

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

**IN THE MATTER OF  
CONCISE STRATA MANAGEMENT SERVICES INC.  
(X028565)**

**CONSENT ORDER**

RESPONDENT: Concise Strata Management Services,  
Brokerage

DATE OF REVIEW MEETING: July 7, 2016

DATE OF CONSENT ORDER: July 19, 2016

CONSENT ORDER REVIEW COMMITTEE: D. Fimrite  
C. Lindberg  
S. Lynch, Chair  
C. Squires

ALSO PRESENT: R.O. Fawcett, Executive Officer  
G. Thiele, Director, Legal Services  
P. Gilligan-Hackett, Legal Counsel for the  
Real Estate Council

PROCEEDINGS:

On July 7, 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 Concise Strata Management Services Inc.

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

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1. be reprimanded; and
  2. 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 Concise Strata Management Services Inc. fails to comply with any term of this Order, 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 19<sup>th</sup> day of July, 2016 at the City of Vancouver, British Columbia.

ON BEHALF OF THE CONSENT ORDER REVIEW COMMITTEE

"S. Lynch"

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S. Lynch, Chair  
Consent Order Review Committee

Attch.

File #14-367

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

**IN THE MATTER OF  
CONCISE STRATA MANAGEMENT SERVICES INC.  
(147836-3)**

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

2016 CanLII 60718 (BC REC)

The following agreement has been reached between Concise Strata Management Services Inc. (“Concise”) and the Real Estate Council of British Columbia (“Council”).

- A. Concise hereby consents to an Order to be made pursuant to sections 41 and 43 of the *Real Estate Services Act* (“RESA”) that it be reprimanded. Further, Concise 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. Concise 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 or licences, as the case may then be, 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, Concise acknowledges and agrees that the facts set forth herein are correct:

- 1. Concise was at all relevant times licensed as a brokerage.
- 2. Concise’s licensing history is as follows:

Brokerage	Licence Level	Licence Category	Start Date	End Date
Concise Strata Management Services Inc. (X028565)	Brokerage	Rental, Strata	01/12/2016	Present
Concise Strata Management Services Inc. (X028565)	Brokerage	Rental, Strata	11/10/2015	01/11/2016

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Concise Strata Management Services Inc. (X028565)	Brokerage	Strata	01/12/2006	11/10/2015
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3. Concise acted as the strata manager for a strata corporation (“Strata”) in Nanaimo, British Columbia.
4. The Strata terminated its services agreement with Concise with effect from September 30, 2014. On September 11, 2014 the Strata asked for all of the Strata’s records to be transferred to the new Strata manager by October 31, 2014.
5. In accordance with section 8-7.1(4) of the Council Rules, Concise was required to provide the Strata’s records to the new Strata manager by October 28, 2014.
6. Melissa Ruyter (“Ms. Ruyter”), a licensee with Concise, was responsible for managing the Strata and had the active responsibility for ensuring Concise provided the Strata’s documents to the new Strata manager within the required time.
7. Around November 18, 2014 Harold Brian Carleton (“Mr. Carleton”), the managing broker of Concise, received an email from TS, the Owner/Managing Broker of the new Strata manager. TS provided Mr. Carleton with a copy of an email which he had sent to Ms. Ruyter around November 3, 2015 regarding Strata documents which had not been provided to the new Strata manager, informing Mr. Carleton that Ms. Ruyter had not responded to the November 3, 2015 email, and asking Mr. Carleton to telephone him to avoid further action by the Strata. Mr. Carleton does not now remember whether he called TS.
8. However, immediately receiving the email from TS, Mr. Carleton followed up with Ms. Ruyter and reviewed the document provision which had occurred to that time. Mr. Carleton learned that a file box (“File Box”) containing the Strata’s financial records for a period of four years was at a secure off-site storage facility (“Storage Facility”) used by Concise.
9. Around December 15, 2014 an employee of Concise retrieved the File Box from the Storage Facility for the purpose of duplicating and providing the Strata records which were contained in the File Box.
10. At this time, Concise was engaged in an expansion and full-scale renovation of its offices. The renovation continued until March, 2015 and included a reconfiguration of Concise’s existing filing system which had resulted in the presence of a large number – Mr. Carleton estimates dozens – of file boxes at Concise. Through inadvertence, the File Box became mixed up with the other file boxes which were present and was overlooked until March, 2015.

11. In mitigation, Concise notes that as a result of the events described above, Mr. Carleton worked closely with Ms. Ruyter to overhaul, comprehensively, the manner in which Concise administered and stored its files.

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, Concise is prepared to accept the following findings if made against it by the Council's Consent Order Review Committee:
  - a. Concise committed professional misconduct within the meaning of section 35(1)(a) of RESA and failed to meet the brokerage requirements of section 3-3(b) of the Council Rules in that:
    - i. it failed to return all required financial records referred to in section 8-2 of the Council Rules within the time required by section 8-7.1(4) of the Council Rules to the Strata.
2. Concise hereby waives its right to appeal pursuant to section 54 of RESA.
3. Concise 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. Concise 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. Concise acknowledges and is aware that the Superintendent of Real Estate has the right, pursuant to section 54 of RESA, 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.

"Patrick Gilligan-Hackett"  
**Patrick Gilligan-Hackett, Legal Counsel**  
**Real Estate Council of British Columbia**

"Concise Strata Management Services Inc."  
**Concise Strata Management Services Inc.**

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

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

**Dated 22 day of June, 2016**

**Dated 1 day of June, 2016**