

CITATION: Van (Re), 2024 BCSRE63

Date: 2024-09-19

File # 18-766

**BC FINANCIAL SERVICES AUTHORITY**

**IN THE MATTER OF THE *REAL ESTATE SERVICES ACT*  
SBC 2004, c 42 as amended**

**AND**

**IN THE MATTER OF**

**JERRI LEE VAN  
(151742)**

**AND**

**JERRI VAN PERSONAL REAL ESTATE CORPORATION  
(151742PC)**

**CONSENT ORDER**

**[This Order has been redacted before publication.]**

RESPONDENTS: Jerri Lee Van, Trading Service Representative, Westwin Realty Ltd. doing  
business as Royal LePage Westwin Realty

Jerri Van Personal Real Estate Corporation

DATE OF CONSENT ORDER: September 19, 2024

COUNSEL: Michael Jones, Legal Counsel for the BC Financial Services Authority  
Gavin Cameron, Legal Counsel for the Respondents

**PROCEEDINGS:**

On September 19, 2024, the Superintendent of Real Estate (the "Superintendent"), or the Superintendent's authorized delegate, of the BC Financial Services Authority ("BCFSA") accepted the Consent Order Proposal (the "Proposal") submitted by Jerri Lee Van ("J. Van"), on their own behalf and on behalf of Jerri Van Personal Real Estate Corporation ("J. Van PREC").

**WHEREAS** the Proposal, a copy of which is attached hereto, has been executed by J. Van, on their own behalf and on behalf of J. Van PREC.

**NOW THEREFORE**, having made the findings proposed in the attached Proposal, and in particular having found that J. Van and J. Van PREC committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* (“RESA”) and sections 30(i), 56 and 65(2) of the *Real Estate Services Rules* (the “Rules”), pursuant to section 43 of the RESA the Superintendent orders that:

1. J. Van and J. Van PREC jointly and severally liable to pay a discipline penalty to BCFSA in the amount of \$40,000 within three (3) months from the date of this Order;
2. J. Van and J. Van PREC jointly and severally liable to pay enforcement expenses to BCFSA in the amount of \$3,000 within two (2) months from the date of this Order.
3. J. Van, at their own expense, register for and successfully complete the Real Estate Trading Services Remedial Education Course, as provided by the Sauder School of Business at the University of British Columbia in the time period as directed by BCFSA; and

If J. Van and J. Van PREC fail to comply with any of the terms of this Order, the Superintendent may suspend or cancel their licences without further notice to them, pursuant to sections 43(3) and 43(4) of the RESA.

Dated this 19<sup>th</sup> day of September, 2024 at the City of Victoria, British Columbia.

Superintendent of the BC Financial Services Authority

“Original signed by Jonathan Vandall”

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Jonathan Vandall  
Delegate of the Superintendent of Real Estate  
Province of British Columbia

Atch.

**BC FINANCIAL SERVICES AUTHORITY**

**IN THE MATTER OF THE REAL ESTATE SERVICES ACT  
SBC 2004, c 42 as amended**

**AND**

**IN THE MATTER OF**

**JERRI LEE VAN  
(151742)**

**AND**

**JERRI VAN PERSONAL REAL ESTATE CORPORATION  
(151742PC)**

**CONSENT ORDER PROPOSAL BY JERRI LEE VAN  
AND JERRI VAN PERSONAL REAL ESTATE CORPORATION**

**BACKGROUND AND FACTS**

This Consent Order Proposal (the "Proposal") is made by Jerri Lee Van ("J. Van") on their own behalf and on behalf of and Jerri Van Personal Real Estate Corporation ("J. Van PREC") to the Superintendent of Real Estate (the "Superintendent") of the BC Financial Services Authority ("BCFSA") pursuant to section 41 of the *Real Estate Services Act* ("RESA").

For the purposes of the Proposal, J. Van on their own behalf and on behalf of J. Van PREC and the Superintendent have agreed upon the following facts:

1. J. Van (151742) has been licensed as a trading services representative since 2007.
2. J. Van became licensed as J. Van PREC on September 25, 2014.
3. J. Van was at all relevant times licensed as a trading services representative with Westwin Realty Ltd. dba Royal LePage Westwin Realty (the "Brokerage").
4. On January 30 and March 5, 2019, the Superintendent received two anonymous complaints against J. Van with respect to multiple real estate transactions in a strata subdivision located on [Property 1], Kamloops, BC.
5. The complainants identified themselves as a group of separate buyers who purchased the strata properties and alleged that J. Van engaged in dual agency when representing both the buyers and the sellers who were [Developer 1], [Developer 2] and [Developer 3] (collectively, the "Developer") and that she did not act in the best interest of her clients and failed to promptly disclose a conflict of interest.
6. A Notice of Discipline Hearing was issued on February 27, 2024 and served on J. Van and on J. Van PREC.

