

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

**IN THE MATTER OF
YANG-SOOK SHIN
(147825)**

AND

**ALS PROPERTY MANAGEMENT LTD.
(X029791)**

CONSENT ORDER

RESPONDENTS:	Yang-Sook Shin, Managing Broker, ALS Property Management Ltd. ALS Property Management Ltd., Brokerage,
DATE OF REVIEW MEETING:	August 31, 2016
DATE OF CONSENT ORDER:	September 7, 2016
CONSENT ORDER REVIEW COMMITTEE:	D. Fimrite M. Leslie S. Lynch, Chair T. O’Grady
ALSO PRESENT:	R.O. Fawcett, Executive Officer G. Thiele, Director, Legal Services S. Sheina, Legal Counsel for the Real Estate Council
PROCEEDINGS:	

On August 31, 2016 the Consent Order Review Committee (the “Committee”) resolved to accept the Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver (“ASF”) submitted by Yang-Sook Shin and ALS Property Management Ltd..

WHEREAS the ASF, a copy of which is attached hereto, has been executed by Yang-Sook Shin, ALS Property Management Ltd. and on behalf of the Council;

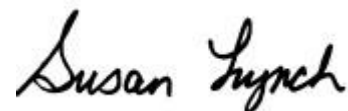
NOW THEREFORE, the Committee having made the findings proposed in the attached ASF, and in particular having found that Yang-Sook Shin and ALS Property Management Ltd. committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act*, orders that:

1. Yang-Sook Shin and ALS Property Management Ltd. each be reprimanded;
2. Yang-Sook Shin and ALS Property Management Ltd. be jointly and severally liable to pay a discipline penalty to the Council in the amount of \$2,500.00 within ninety (90) days of the date of this Order;
3. Yang-Sook Shin, at his own expense, is to register for and successfully complete the Broker's 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. Yang-Sook Shin and ALS Property Management Ltd. be jointly and severally liable 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 this Order.

If Yang-Sook Shin or ALS 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 7th day of September, 2016 at the City of Vancouver, British Columbia.

ON BEHALF OF THE CONSENT ORDER REVIEW COMMITTEE



S. Lynch, Chair
Consent Order Review Committee

Attch.

**IN THE MATTER OF THE REAL ESTATE SERVICES ACT
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**AGREED STATEMENT OF FACTS,
PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER**

The following agreement has been reached between Yang-Sook Shin (“Mr. Shin”), ALS Property Management Ltd. and the Real Estate Council of British Columbia (the “Council”).

- A. Mr. Shin and ALS Property Management Ltd. hereby consent to an Order to be made pursuant to sections 41 and 43 of the *Real Estate Services Act* (“RESA”) that they each be reprimanded.
- B. Mr. Shin and ALS Property Management Ltd. further consent that they be jointly and severally liable to pay a discipline penalty to the Council in the amount of \$2,500.00 within ninety (90) days of the date of the Order.
- C. Mr. Shin further consents that he, at his own expense, will register for and successfully complete the Broker’s 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.
- D. Mr. Shin and ALS Property Management Ltd. further consent that they will jointly and severally be liable 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 this Order herein.
- E. Further, Mr. Shin and ALS Property Management Ltd. consent to an Order that if they fail to comply with any of the terms of the Order made out against them and set out above in paragraphs A through D, as applicable, a Discipline Hearing Committee may suspend or cancel their licences, without further notice to them pursuant to section 43(3) and 43(4) of the RESA.

AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

F. As a basis for this Order, Mr. Shin and ALS Property Management Ltd. acknowledge and agree that the facts set forth herein are correct:

1. Mr. Shin was at all relevant times licensed as a managing broker with ALS Property Management Ltd. (the “Brokerage”).
2. Mr. Shin’s licensing history is as follows:

Start Date	End Date	Brokerage	Licence Level	Licence Category
11/08/2010	Present	ALS Property Management Ltd. (X029791)	Managing Broker	Trading, Rental, Strata
16/12/2008	11/08/2010	West Coast Realty Ltd. (Coq) Sutton Group - West Coast Realty (Coq) (X014036)	Representative	Trading, Rental
25/01/2008	16/12/2008	West Coast Realty Ltd. (Coq) dba Sutton Group - West Coast Realty (Coq) (X014036)	Representative	Trading
17/01/2006	25/01/2008	Envoy Realty Ltd. Dba Sutton Premier Realty (X020911)	Representative	Trading

