

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

**IN THE MATTER OF
JOSEPH (JOE) TIMOTHY HACKETT**

And

TEAMWORK PROPERTY MANAGEMENT LTD.

CONSENT ORDER

RESPONDENTS: Joseph (Joe) Timothy Hackett,
Representative, Teamwork Property
Management Ltd.

Teamwork Property Management
Ltd., Brokerage

DATE OF REVIEW MEETING: November 28, 2014

DATE OF CONSENT ORDER: December 12, 2014

CONSENT ORDER REVIEW COMMITTEE: H. Exner
S. McGougan, Chair
D. Rishel

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

PROCEEDINGS:

On November 28, 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 Joseph (Joe) Timothy Hackett on his behalf and on behalf of Teamwork Property Management Ltd.

WHEREAS the ASF, a copy of which is attached hereto, has been executed by Joseph (Joe) Timothy Hackett, Teamwork Property Management and on behalf of the Council;

NOW THEREFORE, the Committee having made the findings proposed in the attached ASF, and in particular having found that Joseph (Joe) Timothy Hackett and Teamwork Property Management Ltd. committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act*, orders that:

1. Joseph (Joe) Timothy Hackett be reprimanded;
2. Joseph (Joe) Timothy Hackett, at his own expense, register for and 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;
3. Teamwork Property Management Ltd. be reprimanded;
4. Teamwork Property Management Ltd. 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
5. Joseph (Joe) Timothy Hackett and Teamwork Property Management Ltd. 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 Joseph (Joe) Timothy Hackett or Teamwork Property Management Ltd. fail 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 12th day of December, 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 #11-094

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

**IN THE MATTER OF
JOSEPH TIMOTHY HACKETT
(149996)**

AND

**TEAMWORK PROPERTY MANAGEMENT LTD.
(X024541)**

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

The following agreement has been reached between Joseph Timothy Hackett (“Mr. Hackett”), Teamwork Property Management Ltd. (“brokerage”) and the Real Estate Council of British Columbia (the “Council”).

- A. Mr. Hackett hereby consents to an Order to be made pursuant to sections 41 and 43 of the *Real Estate Services Act* that he be reprimanded, and that he successfully complete the Strata Management Remedial Education Course at his own expense as provided by the Sauder School of Business at the University of British Columbia in the time period as directed by the Council.
- B. The brokerage hereby consents to an Order to be made pursuant to sections 41 and 43 of the *Real Estate Services Act* that it be reprimanded, and pay a discipline penalty to the Council in the amount of \$1,000.00 within ninety (90) days of the date of this Order.
- C. Mr. Hackett and the brokerage 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.
- D. Mr. Hackett and the brokerage 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*.
- E. As a basis for this Order, Mr. Hackett and the brokerage acknowledge and agree that the facts set forth herein are correct:

1. The brokerage was at all relevant times licensed as a brokerage.

2. The brokerage's licensing history is as follows:

Jan. 30/95 – July 11/02 Brokerage, Trading, rental.

Dec. 30/05 – Present Brokerage, Trading, rental, strata

3. Mr. Hackett'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>
03/10/2006	Present	Teamwork Property Management Ltd.	Representative	Strata

4. On September 7, 2011, Council received a complaint from L. F. on behalf of Strata Plan LMS-7XX concerning the brokerage.

5. Concerns included:

(a) The brokerage had issued two cheques for one completed job. The matter was brought to the strata's attention by the contractor who advised that they had received a second cheque for payment of the same job.

(b) Two invoices for the same job had been provided by the contractor to the brokerage. Two cheques, prepared by the brokerage to be issued by the strata corporation, were signed by a strata council member and by brokerage staff.

(c) Once notified of the duplicated invoice and second cheque, Mr. Hackett arranged to void the second cheque and the cheque was subsequently returned by the contractor. The strata did not suffer any loss.

