

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

**IN THE MATTER OF  
JAMES ALEKSON**

**AND**

**ISTRATA PROPERTY MANAGEMENT CORP.**

**CONSENT ORDER**

RESPONDENTS: James Alekson, Managing Broker,  
iStrata Property Management Corp.

iStrata Property Management Corp.,  
Brokerage

DATE OF REVIEW MEETING: June 4, 2014

DATE OF CONSENT ORDER: July 7, 2014

CONSENT ORDER REVIEW COMMITTEE: B. Binnie  
M. Cowe  
S. Lynch  
S. McGougan

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

PROCEEDINGS:

On June 4, 2014 the Consent Order Review Committee (the "Committee") resolved to accept the Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver ("ASF") submitted by James Alekson and iStrata Property Management Corp.

**WHEREAS** the ASF, a copy of which is attached hereto, has been executed by James Alekson, iStrata Property Management Corp. and on behalf of the Council;

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**NOW THEREFORE**, the Committee having made the findings proposed in the attached ASF, and in particular having found that James Alekson and iStrata Property Management Corp. committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act*, orders that:

1. James Alekson be reprimanded;
2. iStrata Property Management Corp. be reprimanded;
3. James Alekson and iStrata Property Management Corp. be jointly and severally liable to pay a discipline penalty to the Council in the amount of \$2,000.00 within ninety (90) days of the date of this Order; and
4. James Alekson and iStrata Property Management Corp. be jointly and severally liable to pay enforcement expenses of this Consent Order to the Council in the amount \$1,250.00 within sixty (60) days from the date of this Order.

If James Alekson or iStrata Property Management Corp. fails to comply with any term of this Order, 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 7<sup>th</sup> day of July, 2014 at the City of Vancouver, British Columbia.

ON BEHALF OF THE CONSENT ORDER REVIEW COMMITTEE

“S. McGougan”  
S. McGougan, Chair  
Consent Order Review Committee

Attch.

File #12-232

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

**IN THE MATTER OF**

**JAMES ALEKSON  
(000076)**

**AND**

**ISTRATA PROPERTY MANAGEMENT CORP.  
(X029950)**

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

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The following agreement has been reached between James Alekson (“Mr. Alekson”), iStrata Property Management Corp. (“iStrata”) and the Real Estate Council of British Columbia (the “Council”).

- A. Mr. Alekson on behalf of iStrata hereby consents to an Order to be made pursuant to sections 41 and 43 of the *Real Estate Services Act* that iStrata be reprimanded.
- B. Mr. Alekson hereby consents to an Order to be made pursuant to sections 41 and 43 of the *Real Estate Services Act* that he be reprimanded.
- C. Mr. Alekson and Mr. Alekson on behalf of iStrata agree to be jointly and severally liable to pay a discipline penalty to the Council in the amount of \$2,000.00 within ninety (90) days from the date of the Order herein.
- D. Mr. Alekson and Mr. Alekson on behalf of iStrata agree to be jointly and severally liable 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.
- E. Mr. Alekson and Mr. Alekson on behalf of iStrata further consent to an Order that if either of them fail to comply with any of the terms of the Order set out above, a Discipline Hearing Committee may suspend or cancel their licenses without further notice to them pursuant to section 43(3) and 43(4) of the *Real Estate Services Act*.
- F. As a basis for this Order, Mr. Alekson and iStrata acknowledge and agree that the facts set forth herein are correct:

1. iStrata was at all relevant times licensed as a brokerage.
2. iStrata's licensing history is as follows:

<u>Start Date</u>	<u>End Date</u>	<u>Licensing History</u>	<u>Licence Level</u>	<u>Licence Category</u>
2013/01/25	Present	iStrata Property Management Corp. (X029950)	Brokerage	Trading, Rental, Strata
2012/12/12	2013/01/24	iStrata Property Management Corp. (X029950)	Brokerage	Trading, Rental, Strata
2011/01/25	2012/12/12	iStrata Property Management Corp. (X029950)	Brokerage	Trading, Rental

3. Mr. Alekson was at all relevant times licensed as a managing broker with iStrata Property Management Corp.
4. Mr. Alekson's licensing history is as follows:

<u>Start Date</u>	<u>End Date</u>	<u>Licensing History</u>	<u>Licence Level</u>	<u>Licence Category</u>
2012/12/12	Present	iStrata Property Management Corp. (X029950)	Managing Broker	Trading, Rental, Strata
2011/07/13	2012/12/12	iStrata Property Management Corp. (X029950)	Managing Broker	Trading, Rental
2011/06/30	2011/07/12	*** Unlicensed ***		
2011/01/25	2011/06/29	iStrata Property Management Corp. (X029950)	Managing Broker	Trading, Rental

