

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

**IN THE MATTER OF
ELIZABETH (BETTY) JOY BRYCE**

CONSENT ORDER

RESPONDENT: Elizabeth (Betty) Joy Bryce, unlicensed,
while licensed as Managing Broker, Pace
Realty Corporation

DATE OF REVIEW MEETING: November 8, 2012

DATE OF CONSENT ORDER: November 15, 2012

CONSENT ORDER REVIEW COMMITTEE: M. Cowe (Chair)
G. Cambrey
P. O'Donnell

ALSO PRESENT: R. Fawcett, Executive Officer
D. Berger, Director, Legal Services

PROCEEDINGS:

On November 8, 2012 the Consent Order Review Committee resolved to accept the Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver executed by Elizabeth (Betty) Joy Bryce as submitted. It is therefore ordered that Ms. Bryce be reprimanded. Ms. Bryce 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, and to successfully complete the Strata Management 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 the Council. Further, Ms. Bryce is ordered 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 Elizabeth (Betty) Joy Bryce 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. Elizabeth (Betty) Joy Bryce be reprimanded as she committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act*

in that she contravened sections 3-1(1)(a) and (b) and 3-1(3)(a) of the Council Rules in that she:

- (a) failed to ensure that all those records as required by section 8-7.1(3) and 8-7.1(4) of the Council Rules were provided to the said client by the said brokerage when the management contract was terminated on December 31, 2008 on or before January 31, 2009; and
 - (b) failed to ensure that funds received as special levy monies collected on behalf of a client were paid into a trust account of the brokerage separate from the operating trust account of the brokerage as required by sections 7-9(2)(b) and 7-9(3)(b) of the Council Rules.
2. Elizabeth (Betty) Joy Bryce 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.
 3. Elizabeth (Betty) Joy Bryce is ordered to successfully complete the Strata Management 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.
 4. Elizabeth (Betty) Joy Bryce is ordered 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 Elizabeth (Betty) Joy Bryce fails to comply with any of the terms of the Order set out above, the Council may suspend or cancel her licence, without further notice to her pursuant to sections 43(3) and 43(4) of the *Real Estate Services Act*.

Dated this 15th day of November, 2012 at the City of Vancouver, British Columbia.

ON BEHALF OF THE CONSENT ORDER REVIEW COMMITTEE

“Marshall Cowe”

M. Cowe, Chair
Consent Order Review Committee

Attch.

File #09-028

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

**IN THE MATTER OF
ELIZABETH JOY BRYCE
(95791)**

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

The following agreement has been reached between Elizabeth Joy Bryce (“Ms. Bryce”), and the Real Estate Council of British Columbia (the “Council”).

- A. Ms. Bryce hereby consents to an Order to be made pursuant to sections 41 and 43 of the *Real Estate Services Act* that she be reprimanded, pay a disciplinary penalty to the Council in the amount of \$1,000.00 within ninety (90) days of the date of the Order herein, successfully completes the Strata Management 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 and pay enforcement expenses to the Council in the amount of \$1,000.00 within sixty (60) days of the date of the Order herein. Ms. Bryce further consents to an Order that if Ms. Bryce fails to comply with any of the terms of the Order set out above, a Discipline Hearing Committee may suspend or cancel her license without further notice to her pursuant to section 43(3) and 43(4) of the *Real Estate Services Act*.
- B. As a basis for this Order, Ms. Bryce acknowledges and agrees that the facts set forth herein are correct:

1. Ms. Bryce is currently unlicensed. Her licensing history is as follows:

12/13/2005	10/20/2011	Pace Realty Corporation (X014957)	Managing Broker	Trading, Rental, Strata
10/21/1997	12/13/2005	Pace Realty Corporation (X014957)	Managing Broker	Trading, Rental
1/16/1997	10/20/1997	*** Unlicensed ***		

7/5/1996	1/15/1997	Pace Realty Corporation (Mcb rd) dba Realty World Pace Realty (Mcb rd) (X018347)	Managing Broker	Trading, Rental
10/21/1995	10/20/1997	Pace Realty Corporation (X014957)	Managing Broker	Trading, Rental
11/16/1994	1/17/1996	Pace Realty Corporation (Mcb rd) dba Realty World Pace Realty (Mcb rd) (X018347)	Managing Broker	Trading, Rental
10/19/1994	10/20/1995	Pace Realty Corporation (X014957)	Managing Broker	Trading, Rental
8/6/1992	10/19/1994	Pace Realty Corporation (X014957)	Representative	Trading, Rental
10/21/1991	8/6/1992	Pace Realty Corporation (X014957)	Representative	Rental

