

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

**IN THE MATTER OF
STEPHAN DOUGLAS STARLING**

CONSENT ORDER

RESPONDENT: Stephan Douglas Starling,
Representative, East Kootenay Realty
Ltd. dba Royal LePage East Kootenay
Realty, while licensed as a
Representative with Highland Property
Management Ltd.

DATE OF REVIEW MEETING: October 14, 2014

DATE OF CONSENT ORDER: November 6, 2014

CONSENT ORDER REVIEW COMMITTEE: S. McGougan, Chair
J. Pearson
D. Peerless

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

PROCEEDINGS:

On October 14, 2014 the Consent Order Review Committee (the “Committee”) resolved to accept the Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver (“ASF”) submitted by Stephan Douglas Starling.

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

1. be suspended for seven (7) days;
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 \$1,250.00 within sixty (60) days from the date of this Order.

If Stephan Douglas Starling 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 6th day of November, 2014 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 #12-355

IN THE MATTER OF THE REAL ESTATE SERVICES ACT**S.B.C. 2004, c. 42****IN THE MATTER OF****STEPHAN DOUGLAS STARLING (160210)****AGREED STATEMENT OF FACTS,
PROPOSED ACCEPTANCE OF FINDINGS AND WAIVER**

The following agreement has been reached between Stephan Douglas Starling ("Mr. Starling") and the Real Estate Council of British Columbia (the "Council").

- A. Mr. Starling hereby consents to an Order to be made pursuant to sections 41 and 43 of the *Real Estate Services Act* (the "Act") that his license be suspended for seven (7) days and that he, at his own expense, register for and successfully complete the Strata Management Remedial Education Course as provided by the Sauder School of Business at the University of British Columbia within the time period as directed by Council. Further, he agrees to pay enforcement expenses of this Consent Order to the Council in the amount of \$1,250.00 within sixty (60) days from the date of the Order herein. Mr. Starling further consents to an Order that if he fails to comply with any of the terms of the Order set out above, the Council may suspend or cancel his licence without further notice to him pursuant to sections 43(3) and 43(4) of the Act.
- B. As a basis for this Order, Mr. Starling acknowledges and agrees that the facts set forth herein are correct:
1. Mr. Starling was at all relevant times licensed as a representative (strata) for Highland Property Management Ltd. ("Highland").
 2. Mr. Starling'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>
2013/08/31	Present	East Kootenay Realty Ltd. dba Royal LePage East Kootenay Realty (X030550)	Representative	Strata
2010/10/13	2013/08/31	Highland Property Management Ltd. (X026731)	Representative	Strata

3. Mr. Starling has no previous discipline history with Council as at July 31, 2014.
4. Highland managed a multi-unit property (the "Property") on M. Road in Elkford, B.C. pursuant to a Property Management Agreement dated June 8, 2010, as modified by an amendment dated December 1, 2011 (collectively the "Services Agreement").
5. Highland employed Mr. Starling to provide real estate services which included providing certain rental property management services respecting the Property.
6. On the website for East Kootenay Realty Ltd. ("East Kootenay"), which was apparently shared with Highland, Mr. Starling is shown as the contact person for potential rental of some of the units in the Property.
7. Mr. Starling assisted his managing broker, Mr. Stuckey, in providing rental property management services respecting the Property, which included:
 - (a) receiving rental applications and showing units in the Property to prospective tenants;
 - (b) collecting security deposits and rent;
 - (c) depositing security deposits and rent;
 - (d) supervising contractors hired by Highland respecting the Property;
 - (e) following up on late rent; and
 - (f) otherwise managing landlord and tenant matters.
8. The provision of rental property management services was not the subject of a complaint to Council and no one has suffered any loss as a result of those services.

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, Mr. Starling is prepared to accept the following findings if made against him by the Council's Consent Order Review Committee:
 - (a) That Mr. Starling committed professional misconduct within the meaning of section 35(1)(a) of the Act in that he:
 - (i) contrary to section 3(1)(a) of the Act, provided real estate services on behalf of another when he was not licensed to do so, in that he provided rental property management services respecting the Property by advertising the Property on Highland's website; receiving rental applications and showing units in the Property to prospective tenants; collecting security deposits and rent; depositing security deposits and rent; supervising contractors hired by Highland respecting the

Property; following up on late rent; and otherwise managing landlord and tenant matters, all when he was not licensed to provide rental property management services, but was only licensed to provide strata management services.

2. Mr. Starling hereby waives his right to appeal pursuant to section 54 of the Act.
3. Mr. Starling 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. Starling 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.
5. Mr. Starling 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.
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. The Agreed Statement of Facts and Proposed Acceptance of Findings cannot be used in any other proceeding of any kind.

This Agreed Statement of Facts and Proposed Acceptance of Findings may be signed in counterparts.

“Bruce Woolley, Q.C.”

Bruce Woolley, Q.C.

Legal Counsel

Real Estate Council of British Columbia

As to Part B only (Agreed Statement of Facts)

Dated Aug 25, 2014

“Stephan Douglas Starling”

Stephan Douglas Starling

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

Dated Aug 11, 2014