

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

**IN THE MATTER OF
VALERIE MATILDA LINDSTROM**

CONSENT ORDER

RESPONDENT: Valerie Matilda Lindstrom, Associate
Broker, Colyvan Pacific Real Estate
Management Services Ltd., while
licensed with Touchstone Property
Management Ltd.

DATE OF REVIEW MEETING: April 10, 2015

DATE OF CONSENT ORDER: May 7, 2015

CONSENT ORDER REVIEW COMMITTEE: A. Ghouri
S. McGougan, Chair
J. Pearson
D. Rishel

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

PROCEEDINGS:

On April 10, 2015 the Consent Order Review Committee (the “Committee”) resolved to accept the Agreed Statement of Facts, Proposed Acceptance of Findings and Waiver (“ASF”) submitted by Valerie Matilda Lindstrom.

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

1. be reprimanded;
2. pay a discipline penalty to the Council in the amount of \$1,500.00 within the time period as directed by the Council;
3. 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
4. pay enforcement expenses of this Consent Order to the Council in the amount \$1,250.00 within the time period as directed by the Council.

If Valerie Matilda Lindstrom 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 7th day of May, 2015 at the City of Vancouver, British Columbia.

ON BEHALF OF THE CONSENT ORDER REVIEW COMMITTEE

"S. McGougan"

S. McGougan, Chair
Consent Order Review Committee

Atch.

File #12-422

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

**IN THE MATTER OF
VALERIE MATILDA LINDSTROM
(098598)**

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

The following agreement has been reached between Valerie Matilda Lindstrom ("Ms. Lindstrom") and the Real Estate Council of British Columbia (the "Council").

- A. Ms. Lindstrom hereby consents to an Order to be made pursuant to sections 41 and 43 of the *Real Estate Services Act* (the "Act") that she be reprimanded and at her own expense, she will register for and successfully complete the Strata Management Remedial Education Course as provided by the Real Estate Division, Sauder School of Business and the University of British Columbia within the time period as directed by Council.
- B. Ms. Lindstrom hereby consents to an Order to be made pursuant to sections 41 and 43 of the Act that she be liable to pay a discipline penalty to Council in the amount of \$1,500.00 within the time period as directed by Council.
- C. Ms. Lindstrom hereby consents to an Order to be made pursuant to sections 41 and 43 of the Act that she be liable to pay enforcement expenses of this Consent Order to Council in the amount of \$1,250.00 within the time period as directed by Council.
- D. Ms. Lindstrom further consents to an Order that if she fails to comply with any of the terms of the Order as set out above, a Discipline Hearing Committee may suspend or cancel her licence without further notice to her pursuant to section 43(3) and 43(4) of the Act.
- E. As a basis for this Order, Ms. Lindstrom acknowledges and agrees that the facts set forth herein are correct:
 - 1. Ms. Lindstrom'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>
30/10/2014	Present	Colyvan Pacific Real Estate Management Services Ltd.	Associate Broker	Trading, Rental, Strata
11/10/2012	14/11/2013	Touchstone Property Management Ltd. (X026781)	Associate Broker	Trading, Rental, Strata
11/02/2012	10/10/2012	*** Unlicensed ***		
05/01/2011	10/02/2012	Atira Property Management Inc. (X027745)	Managing Broker	Trading, Rental, Strata
06/05/2006	05/01/2011	604 Real Estate Services Inc. (X023880)	Associate Broker	Trading, Rental, Strata
13/12/2005	05/05/2006	604 Real Estate Services Inc. (X023880)	Managing Broker	Trading, Rental, Strata
13/12/1993	13/12/2005	604 Real Estate Services Inc. (X023880)	Managing Broker	Trading, Rental, Strata
06/05/1992	13/12/1993	Countrywide Tri-City Realty Ltd. (X022345)	Representative	Trading, Rental

2. From the period of October 11, 2012 to November 14, 2013, Ms. Lindstrom was an associate broker with Touchstone Property Management Ltd. ("Touchstone").
3. On April 2, 2012 Touchstone entered into a Strata Property Management Service Agreement with a strata client to assist in managing the affairs of the client (the "Agreement").
4. A term of the Agreement required the property manager to forward copies of all correspondence from strata owners to the Strata Council within 48 hours of receipt.
5. On October 23, 2012, Ms. Lindstrom became the property manager for the strata client.

