

**IN THE MATTER OF THE *REAL ESTATE SERVICES ACT***  
**AND**  
**IN THE MATTER OF**  
  
**ALL KINDS OF PROPERTY STRATA MANAGEMENT LTD. dba**  
**MANOR HOUSE REALTY**  
**AND**  
**EDEWARD ALLEN MONTGOMERY**

**CONSENT ORDER**

RESPONDENTS: Edward Allen Montgomery,  
Managing broker  
All Kinds of Property Strata Management  
Ltd. dba Manor House Realty

DATE OF CONSENT ORDER: May 18, 2005

CONSENT ORDER REVIEW COMMITTEE: R. Barnes (Chair)  
C. Chen  
R. Clarke

PROCEEDINGS:

On May 18, 2005 the Consent Order Review Committee resolved to accept the Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver executed by Edward Allen Montgomery on his own behalf and on behalf of All Kinds of Property Strata Management Ltd. dba Manor House Realty, as submitted, which was that Edward Allen Montgomery be reprimanded and that All Kinds of Property Strata Management Ltd. dba Manor House Realty be suspended for 180 days, from June 1, 2005 to November 27, 2005 (inclusive), but that suspension would be terminated if and when Manor House Realty files an Accountant's Report which disclosed that the brokerage had complied with all of the trust accounting and record keeping requirements of the *Real Estate Services Act*, its Regulations, Rules and Bylaws, and that the brokerage's current and total assets equaled or exceeded the current and total liabilities respectively. If the Accountant's Report is received before June 1, 2005, Manor House Realty shall be reprimanded. If the Accountant's Report is not received by November 27, 2005, the licence shall be cancelled, effective November 28, 2005.

All Kinds of Property Strata Management Ltd. dba Manor House Realty and Edward Allen Montgomery are jointly and severally liable to pay to the Real Estate Council legal costs in the amount of \$500.00 within sixty (60) days of the date of this Order.

**WHEREAS** an Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver was executed by Edward Allen Montgomery on his own behalf and on behalf of All Kinds of Property Strata Management Ltd. dba Manor House Realty and the Real Estate Council of British Columbia ("Council"), a copy of which is attached hereto.

**NOW THEREFORE**, the Council has made the following findings and orders the following penalties based on the Agreed Statement of Facts and Proposed Acceptance of Findings:

1. Edward Allen Montgomery be reprimanded be for committing professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* by breaching Rule 3-1(3)(b) in that he failed to ensure that an Accountant's Report was filed with the Council on or before March 14, 2005.
2. All Kinds of Property Strata Management Ltd. dba Manor House Realty be suspended for 180 days, from June 1, 2005 to November 27, 2005 (inclusive) for committing professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* by breaching Rule 7-7(1)(b) under the Act in that it failed to file an Accountant's Report with the Council for the year ending October 31, 2004 on or before March 14, 2005. That suspension would be terminated if and when Manor House Realty files an Accountant's Report which discloses that the brokerage had complied with all of the trust accounting and record keeping requirements of the *Real Estate Services Act*, its Regulations, Rules and Bylaws, and that the brokerage's current and total assets equaled or exceeded the current and total liabilities respectively. If the Accountant's Report is received before June 1, 2005, Manor House Realty shall be reprimanded. If the Accountant's Report is not received by November 27, 2005, the licence shall be cancelled, effective November 28, 2005.
3. All Kinds of Property Strata Management Ltd. dba Manor House Realty and Edward Allen Montgomery are ordered to pay, jointly and severally, legal costs to the Real Estate Council in the amount of \$500.00 within sixty (60) days of the date of this Order.

Dated this 18<sup>th</sup> day of May, 2005 at the City of Vancouver, British Columbia.

ON BEHALF OF THE CONSENT ORDER REVIEW COMMITTEE

\_\_\_\_\_  
"R. Barnes"

Chair  
Consent Order Review Committee

Attch.

**File #254-04**

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

**IN THE MATTER OF**

**EDWARD ALLEN MONTGOMERY  
(092787)**

**AND**

**ALL KINDS OF PROPERTY STRATA MANAGEMENT LTD.  
DBA MANOR HOUSE REALTY  
(X027236)**

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

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The following agreement has been reached between Edward Allen Montgomery (“Montgomery”), All Kinds of Property Strata Management Ltd. dba Manor House Realty (“Manor House”) and the Real Estate Council of British Columbia (the “Council”).

