

THE REAL ESTATE COUNCIL OF BRITISH COLUMBIA
IN THE MATTER OF THE *REAL ESTATE SERVICES ACT*
S.B.C. 2004, c. 42 as amended

AND

IN THE MATTER OF
COLLEEN MARIE FLORIS
(102815)

CONSENT ORDER

RESPONDENT: Colleen Marie Floris, Managing Broker,
Steadfast Properties Ltd.

DATE OF REVIEW MEETING: September 13, 2017

DATE OF CONSENT ORDER: September 13, 2017

CONSENT ORDER REVIEW COMMITTEE: R. Holmes, Q.C., Chair
G. Martin
M. Wong
S. Sidhu

ALSO PRESENT: E. Seeley, Executive Officer
G. Thiele, Director, Legal Services
Patrick Gilligan-Hackett, Legal Counsel
for the Real Estate Council

PROCEEDINGS:

On September 13, 2017, the Consent Order Review Committee ("Committee") resolved to accept the Consent Order Proposal ("COP") submitted by Colleen Marie Floris.

WHEREAS the COP, a copy of which is attached hereto, has been executed by Colleen Marie Floris.

NOW THEREFORE, the Committee having made the findings proposed in the attached COP, and in particular having found that Colleen Marie Floris committed professional misconduct within the meaning of section 35(1)(a) of the *Real Estate Services Act*, orders that:

1. Colleen Marie Floris be reprimanded;

2. Colleen Marie Floris pay a discipline penalty to the Council in the amount of \$2,000.00 within ninety (90) days of the date of this Order;
3. Colleen Marie Floris, at her own expense, register for and successfully complete the Strata Management Remedial Education Course, as provided by Sauder School of Business at the University of British Columbia in the time period as directed by the Council; and
4. Colleen Marie Floris pay enforcement expenses of this Consent Order to the Council in the amount \$1,500.00 within sixty (60) days from the date of this Order.

If Colleen Marie Floris 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 13th day of September, 2017, at the City of Vancouver, British Columbia.

ON BEHALF OF THE CONSENT ORDER REVIEW COMMITTEE

“R. Holmes”

R. Holmes, Q.C., Chair
Consent Order Review Committee

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

AND

IN THE MATTER OF

COLLEEN MARIE FLORIS

CONSENT ORDER PROPOSAL BY COLLEEN MARIE FLORIS

BACKGROUND AND FACTS

This Consent Order Proposal ("Proposal") is made by Colleen Marie Floris ("Ms. Floris") to the Consent Order Review Committee ("CORA") of the Real Estate Council of British Columbia ("Council") pursuant to section 41 of the *Real Estate Service Act* ("RESA").

For the purposes of the Proposal, Colleen Marie Floris and the Council have agreed upon the following facts:

1. Colleen Marie Floris licence, number 102815, has been licensed since 1995: between 1995 and 2001 as a representative, trading or trading and rental management; between 2001 and 2009 as an associate broker, trading and rental management or trading, rental management, and strata management; and from 2011 as a managing broker, trading, rental management, and strata management. At the date of this proposal, Ms. Floris holds a licence in good standing.
2. Colleen Marie Floris was at all relevant times licensed as a managing broker, trading, rental management, and strata management with Steadfast Properties Ltd. ("Brokerage").
3. Ms. Floris' licensing history is as follows:

102815

2015/06/23 – present	Managing Broker, Trading, Rental, Strata Steadfast Properties Ltd.
2013/06/23 – 2015/06/22	Managing Broker, Trading, Rental, Strata Steadfast Properties Ltd.
2012/03/12 – 2013/06/22	Managing Broker, Trading, Rental, Strata Steadfast Properties Ltd.
2011/06/23 – 2012/03/12	Managing Broker, Trading, Rental, Strata Steadfast Properties Ltd.
2009/06/23 – 2011/06/22	Managing Broker, Trading, Rental, Strata

