

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

**IN THE MATTER OF
MICHAEL KENNETH ROBLIN**

CONSENT ORDER

RESPONDENT: Michael Kenneth Roblin, Managing
Broker, Dynamic Property
Management Ltd.

DATE OF REVIEW MEETING: April 10, 2015

DATE OF CONSENT ORDER: April 30, 2015

CONSENT ORDER REVIEW COMMITTEE: A. Ghouri
S. Lynch
S. McGougan, Chair
J. Pearson

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

PROCEEDINGS:

On April 10, 2015 the Consent Order Review Committee (the "Committee") resolved to accept the Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver ("ASF") submitted by Michael Kenneth Roblin.

WHEREAS the ASF, a copy of which is attached hereto, has been executed by Michael Kenneth Roblin 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 Michael Kenneth Roblin committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act*, orders that Michael Kenneth Roblin:

1. be reprimanded;

2. 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; and
3. pay enforcement expenses of this Consent Order to the Council in the amount \$1,500.00 within sixty (60) days from the date of this Order.

If Michael Kenneth Roblin fails to comply with any term of this Order, the Council may suspend or cancel his licence without further notice to him, pursuant to sections 43(3) and 43(4) of the *Real Estate Services Act*.

Dated this 30th day of April, 2015 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 #13-264

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

IN THE MATTER OF

MICHAEL KENNETH ROBLIN
(094999)

AGREED STATEMENT OF FACTS,
PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

The following agreement has been reached between Michael Kenneth Roblin (“Mr. Roblin”) and the Real Estate Council of British Columbia (the “Council”).

- A. Mr. Roblin 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, 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 within the time period as directed by the Council. Further, he agrees to pay enforcement expenses of this Consent Order to the Council in the amount of \$1,500.00 within sixty (60) days from the date of the Order herein. Mr. Roblin further consents to an Order that if he fails to comply with any of the terms of the Order set out above, a Discipline Hearing Committee may suspend or cancel his licence without further notice to him pursuant to section 43(3) and 43(4) of the *Real Estate Services Act*.
- B. As a basis for this Order, Mr. Roblin acknowledges and agrees that the facts set forth herein are correct:
 - 1. Mr. Roblin was at all relevant times licensed as a managing broker with Dynamic Property Management Ltd.
 - 2. Mr. Roblin’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>
2006/11/28	Present	Dynamic Property Management Ltd. (X028832)	Managing Broker	Trading, Rental, Strata
2006/04/01	2006/11/27	*** Unlicensed ***		

2004/06/14	2006/03/31	Black Tusk Realty Ltd. dba Royal LePage Black Tusk Realty (X002821)	Associate Broker	Trading, Rental
2003/08/22	2004/06/13	*** Unlicensed ***		
2002/03/15	2003/08/21	Black Tusk Realty Ltd. dba Royal LePage Black Tusk Realty (X002821)	Associate Broker	Trading, Rental
2000/04/07	2002/03/14	FirstService Residential BC Ltd. dba FirstService Residential (X000867)	Associate Broker	Trading, Rental
1999/06/30	2000/04/07	Sea to Sky Real Estate Squamish Ltd. dba Re/Max Sea to Sky Real Estate Squamish (X016602)	Associate Broker	Trading, Rental
1998/09/08	1999/06/30	Spencer Realty 1993 Ltd. dba Remax of Squamish (X023869)	Managing Broker	Trading, Rental
1996/06/25	1998/09/08	Spencer Realty 1993 Ltd. dba Remax of Squamish (X023869)	Representative	Trading, Rental
1993/11/18	1996/06/25	433505 B.C. Ltd. dba Sussex Group – Sound Realty (X022770)	Representative	Trading, Rental
1992/04/07	1993/11/18	Sussex Group - S.R.C. Realty Corporation dba Prudential Sussex Realty (X014278)	Representative	Trading, Rental
1992/04/02	1992/04/07	388700 B.C. Ltd. dba Realty World – Lions Gate (X021270)	Representative	Trading, Rental
1991/08/22	1992/04/02	Sussex Group – S.R.C. Realty Corporation dba Prudential Sussex Realty (X014278)	Representative	Trading, Rental

- On or about June 23, 2010 a strata corporation located in Squamish, BC, entered into a strata management service agreement with Dynamic Property Management Ltd. (“DPM”). Mr. Roblin was the strata manager.

