

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

**IN THE MATTER OF
LORRAINE MARGARET LOGAN**

CONSENT ORDER

RESPONDENT: Lorraine Margaret Logan,
Representative, Multiple Realty Ltd.,
while licensed with Peterson
Residential Property Management Inc.

DATE OF REVIEW MEETING: November 28, 2014

DATE OF CONSENT ORDER: December 29, 2014

CONSENT ORDER REVIEW COMMITTEE: G. Cambrey, Chair
H. Exner
S. McGougan
D. Rishel

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

PROCEEDINGS:

On November 28, 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 Lorraine Margaret Logan.

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

1. be suspended for fourteen (14) days;
2. at her 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 Lorraine Margaret Logan fails to comply with any term of this Order, the Council may suspend or cancel her licence without further notice to her, pursuant to sections 43(3) and 43(4) of the *Real Estate Services Act*.

Dated this 29th day of December, 2014 at the City of Vancouver, British Columbia.

ON BEHALF OF THE CONSENT ORDER REVIEW COMMITTEE

"G. Cambrey"
G. Cambrey, Chair
Consent Order Review Committee

Attch.

File #12-446

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

**IN THE MATTER OF
LORRAINE MARGARET LOGAN
(146928)**

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

The following agreement has been reached between Lorraine Margaret Logan ("Ms. Logan") and the Real Estate Council of British Columbia (the "Council").

- A. Ms. Logan hereby consents to an Order to be made pursuant to sections 40-42 of the *Real Estate Services Act* (the "Act") that her licence be suspended for 14 (fourteen) days and that she, at her 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, she 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. Ms. Logan further consents to an Order that if she fails to comply with any of the terms of the Order set out above, the Council may suspend or cancel her licence without further notice to her pursuant to sections 43(3) and 43(4) of the Act.
- B. As a basis for this Order, Ms. Logan acknowledges and agrees that the facts set forth herein are correct:
1. Ms. Logan was at all relevant times licensed as a representative (trading, strata) for Peterson Residential Property Management Inc. ("Peterson Residential").
 2. Ms. Logan's licensing history is as follows:

<u>Start Date</u>	<u>End Date</u>	<u>Brokerage</u>	<u>Licence Level</u>	<u>Licence Category</u>
2013/09/18	Present	Multiple Realty Ltd. (X011195)	Representative	Trading
2013/ 08/01	2013/09/17	***Unlicensed ***		

2012/10/12	2013/07/31	Bellstar Realty Corp. (X029986)	Representative	Trading, Strata
2012/09/05	2012/10/11	***Unlicensed***		
2007/10/13	2012/09/04	Peterson Residential Property Management Inc. (X012801)	Representative	Trading, Strata
2006/12/01	2007/10/12	Peterson Residential Property Management Inc. (X012801)	Representative	Trading
2005/10/13	2006/12/01	West Coast Realty Ltd. (X003156)	Representative	Trading

3. Ms. Logan has no previous discipline history with Council as at October 17, 2014.
4. Peterson Residential (previously Carriage Management Inc.) and the Owners, Strata Plan VR 1xx5 ("VR 1xx5") entered into an agency agreement dated December 4, 2007, pursuant to which Peterson Residential would provide certain strata property management services (the "Services") to VR 1xx5.
5. Ms. Logan was the representative of Peterson Residential responsible for providing the Services to VR 1xx5.
6. In 2010, VR 1xx5 asked Ms. Logan to obtain quotations to repair the building entrance decks.
7. In January 2011, Ms. Logan submitted to VR 1xx5 four quotations for the repair.
8. On January 12, 2011, the Strata Council of VR 1xx5 met to discuss the quotations. The Strata Council rejected three quotations as they were not for a fixed price. At that meeting Ms. Logan recommended the fourth quotation, which was from NSBM. Ms. Logan described NSBM as a small local firm with which she had dealt before.
9. At the January 12, 2011 meeting of Strata Council, Ms. Logan did not disclose in writing to the Strata Council that the owner of NSBM was her son. Ms. Logan did not excuse herself from the discussions. Ms. Logan alleges that she orally disclosed to the members of Strata Council that her son owned NSBM. Members of Strata Council deny any such knowledge.
10. Ms. Logan states that the Strata Council conducted a personal interview with NSBM. Ms. Logan states she was not present for the interview.

11. The Strata Council of VR 1xx5 awarded the Contract worth \$125,000 (the "Contract") to NSBM.
12. VR 1xx5 subsequently discovered that Ms. Logan's son was the owner of NSBM and made a complaint to Council about the non-disclosure of the relationship of Ms. Logan and NSBM.

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, Ms. Logan is prepared to accept the following findings if made against her by the Council's Consent Order Review Committee:
 - (a) That Ms. Logan committed professional misconduct within the meaning of section 35(1)(a) of the Act in that she:
 - (i) contrary to section 3-3(1)(f) of the Council Rules, section 3-3(1)(j) of the Council Rules and section 3-4 of the Council Rules, failed to disclose all material information, failed to fully and promptly disclose a conflict of interest and failed to act honestly and with reasonable care and skill, in that while she was the strata representative of Peterson Residential for VR 1xx5, she arranged for and presented to VR 1xx5 four quotations by contractors for repair work, one of which contractors, NSBM, was a company owned by Ms. Logan's son, without fully disclosing in writing to VR 1xx5 her relationship to NSBM; and
 - (ii) contrary to section 3-3(1)(f) of the Council Rules, section 3-3(1)(j) of the Council Rules and section 3-4 of the Council Rules, failed to disclose all material information, failed to fully and promptly disclose a conflict of interest and failed to act honestly and with reasonable care and skill, in that she recommended to VR 1xx5 that NSBM be awarded the Contract for repairs without fully disclosing in writing to VR 1xx5 her relationship to NSBM.
2. Ms. Logan hereby waives her right to appeal pursuant to section 54 of the Act.
3. Ms. Logan acknowledges that she has a right to seek independent legal advice before signing this Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver.
4. Ms. Logan 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. Ms. Logan 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 Oct 23, 2014

“Lorraine Margaret Logan”

Lorraine Margaret Logan

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

Dated October 20th, 2014