

**IN THE MATTER OF THE *REAL ESTATE SERVICES ACT*
AND
IN THE MATTER OF
ACHIEVE PROPERTIES LTD.**

CONSENT ORDER

RESPONDENTS:	Achieve Properties Ltd.
DATE OF CONSENT ORDER:	April 4, 2006
CONSENT ORDER REVIEW COMMITTEE:	P. Jones (Chair) J. Whyte W. Brown
ALSO PRESENT:	R.O. Fawcett, Executive Officer D.P. Berger, RECBC Staff

PROCEEDINGS:

On April 4, 2006 the Consent Order Review Committee resolved to accept the Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver executed by Vern Polichuk on behalf of Achieve Properties Ltd., as submitted, which was a reprimand and as a condition of continued licensing the payment of a fine in the amount of \$1,000.00 within sixty (60) days from the date of this Order. As a further condition of continued licensing is to pay enforcement expenses of \$500.00 to the Real Estate Council within sixty (60) days from the date of this Order.

WHEREAS an Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver was executed by Vern Polichuk on behalf of Achieve Properties Ltd. and the Real Estate Council of British Columbia ("Council"), a copy of which is attached hereto:

NOW THEREFORE, the Council has made the following findings based on the Agreed Statement of Facts herein and Proposed Acceptance of Findings:

1. Achieve Properties Ltd. is reprimanded for committing professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* by contravening section 7-7(1)(b) of the Council Rules in that it failed to file an Accountant's Report with the Council for the year ending July 31, 2005 on or before December 16, 2005.

2. Achieve Properties Ltd., as condition of continued licensing, will pay a fine in the amount of \$1,000.00 to the Council within sixty (60) days of the date of this Order;
3. As a further condition of continued licensing, Achieve Properties Ltd. will pay enforcement expenses in the amount of \$500.00 to the Real Estate Council within sixty (60) days from the date of this Order.

Dated this 4th day of April, 2006 at the City of Vancouver, British Columbia.

"P. Jones"

P. Jones
Chair

Consent Order Review Committee

Attch.

File #206-05

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

IN THE MATTER OF

**ACHIEVE PROPERTIES LTD.
(X026558)**

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

The following agreement has been reached between Achieve Properties Ltd. ("Achieve Properties") and the Real Estate Council of British Columbia (the "Council").

- A. Achieve Properties hereby consents to an Order to be made pursuant to section 41 and 43 of the *Real Estate Services Act* that it be reprimanded and as a condition of continued licensing, to pay a fine in the amount of \$1,000.00 to the Council within 60 days of the order herein and further as a condition of continued licensing, to pay the Council's enforcement expenses to the Council in the amount of \$500.00 within 60 days of the Order herein;
- B. As a basis for this Order, Achieve Properties acknowledge and agree that the facts sets forth herein are correct:
 1. Achieve Properties is licensed as a brokerage and its licensing history is as follows:

Aug. 10/98 – Present Brokerage, Achieve Properties Ltd.

2. The fiscal year end of Achieve Properties was July 31, 2005 and its Accountant's Report was due to be filed with the Council on or before November 30, 2005.
3. A letter was sent from the Council to Achieve Properties dated August 11, 2005 advising that the Accountant's Report was due to be received by the Council on or before November 30, 2005.
4. A further letter was sent from the Council to Achieve Properties dated December 2, 2005 advising that if the Accountant's Report was not received by the Council within two weeks the Council would conduct an inquiry pursuant to section 37 of the *Real Estate Services Act*.
5. As the Accountant's Report was not received by the Council by December 16, 2005 a further letter was sent from the Council to Achieve Properties dated December 22, 2005 advising that the matter was being referred to the Council's legal department for further action.
6. A Notice of Discipline Hearing dated January 10, 2006 was sent to Achieve for failing to file the Accountant's Report with the Council within the proper time limit and advising that a hearing was scheduled for March 2, 2006.
7. The Accountant's Report in question was received by the Council's office on January 31, 2006.
8. The July 31, 2005 review engagement financial statements for Achieve were received on February 15, 2006.
9. As to prior history, on February 4, 2003 the Council issued a letter of warning to Sandra Riishede, the managing broker of Achieve Properties at that particular time, and Achieve Properties for failing to file an Accountant's Report with the Council for the year ending July 31, 2002 within 120 days. The Report was not filed with the Council until February 3, 2003.
10. Ms. Riishede was licensed as the managing broker for Achieve Properties from August 10, 1998 to September 3, 2004 and then from January 1, 2006 to the present.
11. On April 26, 2004, a Consent Order was signed by the Council wherein Achieve Properties was reprimanded for failing to file its Accountant's

Report for the year ending July 31, 2003 on or before November 30, 2003. The Report was not received by the Council until December 23, 2003.

12. As part of this Consent Order the license of Ms. Riishede was suspended for seven (7) days and further Riishede and Achieve agreed to pay costs to the Council in the amount of \$300.00 within thirty days of the Order as a condition of continued licensing.
13. Vern Polichek became the managing broker for Achieve Properties Ltd. on June 8, 2004 and was the managing broker at the relevant time in question for the year ending July 31, 2005.
14. He was issued a letter of warning on February 20, 2006. for failing to ensure that the Accountant's Report was filed with the Council on or before December 16, 2005.

C. Proposed Acceptance of Findings and Waiver

Based on the Agreed Statement of Facts as outlined herein, and without making any admissions of liability, Achieve Properties is prepared to accept the following findings if made against it by the Council's Consent Order Review Committee:

1. Achieve Properties committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act* by contravening section 7-7(1)(b) of the Council Rules in that it failed to file an Accountant's Report with the Council for the year ending July 31, 2005 on or before December 16, 2005.
3. Achieve Properties hereby waives its right to appeal pursuant to section 54 of the *Real Estate Services Act*.
4. Achieve Properties acknowledges that it have a right to seek independent legal advice before signing this Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver.
5. Achieve acknowledges and is aware that the Council will publish the Consent Order and penalty herein in its Report from Council and on the Council's website.
6. Achieve acknowledges and is aware that the Superintendent of Real Estate has the right, pursuant to section 54 of the Act, to appeal any decision of the Council, including this Agreed Statement of Facts, Proposed Acceptance of Findings, and Waiver and Consent Order.
7. 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 3rd day of April, 2006

"Vern Polichuk"

Achieve Properties Ltd.
Per: Vern Polichuk

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

Dated 3rd day of April, 2006