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2010/03/05	2011/01/24	*** Unlicensed ***		
1981/05/27	2010/03/04	Tedford Realty Corporation (X002903)	Managing Broker	Trading, Rental
1979/06/12	1981/05/26	Westward Mortgage Realty Ltd. (X016179)	Representative	Trading, Rental
1979/05/30	1979/06/11	*** Unlicensed ***		
1978/10/04	1979/05/29	Faymar Realty Ltd. (009634)	Representative	Trading, Rental
1978/09/05	1978/10/03	*** Unlicensed ***		
1977/03/14	1978/09/04	Canada Trust Company	Representative	Trading, Rental
1977/03/11	1977/03/13	*** Unlicensed ***		
1975/08/14	1977/03/10	Montreal Trust Company of Canada (X009508)	Representative	Trading, Rental
1975/08/13	1975/08/13	*** Unlicensed ***		
1975/05/22	1975/08/12	Irwin & Hersog Realty Ltd.	Representative	Trading, Rental

5. iStrata first became licensed as a brokerage on January 25, 2011 to conduct Trading and Rental Property Management Services.
6. On February 3, 2012 Mr. Alekson wrote and passed the Strata Management Supplemental Examination and both he and the brokerage were eligible to become licensed to provide strata management services.
7. Mr. Alekson states that in error he failed to remit an application for licensing to provide strata management services to the Council for both himself and the brokerage. It was not until December 12, 2012 that both Mr. Alekson and the

brokerage obtained the required strata management licence to provide strata management services.

8. Mr. Alekson admits that between June 1, 2012 and December 12, 2012 the brokerage was providing strata management services through an unlicensed individual and both the brokerage and Mr. Alekson, as managing broker, were unlicensed to provide strata management services. These services included:
  - assisting at strata council meetings and reporting on insurance coverage and the strata corporations financial statements;
  - arranging for contractor quotes;
  - arranging access to building for trades people;
  - prospecting for new clients;
  - advertising strata management services;
  - letter to strata owners requesting payments to brokerage.

#### Disciplinary Record with the Council

9. Mr. Alekson entered into a Consent Order with the Council dated October 17, 2007 whereby he consented to an order that as managing broker for Tedford Realty Corporation he 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 his 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 in that he failed to ensure that the Accountant's Report was filed with the Council on or before June 28, 2007.
10. Mr. Alekson was reprimanded and jointly and severally liable with the brokerage to pay enforcement expenses to the Council in the amount of \$750.00.
11. Mr. Alekson also entered into a Consent Order dated January 27, 2010 whereby he consented to order that he committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* in that he:
  - (a) contravened section 35(1)(d) of the *Real Estate Services Act* by failing to fulfill 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
  - (b) contravened section 3-1(1)(a) and (b) and 3-1(c) of the Council Rules in that he failed to ensure that the Accountant's Report was filed with the Real Estate Council on or before June 28, 2009.

12. Mr. Alekson's managing broker licence was suspended for 14 days but he was immediately eligible to be licensed as an associate broker or representative. Further, he was ordered to be jointly and severally liable with the brokerage to pay enforcement expenses to the Council of in the amount of \$1,000.00.

G. Proposed Acceptance of Findings and Waiver

1. Based on the Agreed Statement of Facts as outlined herein, and without making any admissions of liability, James Alekson and iStrata Property Management Corp. are prepared to accept the following findings if made against them by the Council's Consent Order Review Committee:
  - (a) iStrata Property Management Corp. committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* in that it:
    - i. contravened section 3(1)(a) of the *Real Estate Services Act* by providing strata management services from on or about June 1, 2012 to on or about December 12, 2012 when it was not licensed to provide those services;
    - ii. contravened section 7(5)(a) of the *Real Estate Services Act* in that it provided strata management services through an unlicensed person.
  - (b) James Alekson, as managing broker for the brokerage, committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* in that he:
    - i. contravened section 3-1(1)(b) of the Council Rules in that he:
      - a. failed to ensure that the brokerage was licensed to provide strata management services before providing these services;
      - b. permitted the brokerage to provide strata management services through a person who was not licensed to provide those services.
2. Mr. Alekson and iStrata hereby waive their right to appeal pursuant to section 54 of the *Real Estate Services Act*.
3. Mr. Alekson and iStrata 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. Mr. Alekson and iStrata acknowledge and are 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. Mr. Alekson and iStrata 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.
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  
Real Estate Council of British Columbia**

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

**Dated 20<sup>th</sup> day of May, 2014**

"James Alekson"

**James Alekson**

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

**Dated 16<sup>th</sup> day of May, 2014**

"James Alekson"

**James Alekson on behalf of iStrata Property  
Management Corp.**

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

**Dated 16<sup>th</sup> day of May, 2014**