4. This development had two sections, residential and commercial, which were also managed by DPM under a written service agreement with the strata corporation.
5. On or about October 16, 2013 DPM entered into a separate commercial section written service agreement and disclosed to the commercial section that the primary client was the strata corporation.
6. Mr. Roblin admits that he failed to disclose to the strata corporation that DPM had entered into a written service agreement with the commercial section. Mr. Roblin states, however, that the strata council were already aware that DPM had been managing the commercial section since 2010 but not by a separate written service agreement.
7. On or about November 7, 2013 Mr. Roblin informed the strata council that a strata management written service agreement was required to be in place for the residential section in order for DPM to comply with the *Real Estate Services Act*. The strata corporation would not sign the agreement because they wanted to go out and tender other strata management entities.
8. On or about January 15, 2014 the cooling system for the common area electrical room failed resulting in emergency repairs being authorized by JG, the president of the strata council, on behalf of the strata council.
9. A quote had previously been obtained and funds were built into the approved operating budget for the project.
10. On or about December 28, 2013 the strata council sent DPM a letter stating that they no longer required its management services as of February 28, 2014.
11. On or about January 24, 2014 Mr. Roblin informed the strata council that the brokerage would no longer provide strata management services to the residential section effective February 1, 2014.
12. On or about January 29, 2014, prior to commencing any work, JG had requested a breakdown of costs for the project from the repair company which was provided to JG on the same day. It was the same quote as originally provided.
13. On or about January 30, 2014 J.G., on behalf of the strata council, emailed instructions to the repair company, as follows:

“Please don’t process any payment related to this work until we Council, accept the work on site.”

Mr. Roblin was copied with this email.
14. On the afternoon of Friday, January 31, 2014 J.G. met the owner of the repair company on site as the invoice for the work had yet to be completed.

15. At the meeting on January 31, 2014 JG indicated to the representative from the repair company that the work met with his approval. However, JG did not provide the owner of the repair company with any authorization to process payment as the work was not yet completed.
16. The repair company worked at the building until late afternoon on Saturday, February 1, 2014 to finish the installation.
17. Payment was processed by the repair company on the evening of January 31, 2014 in the amount of \$25,600.05 without authorization from the strata council. The payment was processed on a credit card on file with the repair company which was in the name of a licensee with DPM. Mr. Roblin states this was the last day that the brokerage was providing management services to the residential section. He states that neither he nor anyone from his brokerage authorized the payment through the credit card before it was processed.
18. Mr. Roblin then authorized the reimbursement to the licensee for the above amount charged to his credit card from the strata corporation's trust funds without authorization from the strata council. Mr. Roblin contends that the strata council knew that the normal process of payment to the repair company was by credit card. He states that payment for the job was processed on the credit card that evening as that was the last day that the brokerage was providing management services to the residential section.
19. Mr. Roblin states that JG was reminded that if the credit card was not on file with the repair company it would have removed the equipment.
20. Mr. Roblin states that he has followed up with the repair company and they reported that the new system has run without any issues since it was installed and no service calls had been made.
21. Mr. Roblin 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, Michael Kenneth Roblin is prepared to accept the following findings if made against him by the Council's Consent Order Review Committee:
 - (a) Michael Kenneth Roblin 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) contravened section 3-3(a), 3-3(b) and/or 3-3(c) of the Council Rules in that when the payment of an invoice to the repair company was processed by the repair company on a credit card belonging to a licensee with the said brokerage on file with the repair company

in the amount of \$25,600.05 for the replacement of the HVAC equipment, which was contrary to the instructions of the strata corporation, Mr. Roblin permitted the reimbursement to the licensee for the said amount charged on his credit card from the strata corporation trust account of the brokerage without the authorization of the strata council;

(ii) contravened section 5-10 of the Council Rules in that he failed to disclose to the strata corporation that the brokerage entered into a written service agreement with the commercial section.

2. Mr. Roblin hereby waives his right to appeal pursuant to section 54 of the *Real Estate Services Act*.
3. Mr. Roblin acknowledges that he has a right to seek independent legal advice before signing this Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver.
4. Mr. Roblin 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. Mr. Roblin 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 4th day of February, 2015

“Michael Kenneth Roblin”

Michael Kenneth Roblin

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

Dated 3 day of February, 2015