

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

**IN THE MATTER OF  
ALFRED (FRED) MAIER**

**AND  
LOUISE YOLANDE BOURBONNAIS**

**CONSENT ORDER**

RESPONDENTS: Alfred (Fred) Maier, representative, Norwich Real Estate Services Inc. dba Re/Max Kelowna  
Louise Yolande Bourbonnais, managing broker, Norwich Real Estate Services Inc. dba Re/Max Kelowna

DATE OF REVIEW MEETING: January 10, 2011

DATE OF CONSENT ORDER: January 18, 2011

CONSENT ORDER REVIEW COMMITTEE: B. Brandle (Chair)  
W. Brown  
M. Cowe  
G. Martin

ALSO PRESENT: R. Fawcett, Executive Officer  
D. Berger, Director, Legal Services  
P. Gilligan-Hackett, Q.C., Legal Counsel for the Real Estate Council

PROCEEDINGS:

On January 18, 2011 the Consent Order Review Committee resolved to accept the Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver executed by Alfred (Fred) Maier and Louise Yolande Bourbonnais as submitted, which was that Alfred (Fred) Maier and Louise Yolande Bourbonnais both be reprimanded. Alfred (Fred) Maier is ordered to successfully complete the Trading Services Remedial Education Course as provided by Real Estate Division, Sauder School of Business at the University of British Columbia in the time period as directed by

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

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the Council. Louise Yolande Bourbonnais is ordered to pay a discipline penalty to the Council in the amount of \$1,000.00 within ninety (90) days of the date of this Order. Further, Alfred (Fred) Maier and Louise Yolande Bourbonnais are ordered to be jointly and severally liable to pay enforcement expenses of this Consent Order to the Council in the amount of \$1,000.00 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 Alfred (Fred) Maier, Louise Yolande Bourbonnais 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. Alfred (Fred) Maier be reprimanded as he committed professional misconduct within the meaning of section 35(1) of the *Real Estate Services Act* in that he provided real estate services for which he was not licensed, contrary to section 3(1)(a) of the *Real Estate Services Act* by providing strata management services on behalf of the Brokerage to the Strata when he was not licensed to provide strata management services.
2. Alfred (Fred) Maier is ordered to successfully complete the Trading Services Remedial Education Course as provided by the Real Estate Division, Sauder School of Business at the University of British Columbia in the time period as directed by the Council.
3. Louise Yolande Bourbonnais be reprimanded as she committed professional misconduct within the meaning of section 35(1) of the *Real Estate Services Act* in that she failed, contrary to section 6(2) of the *Real Estate Services Act* and section 3-1(3)(b) of the Council Rules, to ensure there was proper management and control of documents and other records related to licensing and regulatory requirements by allowing Mr. Maier to provide strata management services on behalf of the Brokerage without ensuring he was properly licensed to provide such services.
4. Louise Yolande Bourbonnais is ordered to a discipline penalty to the Council in the amount of \$1,000.00 within ninety (90) days from the date of this Order.
5. Alfred (Fred) Maier and Louise Yolande Bourbonnais are ordered to be jointly and severally liable to pay enforcement expenses of this Consent Order to the Council in the amount of \$1,000.00 within sixty (60) days from the date of this Order.

If Alfred (Fred) Maier and Louise Yolande Bourbonnais 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 18<sup>th</sup> day of January, 2011 at the City of Vancouver, British Columbia.

ON BEHALF OF THE CONSENT ORDER REVIEW COMMITTEE

“B. Brandle”

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B. Brandle, Chair  
Consent Order Review Committee

Attch.

**File #09-018**

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

**IN THE MATTER OF**

**ALFRED MAIER  
(074461)**

**LOUISE YOLANDE BOURBONNAIS  
(064905)**

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

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The following agreement has been reached between Alfred Maier (“Mr. Maier”) and Louise Yolande Bourbonnais (“Ms. Bourbonnais”) (collectively, “Licensees”) and the Real Estate Council of British Columbia (“Council”).