7. J. Van has no prior discipline history.

#### **[Client A] and [Client B] Transactions**

8. On February 18, 2019, [Client A] and [Client B] ([collectively "Client 1"]) entered into a Multiple Listing Contract with the Brokerage for the sale of their property at [Property 1] (the "[Property 1] Property"). J. Van PREC was the designated agent in this contract. [Client 1] entered into a Contract of Purchase and Sale on March 24, 2019 for the sale of [Property 1], and the transaction completed on June 27, 2019.
9. In or around March 2019, J. Van assisted [Client 1] with looking for a new property to purchase.
10. On March 19, 2019, [Client 1] entered into a Contract of Purchase and Sale for the purchase of a property at [Property 2] ("[Property 2]"). J. Van PREC represented the Developer as the seller of [Property 2], and [Client 1], as purchasers, were represented by J. Van's managing broker at the time, [Licensee 1] ("[Licensee 1]").
11. [Client 1] were aware that J. Van PREC represented the Developer in the transaction involving [Property 2].
12. J. Van did not obtain a written agreement in the form as required by section 65 of the Real Estate Services Rules from [Client 1] and the Developer to continue to represent the Developer in this transaction, and opposite to [Client 1].
13. On April 18, 2019, [Client 1] added upgrade options to [Property 2] and, as a result, the purchase price was increased which also increased J. Van's commission by \$122.25.
14. J. Van did not provide an updated Disclosure of Remuneration form to the Developer following the change in purchase price and increase to her commission.
15. The sale and purchase of [Property 2] completed on June 27, 2019.

#### **A. [Client 2] Transactions**

16. In October 2018, [Client 2] ("[Client 2]") entered into a Multiple Listing Contract with the Brokerage for the sale of his property at [Property 3] (the "[Property 3] Property"). J. Van PREC was the designated agent for this contract. The sale completed on November 15, 2018.
17. On March 19, 2019, [Client 2] entered into a Contract of Purchase and Sale for the purchase of a property at [Property 4] (the "[Property 4] Property"). J. Van represented the Developer as seller of [Property 4] and [Client 2] as the purchaser was represented by [Licensee 1]. The sale and purchase of [Property 4] completed on August 6, 2019 (the "[Property 4] Transaction").
18. [Client 2] was aware that J. Van PREC represented the Developer in the transaction involving [Property 4].
19. On April 29, 2019, [Client 2] entered into a Multiple Listing Contract with the Brokerage for the sale of the property located at [Property 5] (the "[Property 5] Property"). J. Van PREC was the designated agent on this contract. [Client 2] entered into a Contract of Purchase and Sale on October 30, 2019, for the sale of [Property 5], and the transaction completed on December 13, 2019.
20. J. Van did not obtain a written agreement in the form as required by section 65 of the Real Estate Services Rules from [Client 2] and the Developer to continue to represent the Developer in the [Property 4] Transaction, and opposite to [Client 2].

#### **B. Mitigating Factors**

21. [Client 1] and [Client 2] did not report any harm to themselves as a result of the above transactions.
22. [Client 1] and [Client 2] were aware that J. Van PREC had a long-standing working relationship with the Developer and had represented the Developer in previous transactions.

23. J. Van sought advice and direction from her managing broker, [Licensee 1], regarding these transactions.

24. [Licensee 1] did not advise J. Van that an additional written agreement was required.

