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Updating RESA's Administrative Penalty Framework

Discussion Paper

BCFSA 

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Introduction

BC Financial Services Authority is proposing updates to the real estate services administrative penalty framework (“Administrative Penalty Framework”) set out in Sections 26 and 27 of the Real Estate Services Rules (“Rules”), following 2021 amendments to Sections 56 and 57 [*Administrative Penalties*] of the *Real Estate Services Act* (“RESA”). The proposed Rules amendments (the “Proposed Amendments”) would:

- Create two new categories of administrative penalties (“APs”), capturing;
 - failures by unlicensed persons and licensees to comply with BCFSA investigations, and
 - unlicensed and related restricted activity¹;
- Add contraventions with respect to the improper use of required disclosures; and
- Expand the list of infractions eligible for APs that fit within the parameters of [existing categories](#) B, C and D in s. 26 of the Rules.

The Proposed Amendments would not change licensing requirements under RESA nor any licensee obligations.

The primary focus of updating [the current Administrative Penalty Framework](#) is to include unlicensed activity, ensure compliance with BCFSA investigations, and ensure required disclosures are provided properly. The Proposed Amendments would provide BCFSA with more timely, proportionate tools to address most contraventions², particularly for unlicensed activity. The ability to enforce licensing requirements will help support the public’s confidence in the real estate services they receive.

LIST OF APPENDICES

- Appendix A: Administrative Penalty Framework FAQs
- Appendix B: BCFSA’s Process to Issue an Administrative Penalty Complaint Resolution

¹ “Restricted activity” relates to activity by a licensee that may facilitate unlicensed activity or may be similar to unlicensed activity. Examples of restricted activity include: an individual providing real estate services while their licence is suspended or in a category for which they are not licensed; or a brokerage making payments to unlicensed persons or to a licensee that is licensed to another brokerage.

² An AP may be appropriate in a situation where the facts clearly show a contravention of a provision in one of the AP categories. Generally, contraventions that are not suitable for APs are those involving unethical conduct, actual, material harm to a consumer, requiring significant investigation to determine the extent of the contravention, or where a property freeze order or a cease and desist order is considered in the public interest.

Background

Regulators commonly use APs to deal efficiently and effectively with contraventions. The primary aim of APs under RESA is to protect the public by encouraging compliance with regulatory requirements. APs are commonly used by BCFSAs to address contraventions identified during an audit.

The Proposed Amendments are intended to speed up the outcomes of compliance and enforcement processes. The proposal will allow BCFSAs to increase its focus on more complex cases while ensuring that contraventions are responded to in a fair, consistent, and proportionate way. APs also provide more predictable outcomes for certain types of infractions.

The Proposed Amendments build on the amendments to the Administrative Penalty Framework that were brought into force in 2021. The [current Administrative Penalty Framework](#) is contained in Sections 26 and 27 of the Rules. BCFSAs' current AP procedures are available on its [website](#).

The Proposed Amendments will benefit licensees and the public. Expanding APs helps improve enforcement efficiency by addressing more contraventions quickly and avoiding lengthy order processes, where appropriate. BCFSAs' focus for enforcement will continue to ensure proportionate responses for misconduct that represents a risk to consumers.

Section 57 of RESA provides for reconsideration of AP decisions. BCFSAs' [website](#) has information about the AP and reconsideration processes.

Discussion

In 2021, Sections 56 and 57 [*Administrative Penalties*] of RESA were amended. The 2021 amendments enable BCFSAs to designate provisions of RESA and its associated regulations as being subject to APs, as well as the Rules. The change to RESA allows the Administrative Penalty Framework to capture a broader range of contraventions, including unlicensed activity. Before the 2021 RESA amendments, only contraventions of the Rules could be included in the Administrative Penalty Framework. As a result, the Administrative Penalty Framework could only apply to licensees.

Administrative penalties function as an intermediate step between a letter of advisement (warning) and a discipline order. Discipline orders (e.g., consent orders and hearing decisions) result from formal enforcement action after a notice of hearing is issued and published. The designation of a provision in the Administrative Penalty Framework does not mean each contravention will automatically be resolved through an AP. BCFSAs will continue to have discretion to determine how to proceed and to assess non-compliance and to determine the most appropriate enforcement action. It should be noted that unlike orders, a licensee is not subject to enforcement expenses when misconduct is resolved through the Administrative Penalty Framework. The eligibility of each alleged contravention for an AP will continue to be considered on its own merits and assessed using various factors.

Below is a description of the proposed additions to the existing AP categories, and the creation of two new categories for other contraventions. The Proposed Amendments do not contain a change to the penalty amounts for the existing four AP categories.

SUMMARY OF CATEGORY CHANGES AND/OR ADDITIONS

A high-level summary of the changes and/or additions that are proposed is set out below and is followed by a more detailed description of changes and/or additions being included in each category of the Administrative Penalty Framework.