- A. Mr. Maier consents to an Order to be made pursuant to section 43 of the *Real Estate Services Act* that he be reprimanded and that he successfully complete the disciplinary education assignments applicable to the Trading Services Remedial Education Course as provided by the Sauder School of Business at the University of British Columbia in the time period as directed by the Council. Mr. Maier acknowledges that any course taken as a result of a disciplinary penalty may not be used as a credit towards the Relicensing Education Program (REP). Further, he agrees to pay enforcement expenses of this Consent Order jointly and severally with Ms. Bourbonnais to the Council in the amount of \$1,000.00 within sixty (60) days from the date of the Order. Mr. Maier further consents to an Order that if he fails to comply with any of the terms of the Order set out above, the Council may suspend or cancel his license without further notice to him pursuant to sub-sections 43(3) and 43(4) of the *Real Estate Services Act*.

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

B. Ms. Bourbonnais consents to an Order to be made pursuant to section 43 of the *Real Estate Services Act* that she be reprimanded and that she pay a discipline penalty to the Council of \$1,000. Further, she agrees to pay enforcement expenses of this Consent Order to the Council jointly and severally with Mr. Maier in the amount of \$1,000.00 within sixty (60) days from the date of the Order. Ms. Bourbonnais further consents to an Order that if she fails to comply with any of the terms of the Order set out above, the Council may suspend or cancel her license without further notice to her pursuant to sub-sections 43(3) and 43(4) of the *Real Estate Services Act*.

C. As a basis for this Order, the Licensees acknowledge and agree that the facts set forth below are correct:

1. Mr. Maier's licensing history is as follows:

May 27, 1988 – April 19, 1991	Representative, Trading, Rental; Royal LePage Real Estate Services Ltd. (Kelcp)
April 19, 1991 – October 31, 1994	Representative, Trading, Rental; Statesman Realty Corporation dba Realty Executives of Kelowna
June 1, 1996 – May 25, 1998	Representative, Trading, Rental; Lakefront Realty Ltd. (Kel) dba Sutton Group - Lakefront Realty (Kel)
May 25, 1998 – February 20, 2001	Representative, Trading, Rental; Internet Realty Ltd. dba Prudential Kelowna Properties
February 20, 2001 – December 3, 2008	Representative, Trading, Rental; Norwich Real Estate Services Inc. dba Re/Max Kelowna
January 20, 2009 – August 14, 2009	Representative, Trading; Norwich Real Estate Services Inc. dba Re/Max Kelowna
August 14, 2009 – Present	Representative, Trading, Strata; Norwich Real Estate Services Inc. dba Re/Max Kelowna

2. Ms. Bourbonnais' licensing history is as follows:

January 29, 1987 – November 9, 1990	Representative, Trading, Rental; Royal LePage Real Estate Services Ltd. (Kelep)
November 9, 1990 – January 28, 1991	Representative, Trading, Rental; Norwich Real Estate Services Inc. dba

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

January 29, 1991 – July 6, 1993	Re/Max Kelowna Associate Broker, Trading, Rental; Norwich Real Estate Services Inc. dba Re/Max Kelowna
July 6, 1993 – May 6, 1994	Associate Broker, Trading, Rental; Countrywide Palm Springs North Realty Corp.
May 6, 1994 – November 21, 1994	Managing Broker, Trading, Rental; Countrywide Camelot Marketing Inc.
December 14, 1994 – February 19, 1996	Associate Broker, Trading, Rental; Internet Realty Ltd. dba Prudential Kelowna Properties
February 19, 1996 – March 14, 1996	Associate Broker, Trading, Rental; Emerald Management Ltd. dba Re/Max Lifestyles Real Estate
March 14, 1996 – November 6, 1996	Associate Broker, Rental; Emerald Management Ltd. dba Re/Max Lifestyles Real Estate
November 6, 1996 – January 28, 2001	Associate Broker, Rental; Norwich Real Estate Services Inc. dba Re/Max Kelowna
January 31, 2001 – June 1, 2007	Managing Broker, Trading, Rental; Irish Ventures Ltd. dba Re/Max Tom O’Reilly Property Management
June 1, 2007 – February 13, 2009	Managing Broker, Trading, Rental; Norwich Real Estate Services Inc. dba Re/Max Kelowna
February 13, 2009 – Present	Managing Broker, Trading, Rental, Strata; Norwich Real Estate Services Inc. dba Re/Max Kelowna

3. In 2008, Mr. Maier approached his brokerage, Norwich Real Estate Services dba Re/Max Kelowna (“Brokerage”), to discuss the possibility of becoming licensed with the Brokerage as a strata property manager.
4. The Brokerage decided to start providing strata management services. However, for it to do so, one of the managing brokers needed to write the strata management examination.
5. In December, 2008, Mr. Maier terminated his license under the *Real Estate Services Act* so he could concentrate on the strata management course in which he had enrolled. On January 15, 2009, Mr. Maier successfully completed the course.