### **PROPOSED FINDINGS OF MISCONDUCT**

For the sole purposes of the Proposal and based on the Facts outlined herein, J. Van and J. Van PREC propose the following findings of misconduct be made by the Superintendent:

1. J. Van and J. Van PREC committed professional misconduct within the meaning of section 35(1)(a) of the RESA while licensed as a representative with Westwin Realty Ltd. dba Royal LePage Westin Realty in that, they:
  - a. represented the sellers [Client A] and [Client B] ([collectively "Client 1"]) of the property located at [Property 1], Kamloops, and acted opposite to [Client 1] when they purchased the property located at [Property 2] ("[Property 2]") in and around March 2019, contrary to section 30(i) [formerly, section 3-3(i), *take reasonable steps to avoid conflict of interest*] of the Rules;
  - b. failed to obtain a written agreement in the form approved by all clients to continue to represent the seller of [Property 2], and act opposite to [Client 1] in and around March 2019, contrary to section 65(2) [formerly, section 5-18(2), *addressing conflicts when acting for multiple clients*] of the Rules;
  - c. failed to provide her seller client with an updated Disclosure of Remuneration form when the purchase price increased in the sale of [Property 2] in and around March 2019, contrary to section 56 (formerly, section 5-11, *disclosure of remuneration*) of the Rules;
  - d. represented the seller [Client 2] ("[Client 2]") of the properties located at [Property 3] in and around October 2018, and [Property 5] in and around April 2019, and acted opposite to [Client 2] when he purchased the property located at [Property 4] in and around March 2019 ("[Property 4]"), contrary to section 30(i) [formerly, section 3-3(i), *take reasonable steps to avoid conflict of interest*] of the Rules; and
  - e. failed to obtain a written agreement in the form approved by all clients to continue to represent the seller of [Property 4], and act opposite to [Client 2] in and around Ma[r]ch 2019, contrary to section 65(2) [formerly, section 5-18(2), *addressing conflicts when acting for multiple clients*] of the Rules.

### **PROPOSED ORDERS**

Based on the Facts herein and the Proposed Findings of Misconduct, J. Van and J. Van PREC propose that the Notice of Discipline Hearing in this matter be resolved through the following Orders being made by the Superintendent, pursuant to section 43 of the RESA:

1. J. Van and J. Van PREC be jointly and severally liable to pay a discipline penalty to BCFSa in the amount of \$40,000 within three (3) months from the date of this Order.
2. J. Van and J. Van PREC be jointly and severally liable to pay enforcement expenses to BCFSa in the amount of \$3,000 within two (2) months from the date of this Order.
3. J. Van at her own expense, register for and successfully complete the Real Estate Trading Services Remedial Education course as provided by Sauder School of Business at the University of British Columbia in the time period directed by BCFSa.
4. If J. Van and J. Van PREC fail to comply with any of the terms of this Order, the Superintendent may suspend or cancel their licences without further notice to them.

## **ACKNOWLEDGEMENTS AND WAIVER OF APPEAL RIGHT**

1. J. Van and J. Van PREC acknowledge and understand that the Superintendent may accept or reject the Proposal. If the Proposal is rejected by the Superintendent, the matter may be referred to a disciplinary hearing.
2. J. Van and J. Van PREC acknowledge that they have been urged and given the opportunity to seek and obtain independent legal advice with respect to the disciplinary process, the allegations contained in the Notice of Discipline Hearing, and the execution and submission of the Proposal to the Superintendent; and, that they have obtained independent legal advice or have chosen not to do so, and that they are making the Proposal with full knowledge of the contents and the consequences if the Proposal is accepted.
3. J. Van and J. Van PREC acknowledge and are aware that BCFSA will publish the Proposal and the Consent Order or summaries thereof on BCFSA's website, on CanLII, a website for legal research and in such other places and by such other means as BCFSA in its sole discretion deems appropriate.
4. J. Van and J. Van PREC hereby waive their right to appeal pursuant to section 54 of the RESA.
5. If the Proposal is accepted and/or relied upon by the Superintendent, J. Van and J. Van PREC will not make any public statement(s) inconsistent with the Proposal and its contents. Nothing in this section is intended to restrict J. Van and J. Van PREC from making full answer and defence to any civil or criminal proceeding(s).
6. The Proposal and its contents are made by J. Van and J. Van PREC for the sole purpose of resolving the Notice of Discipline Hearing in this matter and do not constitute an admission of civil liability. Pursuant to section 41(5) of the RESA, the Proposal and its contents may not be used without the consent of J. Van and J. Van PREC in any civil proceeding with respect to the matter.

"Original signed by Jerri Van"

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**JERRI LEE VAN on their own behalf and  
on behalf of JERRI VAN PERSONAL REAL  
ESTATE CORPORATION**

**Dated 18<sup>th</sup> day of September, 2024**