6. In the brokerage's view, the contractor was hired and supervised by the council without oversight from the brokerage or its staff. The invoices and the payments were for work ordered and approved by the council without the brokerage's involvement apart from presenting the invoices for approval and payment. The error arose because the contractor sent two un-numbered invoices for the same job to the brokerage. Had the contractor numbered the invoices, there would have been no error on the part of the brokerage.

7. The strata sent a letter of termination to the brokerage dated June 27, 2011 addressed to the former managing broker of the brokerage signed by the president of the strata council.

8. A Special General Meeting (SGM) was held on August 22, 2011 to ratify the council's decision to terminate the brokerage's service agreement but the brokerage took the view that the SGM was improperly called due to a lack of proper notice to some owners.
9. Despite being told by the strata council president that the council did not want the brokerage or its staff to attend the meeting, Mr. Hackett attended as directed by and with the former managing broker at the time and, despite requests by the strata council president to leave the meeting, they remained at the meeting.
10. The minutes of the meeting reflect that the SGM was terminated without any resolutions after notice of the meeting to all owners as required by the *Strata Property Act* was challenged by other owners present at the SGM.
11. On September 6, 2011, the strata, through its lawyer, sent a letter to the then managing broker to advise him that the council would hold another SGM on October 7, 2011 in which a motion to terminate the brokerage's service agreement would be on the agenda and advised that the brokerage was not to attend this meeting.
12. On October 7, 2011, a resolution to terminate the brokerage's service agreement was ratified by the owners. The minutes of this meeting reflect that decision.
13. On October 11, 2011, the former managing broker conducted a non-strata council sanctioned meeting with owners with the intention to elect a new strata council.
14. On October 12, 2011, the strata council through its lawyer wrote to the then managing broker noting that he had ignored the strata's termination notice and direction and reiterating that the strata had terminated the brokerage's service agreement.
15. While a purported new council was elected on October 11, 2011, this council decided to disband.
16. On November 2, 2011, the brokerage indicated to the strata that it would accept an immediate termination of its service agreement.
17. Effective May 23, 2012, the former managing broker sold his interest in the brokerage and the former managing broker is no longer involved with the brokerage in any capacity.

F. Proposed Acceptance of Findings and Waiver

1. Based on the Agreed Statement of Facts as outlined herein, and without making any admissions of liability, Teamwork Property Management Ltd. and Joseph

Timothy Hackett are prepared to accept the following findings if made against them by the Council's Consent Order Review Committee:

- (a) The brokerage committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* [contravention of Act, Regulation or Council Rules] in that it failed to keep proper books and records, contrary to section 25 of the *Real Estate Services Act*;
 - (b) Joseph (Joe) Timothy Hackett committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* [contravention of Act, Regulation or Council Rules] in that he:
 - (i) failed to act in the best interest of the client, failed to act in accordance with their lawful instruction and failed to act only within the scope of authority given by the client when, despite receiving an instruction from the client not to attend, attended an August 22, 2011 SGM, contrary to sections 3- 3(1)(a) (b) and (c) of the Council Rules; and
 - (ii) failed to act in the best interest of the client and failed to act only within the scope of authority given by the client when he assisted strata owners, who signed and submitted a petition to demand the strata corporation to call a SGM for the purpose of proposing a resolution to remove the elected strata council members, by (a) preparing the notice for this SGM, which was subsequently held on October 11, 2011, and (b) attending this SGM without the clients authorization or consent to do so, contrary to sections 3-3(1)(a) and (c) of the Council Rules.
2. Mr. Hackett and the brokerage hereby waive their right to appeal pursuant to section 54 of the *Real Estate Services Act*.
 3. Mr. Hackett and the brokerage 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. Hackett and the brokerage 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. Hackett and the brokerage 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 no other purpose.

“Jessica S. Gossen”
**Jessica S. Gossen, Legal Counsel
Real Estate Council of British Columbia**

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

Dated 18 day of November, 2014

“Joseph (Joe) Timothy Hackett”
Joseph (Joe) Timothy Hackett

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

Dated 18 day of November, 2014

“Teamwork Property Management Ltd.”
Teamwork Property Management Ltd.

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

Dated 18 day of November, 2014