3. ALS Property Management Ltd.’s licensing history is as follows:

Start Date	End Date	Brokerage	Licence Category
08/11/2011	to Present	ALS Property Management Ltd.	Trading, Rental, Strata

4. In or about 2013, the Brokerage entered into a service agreement with the Commercial section of Strata Plan LMS2XXX (“Strata Client”) to provide strata management services.
5. SJL, a licensee with the Brokerage was the property manager for the Strata Client. On or about October 31, 2014, SJL left the Brokerage.
6. After SJL left, Mr. Shin stated that due to his busy workload, he was not able to take over the management for the Strata Client, and nor was there any other licensee at the Brokerage who was able to provide strata management services for the Strata Client.
7. Mr. Shin instructed MK, the office manager and officer/director of the Brokerage, to notify the Strata Client that the Brokerage would be terminating its services and that they should seek another strata management company.

AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

8. On or about January 13, 2015, MK attended a Commercial Section Executive Meeting, alone and without permission from Mr. Shin. MK participated in the meeting and prepared the minutes. In addition, MK engaged in multiple email correspondence exchanges with the Strata Client and provided strata management services on behalf of the Brokerage.
9. Unbeknownst to Mr. Shin, MK became the Strata Client's main contact with the Brokerage due to her close association with working with SJL.
10. On or about March 3, 2015, a member of the Commercial section Executive of the Strata Client contacted the Council to complain about a number of service issues related to the management of the Strata Client. The complainant identified MK as their strata manager and stated that the Brokerage had not responded to the section Executive with regard to these issues.
11. On or about March 10, 2015, Council staff contacted the Brokerage and asked to speak with Mr. Shin. The receptionist stated that Mr. Shin only came to the Brokerage once every couple of weeks and that MK was the strata manager for the Strata Client.
12. On March 11, 2015, Council staff contacted Mr. Shin who stated that he attended the Brokerage office approximately twice a week.
13. He further stated that the Brokerage only managed two strata corporations, one of which was the Strata Client. Mr. Shin stated that he managed one strata corporation and SJL had managed the Strata Client until he left the Brokerage at the end of October 2014.
14. Mr. Shin stated to Council staff that he would be actively involved in managing the Commercial section of the Strata Client until their service agreement terminated.
15. Mr. Shin provided a written statement to the Council dated July 10, 2015 which stated the Brokerage was unable to provide a replacement for SJL and were unable to terminate the management services for the Strata Client who were unable find another management company. Mr. Shin also stated "we could not withdraw our service immediately by leaving the strata's entangled issues uncared" for because the strata corporation was in such a mess it was not able to self manage.
16. Mr. Shin and ALS Property Management Ltd. do not have a prior discipline history with the Council.

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AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

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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, Mr. Shin and ALS Property Management Ltd. are prepared to accept the following findings if made against them by the Council's Consent Order Review Committee:
 - a. Yang-Sook Shin committed professional misconduct within the meaning of section 35(1)(a) of the RESA in that while licensed as managing broker for ALS Property Management Ltd. (the "Brokerage"), he allowed an unlicensed individual to provide strata management services on behalf of the Brokerage to the commercial section of a strata corporation in Coquitlam known as LMS2XXX, contrary to section 3-1(1) of the Council Rules.
 - b. ALS Property Management Ltd. committed professional misconduct within the meaning of section 35(1)(a) of the RESA in that it failed to ensure that real estate services being provided to the commercial section of a strata corporation in Coquitlam known as LMS2XXX, were provided on behalf of the Brokerage by a licensee who was licensed in relation to the Brokerage and engaged by the Brokerage, contrary to section 7(5)(a) of the RESA.
2. Mr. Shin and ALS Property Management Ltd. waive their right to appeal pursuant to section 54 of the RESA.
3. Mr. Shin and ALS Property Management Ltd. 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. Shin and ALS Property Management Ltd. 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. Shin and ALS Property Management Ltd. acknowledge and are aware that the Superintendent of Real Estate has the right, pursuant to section 54 of the RESA, to appeal any decision of the Council, including this Agreed Statement of Facts, Proposed Acceptance of Findings, and Waiver and Consent Order.

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AGREED STATEMENT OF FACTS, PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER

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.

“S. Sheina”

**Sabinder Sheina, Legal Counsel
Real Estate Council of British Columbia**

As to Part F only (Agreed Statement of Facts)

Dated 12 day of July, 2016

“Y. Shin”

Yang-Sook Shin

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

Dated 8 day of July, 2016

“Y. Shin”

**Yang-Sook Shin on behalf of
ALS Property Management Ltd.**

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

Dated 8 day of July, 2016