

IN THE MATTER OF THE *REAL ESTATE SERVICES ACT*
AND
IN THE MATTER OF

OHR SPRINGS MANAGEMENT LTD.
AND
IAN ROBERT LOWE

CONSENT ORDER

RESPONDENT: Ian Robert Lowe
Managing Broker, OHR Springs
Management Ltd.

DATE OF CONSENT ORDER: August 14, 2007

CONSENT ORDER REVIEW COMMITTEE: J. Whyte (Chair)
W. Strandlund
C. Chen

ALSO PRESENT: R.O. Fawcett, Executive Officer
B.K. Evans, RECBC Staff

PROCEEDINGS:

On August 14, 2007 the Consent Order Review Committee resolved to accept the Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver executed by Ian Robert Lowe on his behalf and on behalf of OHR Springs Management Ltd. as submitted, which was a reprimand. Ian Robert Lowe and OHR Springs Management Ltd. are also jointly and severally liable to pay enforcement expenses in the amount of \$750.00 to the Real Estate Council within sixty (60) days from the date of this Order.

WHEREAS an Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver was executed by Ian Robert Lowe on his behalf and on behalf of OHR Springs Management Ltd. 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. OHR Springs Management Ltd. be reprimanded as the brokerage committed professional misconduct within the meaning of section

35(1)(a) of the *Real Estate Services Act* by contravening section 7-7 (1)(b) of the Council Rules in that it:

- (a) failed to file an Accountant's Report with the Council for the year ending September 30, 2006 on or before January 31, 2007.
2. Ian Robert Lowe, as managing broker for OHR Springs Management Ltd., be reprimanded for committing professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* by not fulfilling his responsibilities as managing broker for the performance of the duties imposed on the brokerage by its licence within the meaning of section 6(2)(b) of the *Real Estate Services Act* and by contravening section 3-1(1)(a) and (b) and/or 3-1(3) of the Council Rules (managing broker responsibilities) in that he:
 - (a) failed to ensure that the said Accountant's Report was filed with the Real Estate Council on or before January 31, 2007.
 3. OHR Springs Management Ltd. and Ian Robert Lowe are jointly and severally liable to pay enforcement expenses in the amount of \$750.00 to the Real Estate Council within sixty (60) days from the date of this Order.

If Mr. Lowe or OHR Springs Management Ltd. fail to comply with any of the terms of the Order set out above, 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 14th day of August, 2007 at the City of Vancouver, British Columbia.

“Judi Whyte”

J. Whyte
Chair

Consent Order Review Committee

Attch.

File #352-06

IN THE MATTER OF

IAN ROBERT LOWE
(147832)

AND

OHR SPRINGS MANAGEMENT LTD.
(X028637)

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

The following agreement has been reached between Ian Robert Lowe (“Mr. Lowe”), OHR Springs Management Ltd. (“OHR Springs”) and the Real Estate Council of British Columbia (the “Council”).

- A. Mr. Lowe on behalf of OHR Springs hereby consents to an Order to be made pursuant to section 41 and 43 of the *Real Estate Services Act* that OHR Springs be reprimanded.
- B. Mr. Lowe hereby consents to an Order to be made pursuant to section 41 and 43 of the *Real Estate Services Act* that he be reprimanded.
- C. OHR Springs and Mr. Lowe hereby consent to an order, as a condition of continued licensing, to be jointly and severally liable to pay the enforcement expenses to the Council in the amount of \$750.00 within sixty (60) days of the Order herein.
- D. If OHR Springs or Mr. Lowe fail to comply with any of the terms of the Order set out above, the Council may suspend or cancel their licences without further notice to them pursuant to section 43 (3) and (4) of the *Real Estate Services Act*.
- E. As a basis for this Order, OHR Springs and Mr. Lowe acknowledge and agree that the facts sets forth herein are correct:
 - 1. OHR Springs is licensed as a brokerage and has been licensed since January 30, 2006.
 - 2. Mr. Lowe is currently licensed as the Managing Broker with OHR Springs. His licensing history is as follows:

Jan. 30/06 – Present	Managing Broker, OHR Springs
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3. The fiscal year end of OHR Springs was September 30, 2006 and its Accountant's Report was due to be filed with the Council on or before January 31, 2007.
4. A letter was sent from the Council to OHR Springs dated October 12, 2006 advising that the Accountant's Report was due to be received by the Council on or before January 30, 2007.
5. A letter was sent from the Council to OHR Springs dated February 5, 2007 advising that if the report is not received within thirty days of the due date the matter would be forwarded to the Council's Legal Department for further action.
6. A further letter was sent to OHR Springs from the Council dated March 5, 2007 advising that the file had been forwarded to the Council's Legal Department for further action.
7. An Accountant's Report was received from OHR Springs on March 12, 2007.
8. A letter was sent to OHR Springs from the Council dated March 12, 2007 advising that the Accountant's Report was received by the Council but that it was incomplete and to forward a copy of the Review Engagement Report and financial statements to the Council.
9. A Notice of Hearing was sent to OHR Springs from the Council dated March 26, 2007.
10. A further letter was sent to OHR Springs from the Council dated April 19, 2007 requesting a response to the March 12, 2007 letter.
11. On May 13, 2007 the Review Engagement Report and financial statements were received by the Council.

F. Proposed Acceptance of Findings and Waiver

1. Based on the Agreed Statement of Facts as outlined herein, and without making any admissions of liability, OHR Springs Management Ltd. and Ian Robert Lowe are prepared to accept the following findings if made against them by the Council's Consent Order Review Committee:
 - (a) OHR Springs Management Ltd. committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* by contravening section 7-7(1)(b) of the Council Rules in that it failed to file an Accountant's Report with the Council for the year ending September 30, 2006 on or before January 31, 2007;

- (b) Mr. Lowe committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* by not fulfilling his responsibilities as managing broker for the performance of the duties imposed on the brokerage by its licence within the meaning of section 6 (2)(b) of the *Real Estate Services Act* and by contravening section 3-1(1)(a) and (b) and/or 3-1(3) of the Council Rules (managing broker responsibilities) in that he failed to ensure that the said Accountant's Report was filed with the Council on or before January 31, 2007.
2. OHR Springs and Mr. Lowe hereby waive their right to appeal pursuant to section 54 of the *Real Estate Services Act*.
 3. OHR Springs and Mr. Lowe acknowledge that they have the right to seek independent legal advice before signing this Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver.
 4. OHR Springs and Mr. Lowe 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. OHR Springs and Mr. Lowe 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.

"Brian K. Evans"
Brian K. Evans, Legal Counsel
Real Estate Council of British Columbia

As to Part E only (Agreed Statement
of Facts)

Dated 12th day of June, 2007

"Ian Lowe"
Ian Lowe

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

Dated 12th day of June, 2007

"Ian Lowe"
Ian Lowe on behalf of OHR Springs

Management Ltd.

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

Dated 12th day of June, 2007