6. On November 19, 2012, while Ms. Lindstrom was the property manager, the Strata Council received a petition submitted by a group of owners that outlined various concerns that the owners had with Ms. Lindstrom's management.
7. The Strata Council alleged Ms. Lindstrom was late in the distribution of monthly Strata Council minutes.
8. The Strata Council further alleged that Ms. Lindstrom was late in providing the meeting agenda and as a result they had to cancel a strata meeting in November 2012 and go forward with a meeting on January 29, 2013 without a proper agenda.
9. The Strata Council further alleged that Ms. Lindstrom failed to amend the contents of the January 29, 2013 meeting minutes when it had directed her to do so, via numerous emails.
10. Ms. Lindstrom denies the allegation that she failed to keep Ms. Mccrone informed regarding emails from the strata client president. Ms. Lindstrom states that she reviewed the emails sent by the president with Ms. Mccrone and any items on the changes were prior to her being appointed property manager.
11. Ms. Lindstrom acknowledges that on November 13, 2012, she provided an agenda to the Strata Council which was on the date of the meeting. When she arrived at the strata property, she was advised that the Strata Council would not meet because she had failed to provide the agenda within 48 hours in advance as required by the Agreement.
12. Ms. Lindstrom acknowledges that the January 29, 2003 meeting agenda was not provided to the Strata Council within 48 hours and that she tried to cancel the meeting as she was off ill from the afternoon of January 27th to the morning of January 29th, 2013.
13. With respect to failing to act in accordance with the directions of the Strata Council for the January 29, 2013 meeting minutes, Ms. Lindstrom acknowledges that a couple of words were missed in the amendments but claims that the items the Strata Council requested to be changed were either not discussed at the meeting or were incorrect and therefore not amended.
14. Ms. Lindstrom further states that changing the items which she believed were incorrect put herself and Touchstone in a position that created a further opportunity for the strata client to complain about the service it received from Touchstone.
15. Ms. Lindstrom acknowledges that an owner did contact her office and ask if she would be attending the information meeting to be held in January 2013. She acknowledges that she advised the owner that she would not be in

attendance because the Strata Council had instructed Touchstone it had cancelled the Agreement.

16. Ms. Lindstrom states that notice from the Strata Council cancelling the Agreement was received on December 14, 2012, more than 2 weeks prior to Ms. Lindstrom's telephone call with the owner. Ms. Lindstrom states that no specifics were given to the owner regarding the cancelled agreement and that she advised them to contact the Strata Council for details.
 17. Ms. Lindstrom's licence expired on October 10, 2014. On October 24, 2014 she contacted Council seeking to become relicensed as an associate broker with Colyvan Pacific Real Estate Management Services Ltd ("Colyvan").
 18. Ms. Lindstrom was advised by Council that while she was eligible to become relicensed she was required to deal with the outstanding complaints by the strata client. On October 30, 2014, Ms. Lindstrom became licensed as an associate broker with Colyvan.
 19. Despite repeated correspondence and voice mail communications, Ms. Lindstrom did not respond to Council's inquiries regarding its investigation and scheduling and attending a hearing in this matter until February 6, 2015.
 20. Ms. Lindstrom has no prior discipline history with Council.
- F. Proposed Acceptance of Findings and Waiver.

1. Based upon the Agreed Statement of Facts as outlined herein, and without making any admissions of liability, Ms. Lindstrom is prepared to accept the following findings made against her by Council's Consent Order Review Committee that she committed professional misconduct within the meaning of section 35(1) by contravening section 35(1)(a) and sections 3-2(2)(a), 3-3(1)(a)(b)(e), 3-4 and 2-19 of Council's Rules in relation to the Agreement between Touchstone and the strata client, in that:
 - (a) In contravention of section 3-3(1)(a) of Council's Rules, she failed to act in the best interests of the client when on January 29, 2013 at 12:39 p.m., she tried to cancel the strata meeting by email because she had failed to provide the strata client with the meeting agenda and all supporting documents prior to the meeting;
 - (b) In contravention of section 3-3(1)(b) of Council's Rules, she failed to act in accordance with the lawful instruction of the strata client, when she failed to provide strata meeting agenda and supporting documents to the strata client within 48 hours as per the Agreement; and
 - (c) In contravention of section 3-3(1)(b) of Council's Rules, she failed to act in accordance with the lawful instruction of the client when she failed to

amend the contents of the January 29, 2013 minutes of meetings when the strata client had directed her to do so;

- (d) In contravention of section 3-3(1)(e) of Council's Rules, she failed to maintain the confidentiality of information respecting the strata client. Specifically, the strata client became aware that Ms. Lindstrom informed a strata owner about the termination of the Agreement prior to the strata council having a chance to advise the owners of its intention to terminate the Agreement; and
 - (e) In contravention of section 2-19 of Council's Rules and section 37(4) of the Act, she failed to promptly respond to Council's inquiries into the investigation of this matter, she failed to provide information into the investigation of this matter, and she failed to respond to Council's inquiries regarding scheduling a hearing date in this matter.
2. Ms. Lindstrom hereby waives her right to appeal pursuant to section 54 of the Act.
 3. Ms. Lindstrom 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. Lindstrom acknowledges and is aware that Council will publish the Consent Order and penalty herein in its Report from Council newsletter, on Council's website and on CanLII, a website for legal research.
 5. Ms. Lindstrom 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 and Waiver 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.

"David T. McKnight"

**David T. McKnight,
Legal Counsel Real Estate Council
of British Columbia**

As to Part E only (Agreed Statement of Facts)

Dated 04 day of March, 2015

"Valerie Matilda Lindstrom"

Valerie Matilda Lindstrom

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

Dated 04 day of March, 2015