2. Pace Realty Corporation ("Pace Realty") acted as strata manager for a strata corporation in Prince George.
3. The strata corporation terminated their services agreement with Pace Realty effective December 31, 2008. This agreement had been entered into by the said parties on July 30, 2003.
4. In accordance with section 8-7.1(4) of the Council Rules Pace Realty was required to provide the strata corporation with their records within four weeks of the date of termination or on or before January 31, 2009.
5. Ms. Bryce stated that she gave a copy of the termination letter to a licensee in her office that had acted as strata manager for the said strata corporation and instructed her to prepare the records for pickup by the strata corporation on or before January 31, 2009.

6. Ms. Bryce stated that the said licensee removed the strata corporation's records from the filing cabinet and placed them into a banker's box and had them photocopied.
7. Ms. Bryce stated that as the said licensee came across other documents that needed to be returned to the strata corporation she also had them photocopied. A list of all of the documents that were going to be returned to the strata corporation was prepared.
8. Ms. Bryce stated that after being assured that the required documents were in the box, she perused the files, found them to be in order, prepared a covering letter, and an invoice with a list of documents for the strata corporation. She also instructed the said licensee to contact a member of the strata council and inform that person that the documents were ready for pickup and a letter to this effect was sent to the strata corporation by registered mail.
9. Ms. Bryce stated that a member of the strata corporation came to the office of the brokerage on February 11, 2009 and picked up the records and paid the invoice.
10. The strata corporation filed a complaint with the Real Estate Council dated July 29, 2009 and enclosed a copy of a letter that it sent to Pace Realty dated July 17, 2009. The letter indicated that the records they picked up turned out to be partial records for 2007 and 2008. The letter also indicated that they found that:
 - (a) financials and other papers that belonged to other stratas;
 - (b) duplicate copies
 - (c) copies required to be made for filing;
 - (d) incomplete forms; impossible to know what they pertain;
 - (e) missing financial records and meeting minutes.

The letter indicated that many records were photocopied with neither side pertaining to the other. This made them impossible to file without copying one side.

The letter stated that these records were to be prepared for pick up no later than the close of business on August 31, 2009.

11. Ms. Bryce instructed her staff to photocopy the "missing records" but the strata corporation did not pick these documents up on August 31, 2009 as agreed.
12. The Council received a letter from the strata corporation dated October 9, 2009 indicating that these records (those referred to in paragraph 10) were

picked up from Pace Realty on October 6, 2009. The letter indicated that Pace Realty had provided partial documentation requested in the letter of July 17, 2009 for the years 2007 and 2008. Still missing were:

- (a) tenant activity ledger; Unit 177;
- (b) 2007 August and October bank records – contingency fund.

13. In additional letter indicated that all PGS08 records for the years 2003 – 2006 were still missing and also the historical records from self management years that were given to Pace Realty for safe keeping.
14. Ms. Bryce wrote a letter to the Council dated November 12, 2009 in response to the Council's letter dated October 22, 2009 which letter enclosed a copy of the strata corporation's letter to the Council dated October 9, 2009. She stated that she was not aware that this had happened until she had received the Council's letter dated October 22, 2009.
15. In her letter she indicated that the records in question were at her front desk and were ready for pick up on January 31, 2009. She indicated that the records for 2003 – 2006 and the historical records (two bankers boxes) were removed from storage by one of her staff members and were at the front desk for pick up along with the records that her office had compiled.
16. She indicated that when the documents were picked up by the strata corporation on February 11, 2009 the staff were unaware that these additional boxes with the historical records were also to be picked up by the strata corporation.
17. Ms. Bryce states that these two additional boxes were inadvertently taken back to the storage room.
18. Ms. Bryce states that the strata corporation made arrangements to pick up these two additional boxes on November 30, 2009 and picked these boxes up on that date.
19. On or about January 20, 2011 the Council received a letter dated January 6, 2011 from the strata corporation stating that they were still missing financial records for the period of August 2003 – December 2007, and also meeting minutes from August 2003 to December 2006. A copy of this letter was forwarded to Ms. Bryce.
20. On or about January 28, 2011 the strata corporation wrote a letter to Pace Realty indicating that the following records were missing:
 - (a) Financial records, August 2003 – December 2007 (inclusive);
 - (b) Meeting minutes, August 2003 – December 2006 (inclusive);

(c) Insurance policies 2003 – 2007 (inclusive);

The letter requested “when the documents are ready for pick up, please telephone...”

