

BC FINANCIAL SERVICES AUTHORITY

**IN THE MATTER OF THE *REAL ESTATE SERVICES ACT*
SBC 2004, c 42 as amended**

AND

IN THE MATTER OF

**ISMAIL JAMAL JINNAH
(145588)**

SECOND AMENDED NOTICE OF DISCIPLINE HEARING

[This Notice has been redacted before publication.]

To: Ismail Jamal Jinnah
c/o Century 21 AAA Realty Inc.
1113 – 7318 137 Street
Surrey, BC, V3W 1A3

TAKE NOTICE that the Superintendent of Real Estate (the “Superintendent”) of the BC Financial Services Authority (“BCFSA”) will hold a discipline hearing under Part 4 of the *Real Estate Services Act* (“RESA”) on **November 27 to December 1, 2023 commencing at 9:30 am** in the virtual Hearing Room at BCFSA’s offices located at **600 – 750 West Pender Street, Vancouver, British Columbia** to determine whether your conduct contravened the RESA, the *Real Estate Services Regulation* (the “Regulation”), or the *Real Estate Services Rules* (the “Rules”).

AND TAKE NOTICE that the allegations against you are as follows:

1. You committed professional misconduct within the meaning of section 35(1)(a) of the RESA while licensed as a representative of Blueprint Realty Inc./RE/MAX Blueprint Realty (“Blueprint Realty”) in relation to a contract of purchase and sale dated June 24, 2015 respecting a property located at [Property 1], Surrey, BC (the “[Property 1]”) and/or a contract of purchase and sale dated June 28, 2015 respecting a property located at [Property 2], Surrey, BC (the “[Property 2]”) (collectively, the “Transactions”), in that:
 - a. **before providing real estate services**, you failed to disclose to [Client 1] and/or [Client 2] the nature of the representation that you would be providing and/or that you did provide, contrary to section 30(a) (then section 3-3(a)) [*act in the best interest of the client*], sections 33 and 34 (then section 3-4) [*act honestly and with reasonable care and skill*],

and/or section 54 (then section 5-10) [*disclosure of representation in trading services*] of the Rules:

- b. you failed to take reasonable steps to avoid any conflict of interest, contrary to section 30(i) (then section 3-3(i)) [*take reasonable steps to avoid any conflict of interest*] of the Rules and/or you failed to promptly and fully disclose the conflict of interest to [Client 1] and/or [Client 2] contrary to section 30(j) (then section 3-3(j)) [*if a conflict of interest does exist, promptly and fully disclose the conflict of interest*] of the Rules by, including but not limited to:
 - i. acting in a client relationship with both [Client 1] and [Client 2] with respect to the purchase and sale of [Property 1] and/or of [Property 2], without properly executing a Limited Dual Agency Agreement;
 - ii. ~~in the alternative to (i),~~ acting in a client relationship with either [Client 1] or [Client 2] while having a personal relationship with the other; ~~and failing to disclose the nature of your relationships;~~
 - iii. having personal relationships with [Client 1] and [Client 2] and failing to disclose the nature of these relationships to the other person;
 - iv. providing real estate services and/or mortgage broker services to [Client 1] and/or [Client 2] with respect to the Transactions without fully disclosing the conflict of interest;
 - v. having confidential information from your personal relationships and/or mortgage broker relationships with [Client 1] and/or [Client 2] and failing to disclose this to the other person; ~~and/or~~
 - vi. failing to fully disclose all the remuneration that you received or anticipated receiving from the Transactions to [Client 1] and/or [Client 2]; ~~and/or~~
 - vii. having an intimate relationship with [Client 1] during the time period that you provided her real estate services;

- c. you failed to act in the best interest of [Client 1], contrary to section 30(a) (then section 3-3(a)) [*act in the best interest of the client*], you failed to act honestly and with reasonable care and skill, contrary to sections 33 and 34 (then section 3-4) [*Duty to act honestly and with reasonable care and skill*] and/or you failed to disclose to clients all material information, contrary to section 30(f) (then section 3-3(f)) [*Failing to disclose know material information*] of the Rules by, including but not limited to:
 - i. failing to advise [Client 1] of the risks of accepting an offer to purchase [Property 1] without a plan to find another property;

