

**IN THE MATTER OF THE *REAL ESTATE SERVICES ACT*
AND
IN THE MATTER OF
COLLEEN MARIE MAYES**

CONSENT ORDER

RESPONDENT: Colleen Mayes
Associate Broker, Homelife
Glenayre Realty Chilliwack Ltd.

DATE OF CONSENT ORDER: June 20, 2007

CONSENT ORDER REVIEW COMMITTEE: S. Sidhu (Chair)
P. Jones
J. Whyte
C. Chen

ALSO PRESENT: R.O. Fawcett, Executive Officer
B. Woolley, on behalf of RECBC
staff

PROCEEDINGS:

On June 20, 2007 the Consent Order Review Committee resolved to accept the Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver executed by Colleen Mayes as submitted, which was a suspension for a period of seven (7) days. As a condition of continued licensing she agrees to pay the enforcement expenses of this Consent Order to the Council in the amount of \$750.00 within sixty (60) days of the Order herein.

WHEREAS an Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver was executed by Colleen Mayes 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. Colleen Mayes be suspended for a period of seven (7) days as she committed professional misconduct within the meaning of section 35(1)(d) of the *Real Estate Services Act* in that she demonstrated incompetence by:

- (a) allowing the insurance policy for Strata Corporation LMS 599 to lapse; and
 - (b) failed to follow the instructions of Strata Corporation LMS 599 with respect to renewal of the insurance policy contrary to her duties under section 3-3 of the Council Rules.
2. Colleen Mayes, as a condition of continued licensing, has agreed to pay enforcement expenses of this Consent Order to the Council in the amount of \$750.00 within sixty days of the date of the Order herein.

If Ms. Mayes fails to comply with any of the terms of the Order set out above, the Council may, cancel or suspend her licence, without further notice to her pursuant to sections 43(3) and 43(4) of the *Real Estate Services Act*.

Dated this 20th day of June, 2007 at the City of Vancouver, British Columbia.

“Satnam Sidhu”

S. Sidhu
Chair

Consent Order Review Committee

Attch.

File # 115-06

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

**COLLEEN MARIE MAYES
(102815)**

AGREED STATEMENT OF FACTS,

PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

The following agreement has been reached between Colleen Marie Mayes ("Ms. Mayes") and the Real Estate Council of British Columbia (the "Council").

- A. Ms. Mayes hereby consents to an Order to be made pursuant to section 41 of the Real Estate Services Act that she be suspended for a period of seven (7) days. As a condition of continued licensing, she agrees to pay enforcement expenses of this Consent Order to the Council in the amount of \$750.00 within sixty (60) days from the date of the Order herein. If she fails to comply with any of the Orders set out above, the Council may cancel or suspend her licence without further notice to her pursuant to sections 43(3) and 43(4) of the Real Estate Services Act.
- B. As a basis for this Order, Ms. Mayes acknowledges and agrees that the facts set forth herein are correct
1. Ms. Mayes was at all relevant times licensed as a representative with Homelife Glenayre Realty Chilliwack Ltd. ("Homelife").
 2. Ms. Mayes' licensing history is as follows:

Jan. 5/93 – Mar. 23/95	Representative, Wyn Realty Ltd.
May 11/95 – Sept. 1/95	Representative, Chilliwack Property Sales Ltd. dba Realty World - Chilliwack
Sept. 5/95 – Jan. 2/96	Representative, Wyn Realty Ltd.
May 29/97 – Feb. 15/99	Representative, Homelife Glenayre Realty Company Ltd. (Chwk)
Feb. 16/99 – Jun. 17/01	Representative, Homelife Glenayre Realty Chilliwack Ltd.
Jun. 18/01 – Present	Associate Broker, Homelife Glenayre Realty Chilliwack Ltd.
 3. Allan Charles Browne ("Mr. Browne") was at all relevant times licensed as the Managing Broker of Homelife.
 4. Homelife provided strata management services to Strata Corporation LMS 599 in respect of property situate at 45729 Gaetz Street, Chilliwack, B.C.
 5. Ms. Mayes was the representative of Homelife dealing with Strata Corporation LMS 599.
 6. Ms. Mayes attended a meeting (the "Meeting") of Strata Council of Strata Corporation LMS 599 on July 25, 2006.
 7. At the Meeting, Ms. Mayes undertook, pursuant to instructions from Strata Council, to contact the insurance company that provided insurance to

Strata Corporation LMS 599 to assist in arranging a renewal of the insurance policy due to expire August 29, 2006.

8. Ms. Mayes failed to follow the instructions of Strata Council to contact the insurance company and allowed the insurance policy for Strata Corporation LMS 599 to lapse.
 9. As a result of inquiries made by the Chair of the Strata Council on September 1, 6 and 7, 2006, Homelife arranged a replacement insurance policy for Strata Corporation LMS 599 effective September 7, 2006.
 10. At the time of this incident, Homelife had recently acquired over thirty strata corporations as clients, including Strata Corporation LMS 599.
- 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, Ms. Mayes is prepared to accept the following findings if made against her by the Council's Consent Order Review Committee:
 - (a) Ms. Mayes committed professional misconduct within the meaning of section 35(1)(d) of the Real Estate Services Act in that she demonstrated incompetence by:
 - (i) allowing the insurance policy for Strata Corporation LMS 599 to lapse; and
 - (ii) failing to follow the instructions of Strata Corporation LMS 599 with respect to renewal of the insurance policy;contrary to her duties under section 3-3 of the Council Rules.
 2. Ms. Mayes hereby waives her right to appeal pursuant to section 54 of the Real Estate Services Act.
 3. Ms. Mayes acknowledges that she has a right to seek independent legal advice before signing this Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver.
 4. Ms. Mayes acknowledges and is aware that the Council will publish the Consent Order and penalty herein in its Report from Council and on the Council's website.
 5. Ms. Mayes 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 Coma, 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.

“Bruce Woolley”
 Bruce Woolley, Legal Counsel
 Real Estate Council of British Columbia

As to Part B only (Agreed Statement of Facts)

Dated 30th day of May, 2007

“Colleen Marie Mayes”
 Colleen Marie Mayes

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

Dated ____ day of _____, 2007