21. On or about April 6, 2011 the strata corporation wrote another letter to Pace Realty indicating that “to date, we have received no such notification”. “This is to advise that we will come to your office on April 27, 2011 to pick up these documents.”
22. On or about May 5, 2011 the strata corporation picked up the said documents from Pace Realty.
23. Ms. Bryce admits that the brokerage held special levy funds on behalf of the said strata corporation in the operating trust account of the brokerage instead of in a separate trust account as required by section 7-9(3)(c) of the Council Rules. This was identified by Council staff in a November 2008 financial statement of the said strata corporation.
24. Ms. Bryce stated that this was done at the request of the strata council for the above referred to strata corporation as the particular siding levy in question was ongoing for many years and repairs were done on an ongoing basis. She further stated that these funds were recorded separately, however the strata council felt that it was easier for them if the funds were held in the brokerage’s operating account.

C. Discipline History

25. Ms. Bryce entered into a Consent Order with the Council on October 17, 2007 in which Pace Realty admitted that it 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 December 31, 2006 on or before April 30, 2007.
26. Ms. Bryce admitted that she committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* by not fulfilling her 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 section 3-1(3) of the Council Rules [managing broker responsibilities] in that she failed to ensure that the said accountant’s report was filed with the Council on or before April 30, 2007.
27. Pace Realty and Ms. Bryce consented to orders in this regard that they both be reprimanded and be jointly and severally liable to pay enforcement

expenses to the Council in the amount of \$750.00 within sixty (60) days of the Order herein.

28. Ms. Bryce was issued a letter of warning by the Council dated October 20, 2005 cautioning her to delegate the supervision of the brokerage to a qualified licensee related to the brokerage in her absence and not to engage the managing broker from an unrelated brokerage.
29. Ms. Bryce was also issued a letter of warning by the Council dated May 2, 2008 cautioning her that if the brokerage receives money on behalf of strata corporation clients that is only contingency reserve fund money or special levy money or both, it must pay these funds into a separate trust account in the name of the strata corporation for this purpose. This was in relation to a different strata corporation than the above referred to strata corporation.
30. Ms. Bryce acknowledges that she received the letter of warning dated May 2, 2008 in relation to another strata corporation yet continued to hold special levy funds in the brokerage's operating account with respect to the strata corporation referred to above.
31. Ms. Bryce stated that both strata corporations instructed her to hold the said funds in the brokerage's operating account and eventually terminated her services.

D. Proposed Acceptance of Findings and Waiver

1. Based on the Agreed Statement of Facts as outlined herein, and without making any admissions of liability, Elizabeth Joy Bryce is prepared to accept the following findings if made against her by the Council's Consent Order Review Committee:
 - (a) Elizabeth Joy Bryce committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* in that she contravened section 3-1(1)(a) and (b) and/or section 3-1(3)(a) of the Council Rules in that she:
 - (i) failed to ensure that all those records as required by section 8-7.1(3) and section 8-7.1(4) of the Council Rules were provided to the said client by the said brokerage when the management contract was terminated on December 31, 2008 on or before January 31, 2009;
 - (ii) failed to ensure that funds received as special levy monies collected on behalf of a client were paid into a trust account of the brokerage separate from the operating trust account as

required by sections 7-9(2)(b) and 7-9(3)(b) of the Council Rules.

2. Ms. Bryce hereby waives her right to appeal pursuant to section 54 of the *Real Estate Services Act*.
3. Ms. Bryce 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. Bryce 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 legal research website.
5. Ms. Bryce 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.

“David P. Berger” _____

**David P. Berger, Legal Counsel
Real Estate Council of British Columbia**

**As to Part B only (Agreed Statement
of Facts)**

Dated 15th day of October, 2012

“Elizabeth Joy Bryce” _____

Elizabeth Joy Bryce

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

Dated 12 day of October, 2012