised that the unit the Buyers had purchased was a commercial live/work unit.
9. K.T., the sellers representative indicated that the disclosure statement was available to purchasers in advance of the sales event and in most cases available to purchases on the day of the sales event, which was November 26, 2011. K.T. stated that she was unaware of any concerns the Buyers had until near completion when Mr. Minhas contacted her to inquire if they could help solve the situation.

AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

10. The disclosure statement was filed by the Office of the Superintendent of Real Estate on November 25, 2011
11. Mr. Minhas stated that he overlooked the fact that his clients initialed the section of the Contract of Purchase and Sale indicating that they had received the Disclosure Statement.
12. Mr. Minhas further stated that he neglected to caution his clients into entering into an agreement to purchase the Property without reviewing the Disclosure Statement.
13. K.T. stated that the Buyers were given a Disclosure Statement at the time of signing the Contract of Purchase and Sale, and the Buyers initialed the clause stating they had received it. K.T. further stated that they would never mail out a Disclosure Statement as they would provide it to the Buyers before and/or during the rescission period of 7 days.
12. Mr. Minhas has no prior discipline history with the Council

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, Kamaljit (Kam) Singh Minhas is prepared to accept the following findings if made against him by the Council's Consent Order Review Committee:
 - (a) Kamaljit (Kam) Singh Minhas committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act*, that in the purchase of Unit [REDACTED] 258 6th Street, New Westminster (the "Property") he:
 - (i) contravened section 3-3(a) of the Council Rules when he failed to act in the best interest of his clients when he permitted his clients to initial that they had received the Disclosure Statement for the Property, when they had not;
 - (ii) contravened section 3-3(a) of the Council Rules when he failed to act in the best interest of his clients when he failed to ensure that his clients had received and reviewed the Disclosure Statement for the Property prior to the expiry of their rescission period; and
 - (iii) contravened sections 3-3(h) and 3-4 of the Council Rules when he failed to use reasonable care and skill to discovered relevant facts about the Property, in that he failed to ensure that his clients had material information about the property they were purchasing, when they purchased a commercial live/work unit but they had viewed and believed that they were purchasing a 2 bedroom unit.

AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

2. Mr. Minhas hereby waives his right to appeal pursuant to section 54 of the *Real Estate Services Act*.
3. Mr. Minhas 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. Minhas 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. Minhas acknowledges and is 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 2 day of 11, 2015



Kamaljit (Kam) Singh Minhas

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

Dated 20 day of MAY, 2015