6. Mr. Maier then asked the Brokerage to reactivate his license. However, Ms. Bourbonnais, the managing broker who was to complete the strata management examination, had not yet written the examination.
7. As a result, on January 20, 2009, the Brokerage reactivated Mr. Maier's license for trading services only.
8. On February 13, 2009, Ms. Bourbonnais' license was amended to include strata management services and the Brokerage advised Mr. Maier that it could now provide strata management services.
9. Mr. Maier then asked the Brokerage to amend his license to add strata management services and was advised by the Brokerage that this would be taken care of.
10. At an annual general meeting on February 24, 2009 ("AGM"), the Owners, Strata Plan KAS 1539 ("Strata") terminated the contract of the Strata's property managers. Immediately after the AGM, the Strata's newly elected council approved a proposal prepared by Mr. Maier to provide strata management services to the Strata effective May 1, 2009.
11. Around this time, and prior to the effective date of the property management agreement entered into by the Brokerage and the Strata ("Agreement"), Mr. Maier also negotiated a contract for the replacement of a boiler in the Strata.
12. Effective May 1, 2009, Mr. Maier began providing strata management services to the Strata further to the Agreement.
13. At the time, Mr. Maier was not licensed to provide strata management services, only trading services.
14. On July 17, 2009, the Council received a complaint from the former property manager of the Strata that Mr. Maier was providing strata management services without a license.
15. On receipt of inquiry letters from the Council dated July 31, 2009, the Brokerage was unable to locate a copy of an application to amend Mr. Maier's license to include strata management.
16. Ms. Bourbonnais was aware that Mr. Maier was offering and providing strata management services but believed Mr. Maier's license had been amended.
17. The Brokerage has subsequently assigned the responsibility of ensuring all licensing applications or renewals are properly processed and ensuring that all licensees are appropriately licensed for the services they provide to managing broker Deborah Moore.

18. Effective August 14, 2009, Mr. Maier's license was amended to include strata management services.

D. Proposed Acceptance of Findings and Waiver

1. Based on the Agreed Statement of Facts set out above, and without making any admissions of liability, the Licensees are prepared to accept the following findings if made against them by the Council's Consent Order Review Committee:
  - (a) Mr. Maier committed professional misconduct within the meaning of section 35(1) of the *Real Estate Services Act* in that he provided real estate services for which he was not licensed, contrary to section 3(1)(a) of the Act by providing strata management services on behalf of the Brokerage to the Strata when he was not licensed to provide strata management services;
  - (b) Ms. Bourbonnais committed professional misconduct within the meaning of section 35(1) of the *Real Estate Services Act* in that she failed, contrary to section 6(2) of the *Real Estate Services Act* and section 3-1(3)(b) of the Council Rules, to ensure there was proper management and control of documents and other records related to licensing and regulatory requirements by allowing Mr. Maier to provide strata management services on behalf of the Brokerage without ensuring he was properly licensed to provide such services.
2. The Licensees hereby waive their right to appeal pursuant to section 54 of the *Real Estate Services Act*.
3. The Licensees acknowledge that they have a right to seek independent legal advice before signing this Agreed Statement of Facts, Proposed Acceptance of Findings, and Waiver.
4. The Licensees 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.
5. The Licensees acknowledge and are 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.

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

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.

“Patrick Gilligan-Hackett”  
**Patrick Gilligan-Hackett, Legal Counsel  
Real Estate Council of British Columbia**

“Alfred Maier”  
**Alfred Maier**

**As to Part C only (Agreed Statement Facts)**

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

**Dated 11 day of November, 2010**

**Dated 10 day of November, 2010**

“Louise Yolande Bourbonnais”  
**Louise Yolande Bourbonnais**

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

**Dated 10 day of November, 2010**