- A. Manor House hereby consents to an Order to be made pursuant to section 41 of the *Real Estate Services Act* that it be suspended for 180 days from June 1, 2005 to November 27, 2005 inclusive, but that suspension would be terminated if and when Manor House files an Accountant’s Report which discloses that the brokerage had complied with all of the trust accounting and record keeping requirements of the *Real Estate Services Act*, its Regulations, Rules and By-Laws, and that the brokerage’s current and total assets equaled or exceeded the current and total liabilities respectively;
- B. If the Accountant’s Report as referred to in (A) above is received before June 1, 2005, Manor House shall be reprimanded;
- C. If the Accountant’s Report as referred to in (A) above is not received by November 27, 2005, the licence shall be cancelled, effective November 28, 2005;
- D. Manor House and Montgomery consent to be jointly and severally liable to pay the costs of this Consent Order to the Council in the amount of \$500.00 within 60 days of the Order herein;
- E. Montgomery hereby consents to an Order that he be reprimanded.

- F. As a basis for this Order, Manor House and Montgomery acknowledge and agree that the facts sets forth herein are correct:
1. Manor House is licensed as a brokerage and its licensing history is as follows:  
  
Nov. 14/00 – Present                      Brokerage, All Kinds of Property Strata  
Management Ltd. dba Manor House Realty
  2. Montgomery is currently licensed as the Managing Broker with Manor House. His licensing history is as follows:  
  
Mar. 25/91 – Oct. 3/96                      Representative, Carruthers & Meikle (1987) Ltd.  
  
Nov. 14/00 - Present                      Managing Broker, All Kinds of Property Strata  
Management Ltd.
  3. The fiscal year end of Manor House was October 31, 2004.
  4. A letter was sent from the Council to Manor House dated November 9, 2004 advising that its Accountant's Report, Accountant's Report Addendum and Review Engagement financial statements were to be received by the Council on or before February 28, 2005.
  5. The Council received an e-mail from Montgomery dated February 22, 2005 that he had given his books to his accountant on February 20, 2005 but she would not be able to complete the year end before the end of February. It would take time to get the bank confirmation and his accountant was in the middle of the tax season. Montgomery had gotten behind in his bookkeeping as he had been building a new house for the past ten months.
  6. The Council sent a fax to Montgomery dated February 23, 2005 giving him an extension to file the Accountant's Report to March 14, 2005.
  7. The Council received a letter from Montgomery dated March 11, 2005 indicating that he would not be able to meet the deadline and he apologized for his tardiness and would do his best to get the Accountant's Report in to the Council as quickly as he could.
  8. A letter from the Council dated March 16, 2005 was sent to Montgomery indicating that the matter would be referred to the Council's legal department for further action.

9. A Notice of Discipline Hearing dated March 24, 2005 was sent by the Council to Montgomery and Manor House, which indicated that a hearing would be held on April 21, 2005 for failing to file the Accountant's Report on or before March 14, 2005.

**G. Proposed Acceptance of Findings and Waiver**

Based on the Agreed Statement of Facts as outlined herein, and without making any admissions of liability, Manor House and Montgomery are prepared to accept the following findings if made against them by the Council's Consent Order Review Committee:

1. Manor House committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* by breaching Rule 7-7(1)(b) under the Act in that it failed to file an Accountant's Report with the Council for the year ending October 31, 2004 on or before March 14, 2005.
2. Montgomery committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* by breaching Rule 3-1(3)(b) in that he failed to ensure that the said Accountant's Report was filed with the Council on or before March 14, 2005.
3. Manor House and Montgomery hereby waive their right to appeal pursuant to section 54 of the *Real Estate Services Act*.
4. Manor House and Montgomery acknowledge that they have a right to seek independent legal advice before signing this Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver.
5. Manor House and Montgomery acknowledge and are aware that the Council will publish the Consent Order and penalty herein in its Report from Council and on the Council's website.
6. Manor House and Montgomery acknowledge and are aware that the Superintendent of Real Estate has the right, pursuant to section 54 of the Act, to appeal any decision of the Council, including this Agreed Statement of Facts, Proposed Acceptance of Findings, and Waiver and Consent Order.
7. 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.

”David P. Berger”

DAVID P. BERGER, Legal Counsel  
Real Estate Council of British Columbia

As to Part F only (Agreed Statement  
of Facts)

Dated 17<sup>th</sup> day of May, 2005

“Edward Allen Montgomery”

EDWARD ALLEN MONTGOMERY

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

Dated 17<sup>th</sup> day of May, 2005

“Edward Allen Montgomery”

EDWARD ALLEN MONTGOMERY on behalf  
of All Kinds of Property Strata Management Ltd.  
dba Manor House Realty

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

Dated 17th day of May, 2005