2009/01/23 – 2009/06/22	Steadfast Properties Ltd. Managing Broker, Trading, Rental, Strata Steadfast Properties Ltd.
2007/06/23 – 2009/01/23	Associate Broker, Trading, Rental, Strata Homelife Glenayre Realty Chilliwack Ltd.
2006/01/01 – 2007/06/22	Associate Broker, Trading, Rental, Strata Homelife Glenayre Realty Chilliwack Ltd.
2005/06/23 – 2006/01/01	Associate Broker, Trading, Rental Homelife Glenayre Realty Chilliwack Ltd.
2003/06/23 – 2005/06/22	Associate Broker, Trading, Rental Homelife Glenayre Realty Chilliwack Ltd.
2001/06/18 – 2003/06/17	Associate Broker, Trading, Rental Homelife Glenayre Realty Chilliwack Ltd.
1999/06/18 – 2001/06/17	Representative, Trading Homelife Glenayre Realty Chilliwack Ltd.
1999/02/16 – 1999/05/27	Representative, Trading Homelife Glenayre Realty Chilliwack Ltd.
1997/05/28 – 1999/02/15	Representative, Trading Homelife Glenayre Realty Company Ltd.
1996/09/05 – 1996/01/02	Representative, Trading, Rental Wyn Realty Ltd.
1995/05/11 – 1995/09/01	Representative, Trading, Rental Realty World – Chilliwack
1995/01/05 – 1995/03/23	Representative, Trading, Rental Wyn Realty Ltd.
1993/01/05 – 1995/01/04	Representative, Trading, Rental Wyn Realty Ltd.
102815-1	
2016/01/14 – present	Managing Broker Steadfast Properties Ltd.

4. The Council received a complaint dated January 27, 2016 from the president, GS, of the strata council ("Strata Council") of a strata corporation ("Strata Corporation") located in Langley, British Columbia alleging that Ms. Floris had engaged in professional misconduct in connection with the provision by the Brokerage of strata management services to the Strata Corporation.
5. The complaint arose from the following events which occurred between January 10 and January 26, 2016 shortly after the Strata Council had notified Ms. Floris that it intended to recommend at the then upcoming annual general meeting of the Strata Corporation that the Strata Corporation's contract for strata management services with the Brokerage should be terminated. The following events occurred in response to that notification;
 - I. on January 10, 2016 Ms. Floris took the position in a letter to the Strata Council that the Strata Council's proposed amendment of the agenda for the AGM to

include a recommendation that the services of the Brokerage be terminated did not comply with the requirements of the *Strata Property Act*;

- II. Ms. Floris obtained legal advice from two different lawyers about the ownership of correspondence from the Brokerage to the Strata Council which addressed the recommended termination of the Brokerage's services and the Strata Council's obligation to disclose to the Strata Corporation's owners any such correspondence;
 - III. on January 15, 2016 Ms. Floris wrote an email to GS, in his capacity as a member of the Strata Council, with a copy to all of the Strata Council's other members, stating that based on the legal advice she had received all correspondence concerning a strata corporation, including correspondence between a strata council and a management company, belonged to the strata corporation and had to be made available by a strata council to an owner on request;
 - IV. on January 26, 2016 Ms. Floris sent an email to the Strata Council to which she attached the Brokerage's letter of resignation ("Resignation") with the intention that it should be read at the then upcoming AGM. In the email, Ms. Floris referred again to the legal advice she had received in support of her position that the Strata Council had an obligation to disclose the Resignation to the Strata Corporation's owners;
 - V. Ms. Floris addressed the Resignation to the members of the Strata Council due to limits on her authority which she acknowledged. However, Ms. Floris intended the letter to be read by or to all of the Strata Corporation's owners;
 - VI. The letter referred to the legal advice Ms. Floris had received, including the advice that supported her position that the Strata Council had an obligation to disclose the Resignation to the Strata Corporation's owners;
 - VII. Ms. Floris included in the Resignation allegations against both the Strata Council and one or more of its members, including GS, of impropriety, illegal conduct, incompetence, and personal misconduct; and
 - VIII. Ms. Floris also included in the Resignation an offer to consider rescinding the Resignation or providing the Strata Corporation with a new management proposal if there were to be a significant change in the composition of the Strata Council.
6. A Notice of Disciplinary Hearing was issued on 13 March, 2017 and served on Colleen Marie Floris. An amended Notice of Disciplinary hearing was issued on 24 April, 2017 and served on Ms. Floris

7. Ms. Floris has a discipline history with the Council under the name Colleen Marie Mayes. Her licence was suspended for seven days for demonstrating incompetence by consent order dated June 20, 2007.
8. Ms. Floris notes the following mitigating factor(s):

she has provided her time and effort to support the public interest in the regulation of licensees in British Columbia by serving as a member of various committees established by the Council, as follows:

 - I. Complaints Committee - July, 2013 until the change in the makeup of the Council in 2016;
 - II. Strata Management Advisory Committee - October, 2013 until the change in the makeup of the Council in 2016; and
 - III. Focus Committee (advice on course materials for licensees) - September, 2013 (timing is stated to the best of Ms. Floris's recollection and belief).

