

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

**IN THE MATTER OF
PACIFIC QUORUM PROPERTIES INC.**

CONSENT ORDER

RESPONDENT: Pacific Quorum Properties Inc.,
Brokerage

DATE OF REVIEW MEETING: May 22, 2013

DATE OF CONSENT ORDER: July 8, 2013

CONSENT ORDER REVIEW COMMITTEE: M. Cowe, (Chair)
S. Ghose
S. McGougan
P. O'Donnell

ALSO PRESENT: R.O. Fawcett, Executive Officer
E. Wredenhagen, Director, Legal
Services
D. Berger, Legal Counsel for the Real
Estate Council

PROCEEDINGS:

On May 22, 2013 the Consent Order Review Committee resolved to accept the Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver executed by Pacific Quorum Properties Inc. as submitted. It is therefore ordered that Pacific Quorum Properties Inc. be reprimanded. Further, Pacific Quorum Properties Inc. is ordered to pay enforcement expenses of this Consent Order to the Council in the amount of \$1,250.00 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 Pacific Quorum Properties Inc. 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. Pacific Quorum Properties Inc. be reprimanded as it committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* in that it contravened section 8-6(1)(a) of the Council Rules in that it failed to retain a record of a move-out inspection report for the property as required by the written services rental property management agreement dated June 11, 2010.
2. Pacific Quorum Properties Inc. is ordered to pay enforcement expenses of this Consent Order to the Council in the amount of \$1,250.00 within sixty (60) days from the date of this Order.

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

Dated this 9th day of July, 2013 at the City of Vancouver, British Columbia.

ON BEHALF OF THE CONSENT ORDER REVIEW COMMITTEE

“M. Cowe”

M. Cowe, Chair
Consent Order Review Committee

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

**IN THE MATTER OF
PACIFIC QUORUM PROPERTIES INC.
(X026046)**

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

The following agreement has been reached between Pacific Quorum Properties Inc. ("Pacific Quorum") and the Real Estate Council of British Columbia (the "Council").

- A. Pacific Quorum hereby consents to an Order to be made pursuant to sections 41 and 43 of the *Real Estate Services Act* that it be reprimanded. Further, it agrees to pay enforcement expenses of this Consent Order to the Council in the amount of \$1,250.00 within sixty (60) days from the date of the Order herein. Pacific Quorum further consents to an Order that if it fails to comply with any of the terms of the Order set out above, a Discipline Hearing Committee may suspend or cancel its licence without further notice to it pursuant to section 43(3) and 43(4) of the *Real Estate Services Act*.
- B. As a basis for this Order, Pacific Quorum acknowledges and agrees that the facts set forth herein are correct:
1. Pacific Quorum was at all relevant times licensed as a brokerage.
 2. Pacific Quorum's licensing history is as follows:

<u>Start Date</u>	<u>End Date</u>	<u>Licensing History</u>	<u>Licence Category</u>
5/10/2011	Current	Pacific Quorum Properties Inc. (X026846)	Trading, Rental, Strata
5/10/2009	5/9/2011	Pacific Quorum Properties Inc. (X026846)	Trading, Rental, Strata
8/1/2007	5/9/2009	Pacific Quorum Properties Inc. (X026846)	Trading, Rental, Strata

5/10/2007	8/1/2007	Pacific Quorum Properties Inc. (X026846)	Trading, Rental, Strata
1/17/2006	5/9/2007	Pacific Quorum Properties Inc. (X026846)	Trading, Rental, Strata
5/10/2005	1/17/2006	Pacific Quorum Properties Inc. (X026846)	Trading, Rental
5/10/2003	5/9/2005	Pacific Quorum Properties Inc. (X026846)	Trading, Rental
5/10/2001	5/9/2003	Pacific Quorum Properties Inc. (X026846)	Trading, Rental
5/10/1999	5/9/2001	Pacific Quorum Properties Inc. (X026846)	Trading, Rental

3. On or about June 11, 2010 JY and LZ, who reside in Prince George, entered into a written service agreement with Pacific Quorum to manage rental property owned by them (the "Owners") in Burnaby, B.C. in a strata building. Wing Wang Tam, a licensee with Pacific Quorum at the time in question, was the rental property manager.
4. Pacific Quorum entered into a tenancy agreement with BB (the "Tenant") with respect to the subject property which commenced on September 1, 2010 for a one year fixed term for a monthly rent of \$1,200.00 and collected a security deposit from the tenant in the amount of \$600.00.
5. The tenant failed to pay rent for the months of November and December, 2010 and was evicted pursuant to an order of the Residential Tenancy Branch on January 11, 2011.
6. On or about February 28, 2011 the tenant vacated the property.
7. Pacific Quorum admits that it did not have a copy of the move-in/move-out inspection report for the property as required by the written services agreement and does not have direct knowledge as to whether one was in fact completed. However, Pacific Quorum states that it did have policies in place and procedures in place that required a move-in/move-out inspection report to be completed.
8. The security deposit in the amount of \$600.00 was paid to the owners (landlords) of the property by Pacific Quorum in January 2012 as the

management agreement had been terminated and the tenant did not leave a forwarding address.

9. Pacific Quorum has no disciplinary record with the Council.
- 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, Pacific Quorum is prepared to accept the following findings if made against it by the Council's Consent Order Review Committee:
 - (a) Pacific Quorum committed professional misconduct within the meaning of section 35(1)(a) of RESA [contravention of Act or Rules] in that it:
 - (i) contravened section 8-6(1)(a) of the Council Rules [rental property management records] in that it failed to retain a record of a move-out inspection report for the property as required by the written services rental property management agreement dated June 11, 2010.
 2. Pacific Quorum hereby waives its right to appeal pursuant to section 54 of the *Real Estate Services Act*.
 3. Pacific Quorum acknowledges that it has a right to seek independent legal advice before signing this Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver.
 4. Pacific Quorum 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 website for legal research.
 5. Pacific Quorum 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, Senior Legal Counsel

"John Gary Peccia"

John Gary Peccia, on behalf of Pacific

Real Estate Council of British Columbia

Quorum Properties Inc.

As to Part B only (Agreed Statement of Facts)

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

Dated 22 day of April, 2013

Dated 17 day of April, 2013