- ii. failing to advise [Client 1] of the risks of not providing a property disclosure statement; and/or
 - iii. the conduct described at in section 1(b)~~ii~~
- d. you failed to advise [Client 1] to seek independent professional advice at all or in a timely manner regarding the sale of [Property 1] and the purchase of [Property 2], contrary to section 30(d) (then section 3-3(d)) [*advise client to seek independent professional advice*] of the Rules; and/or,
 - e. you failed to promptly provide the managing broker a copy of all substantive records in relation to real estate services provided, contrary to section 29(1) (then section 3-2(1)) [*associate broker and representative responsibilities*] of the Rules.
2. Further and in the alternative, you committed professional misconduct within the meaning of sections 35(1)(a) and (c) [*Wrongful Taking or Deceptive Dealing*] of the RESA when, in or about January 2015 to August 2015, while licensed as a representative of Blueprint Realty Inc./RE/MAX Blueprint Realty, you
- a. knew or ought to have known that [Client 1] would rely on your advice both personal and professional;
 - b. you conducted yourself in a manner to lead [Client 1] to believe you were acting in a client relationship; as their agent
 - c. used your personal relationship with [Client 1] to pressure her to sell [Property 1] to [Client 2];
 - d. you intentionally did not disclose the nature of your relationships with [Client 1] and [Client 2] to the other person;
 - e. earned significant commission for your role in [Client 1] and [Client 2] exchanging houses; and/or,
 - f. described your relationships with [Client 2] and [Client 1] as customer relationships in the respective Working With a Realtor Forms when you knew or reasonably ought to have known that that you were in client relationships with one or both of [Client 2] and [Client 1] contrary to sections 33 and 34 (then section 3-4) [*Duty to act honestly and with reasonable care and skill*], section 30(a) (then 3-3(a)) [*act in the best interest of the client*], and/or section 30(f) (then section 3-3(f)) [*Failing to disclose know material information*] of the Rules, and/or section 35(1)(c) [*Wrongful taking or deceptive dealing*] of the RESA.
3. Further and in the alternative, on or about each or all of July 23, 2021, September 29, 2021, and May 31, 2022, you committed professional misconduct within the meaning of sections 35(1)(a) and/or 35(1)(e) [*fails or refuses to cooperate with an investigation*] of RESA when you mischaracterized your relationship with [Client 1], in a written statement to BCFSA and/or in

interviews with BCFSA to conceal a conflict of interest, contrary to section 37(4) of RESA (as it relates to section 35(1)(a)).

4. Further and in the alternative, on or about July 23, 2021, you committed professional misconduct within the meaning of section 35(1)(g) [*makes or allows to be made any false or misleading statement in a document that is required or authorized to be produced or submitted*] when you mischaracterized your relationship with [Client 1] in a written statement to BCFSA to conceal a conflict of interest.
5. Further and in the alternative, you committed conduct unbecoming within the meaning of section 35(2) of RESA when, ~~in and around January 2015 to August 2015, while licensed as a representative at Blueprint Realty Inc./RE/MAX Blueprint Realty,~~ you engaged in any or all of the conduct set out at paragraphs 1, 2, 3 and 4, contrary to the best interests of the public, undermining public confidence in the real estate industry, and/or bringing the real estate industry into disrepute.

AND FURTHER TAKE NOTICE that if the Superintendent finds you committed professional misconduct and/or conduct unbecoming, the Superintendent must make an order against you, and may also order you to pay enforcement expenses incurred by BCFSA, under sections 43 and 44 of RESA.

AND FURTHER TAKE NOTICE that if you do not attend the discipline hearing, the Superintendent may proceed with the discipline hearing in your absence and may make findings and orders under sections 43 and 44 of RESA without further notice to you.

AND FURTHER TAKE NOTICE that you are entitled, at your own expense, to be represented by legal counsel and to participate in the discipline hearing.

Dated this 23rd day of October, 2023 at the City of Victoria, British Columbia.

BC Financial Services Authority

“Original signed by Chris Biscoe”

Chris Biscoe
Delegate of the Superintendent of Real Estate