PROPOSED FINDINGS OF MISCONDUCT

For the sole purposes of the Proposal and based on the Facts outlined herein, Colleen Marie Floris proposes the following findings of misconduct be made by the CORC:

1. Colleen Marie Floris committed professional misconduct within the meaning of section 35(1)(a) of the RESA by undertaking, when taken as a whole, the course of action set out above in that she failed:
 - I. contrary to section 3-3(a) of the Rules to act in the best interests of her client when she responded to the Strata Council's notification that it intended to recommend at the then upcoming annual general meeting of the Strata Corporation that the services of the Brokerage be terminated by adopting a course of action designed both to circumvent and to undermine in the eyes of the Strata Corporation's owners the authority of the Strata Council;
 - II. contrary to section 3-3(c) of the Rules to act within the scope of the authority given to the Brokerage under the strata management services contract when she responded to the Strata Council's notification that it intended to recommend at the then upcoming annual general meeting of the Strata Corporation that the services of the Brokerage be terminated by including allegations of impropriety, illegal conduct, incompetence, and personal misconduct against both the Strata Council and individual members of the Strata Council in a letter of resignation which she intended the Strata Corporation's owners to receive and which also included an offer to rescind the Brokerage's resignation if the composition of the Strata Council was changed; and

- III. contrary to section 3-3(i) of the Rules to take reasonable steps to avoid any conflict of interest when she responded to the Strata Council's notification that it intended to recommend at the then upcoming annual general meeting of the Strata Corporation that the services of the Brokerage be terminated by adopting a course of action that advanced the Brokerage's interest in continuing to provide strata management services to the Strata Corporation by attempting to circumvent and to undermine in the eyes of the Strata Corporation's owners the authority of the Strata Council.

PROPOSED ORDERS

Based on the Facts herein and the Proposed Findings of Misconduct, Colleen Marie Floris proposes that the Notice of Discipline Hearing in this matter be resolved through the following Orders being made by the CORC, pursuant to section 43 of the RESA:

1. Colleen Marie Floris be reprimanded.
2. Colleen Marie Floris pay a discipline penalty to the Council in the amount of \$2,000.00 within ninety (90) days of the date of this Order.
3. Colleen Marie Floris, at her own expense, register for and successfully complete the Strata Property Management Remedial Education Course as provided by the Real Estate Division, Sauder School of Business at the University of British Columbia within the time period directed by the Council.
4. Colleen Marie Floris pay enforcement in the amount of \$1,500.00 within sixty (60) days from the date of this Consent Order.
5. If Colleen Marie Floris fails to comply with any of the terms of this Order, a Discipline Committee may suspend or cancel Colleen Marie Floris's licence without further notice to Colleen Marie Floris.

ACKNOWLEDGEMENTS AND WAIVER OF APPEAL RIGHT

1. Colleen Marie Floris acknowledges and understands that the Council may refer or decline to refer the Proposal to the CORC. If the Proposal is referred to the CORC, it may be accepted or rejected by the CORC. If the Proposal is rejected by the CORC, the matter may be referred to a disciplinary hearing.
2. Colleen Marie Floris has been advised of and understands their right to obtain independent legal advice regarding the disciplinary process, including with respect to the execution and submission of the Proposal.
3. Colleen Marie Floris acknowledges and is aware that the Council will publish the Proposal and the Consent Order or summaries thereof in its Report from Council newsletter, on the

Council's website, on CanLII, a website for legal research and in such other places and by such other means as the Council in its sole discretion deems appropriate.

4. Colleen Marie Floris acknowledges and is aware that the Superintendent of Real Estate has the right, pursuant to section 54 of the RESA, to appeal any decision of the Council, including any Consent Order made by the Council in relation to this matter.
5. Colleen Marie Floris hereby waives their right to appeal pursuant to section 54 of the RESA.
6. The Proposal and its contents are made by Colleen Marie Floris 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 Colleen Marie Floris in any civil proceeding with respect to the matter.

C. Floris"

COLLEEN MARIE FLORIS

Dated: 17 day of July, 2017

Signature of Colleen Marie Floris witnessed on the
above date by

"Illegible"

Witness Name (*Please Print*)

"Illegible"

Witness Signature