| Categories | Summary of Changes/Additions |
|-------------------------|---|
| Category A | Move Rules s. 75 – annual brokerage financial statements, accountant’s report, and activity report from Category A and into Category D |
| Category B | Category B infractions are generally characterized as minor matters with no or immaterial harm to consumers, and where imposing an administrative penalty is in the public interest. Proposed additions to Category B relate to licensee responsibilities to keep BCFSA and others informed, and improper use of several consumer disclosures which are required by the Rules. The addition of the proposed provisions, including disclosures, to the framework is to incentivize licensees to comply with disclosure requirements. |
| Category C | Category C contraventions apply to a broad range of circumstances, including licensee interactions with non-clients. Proposed expansions to this category include multiple disclosures that pose a greater risk of harm to consumers. |
| Category D | Additions to Category D include contraventions that involve time sensitive requirements or otherwise have a temporal element. Contraventions in this category contain a mix of brokerage and individual licensee requirements. Administrative penalties under this category consist of a base amount plus an additional amount calculated daily until compliance is achieved. The purpose of a daily penalty is to encourage timely compliance and the provision of accurate information. |
| Category E (New) | This is a new category being proposed to be added to the Administrative Penalty Framework. This category is focused on cooperation with BCFSA investigations and is intended to motivate persons who are compelled to provide information to promptly comply, which will improve investigative efficiency as well as the overall effectiveness of the framework. |
| Category F (New) | This is a new category being proposed to be added to the Administrative Penalty Framework. This category is focused on unlicensed and restricted activity. Unlicensed activity puts consumers at risk. Thus, these additions are intended to protect consumers from persons conducting work for which they are not licensed. |

PROPOSED ADDITIONS TO EXISTING ADMINISTRATIVE PENALTY CATEGORIES B, C, AND D

Administrative Penalty Contraventions “Category B”

Category B infractions are generally characterized as minor matters with no or immaterial harm to consumers, and where imposing an administrative penalty – rather than initiating enforcement action by issuing a notice of hearing – is in the public interest.

Proposed additions to Category B relate to licensee responsibilities to keep BCFSAs and others informed, and improper use of several consumer disclosures which are required by the Rules. The addition of the proposed provisions, including disclosures, to the AP framework is to incentivize licensees to comply with disclosure requirements. Infractions related to some disclosures are considered to pose too great a risk to consumers and/or the reputation of the real estate industry, and are proposed to be added to Category C.

Generally, an AP may be the appropriate enforcement action for non-compliance with disclosure requirements where there is no resulting material harm to a consumer but there is a contravention of the Rules.

| Table 1: Proposed Additions to Category B – Instrument, Section, and Description |
|--|
| RESA s. 7 (3) – Licensee must not provide real estate services outside of brokerage |
| Regulation s. 8.2 – Standard assignment terms (3) Requirement to include the standard assignment terms in the contract of purchase and sale of real estate |
| Regulation s. 10.6 (1) – Controlling individual must meet all requirements to receive remuneration from personal real estate corporation |
| Regulation s. 10.6 (2) – No engagement of controlling individual by a brokerage |
| Regulation s. 10.7 (1) – Personal real estate corporation must maintain attributes |
| Rules s. 28 (1) – Managing broker responsibilities |
| Rules s. 28 (6) – Notice to parties in writing of deposit not received/dishonoured |
| Rules 52 (3) – Promptly disclose changes to information in required disclosures |
| Rules s.54 – Disclosure of representation in trading services |
| Rules s.57 – Disclosure to sellers of expected remuneration on offers |
| Rules s.58 – Disclosure of benefits in rental and strata |
| Rules s. 64 (3) – Dual agency disclosure to BCFSAs – brokerage must promptly provide Superintendent with a copy of dual agency disclosure |
| Rules s. 73 (3) – Notice to Superintendent – negative trust balances notifications to BCFSAs |

Administrative Penalty Contraventions “Category C”

Currently, contraventions in this category apply to a broad range of circumstances, including licensee interactions with non-clients. BCFSA proposes to expand Category C to include other provisions of the regulatory framework, including multiple disclosures (as listed below) that pose a greater risk of harm to consumers. BCFSA proposes that Category C, as well as Categories D and E, include contraventions related to homebuyer rescission rights established in the *Property Law Act* and consequential amendments to RESA and the Rules.

Some disclosure requirements are proposed to be added to Category C, instead of Category B, because they represent a greater risk of harm to consumers or are duties owed to client and non-clients (e.g., related to conflicts of interest). The provision of certain disclosures at the appropriate time are part of a licensee’s professional obligation owed to clients and, in some cases, non-clients (e.g., s. 53 of the Rules which requires disclosure of an interest in trade).

| Table 2: Proposed Additions to Category C – Instrument, Section, and Description |
|---|
| RESA s. 27 (1) – Payments to brokerage by licensee |
| RESA s. 27 (2) – Payments into brokerage trust account by brokerage |
| RESA s. 27 (5) – Restriction on money that can be paid into brokerage trust account |
| RESA s. 66 (2) – Notification of court and discipline proceedings |
| Regulation s. 8.2 – Standard assignment terms <ul style="list-style-type: none"> (4) When representing a buyer, a licensee must provide notice if a contract to be presented to the seller does not contain a required term (5) When the licensee intends to acquire real estate, directly or indirectly, the licensee must provide notice if a contract to be presented to the seller does not contain a required term (6) Notice requirements if proposed contract does not include standard term respecting assignment of contract (7) When providing trading services to a seller, a licensee must provide notice if the contract does not contain a required term |
| Rules s. 31 (4) (b) – Modification of duties related to confidential information |
| Rules s. 53 – Disclosure of interest in trade |
| Rules s.55 – Disclosure of risks to unrepresented parties |
| Rules s.56 – Disclosure of remuneration |
| Rule s. 57.1 – Disclosure to certain clients of right to rescission |
| Rules s. 64 (2) – Dual agency in under-served remote location (disclosure to parties) |
| Rules s. 65 – Addressing conflicts of interest when acting for multiple clients |

Administrative Penalty Contraventions “Category D”

Contraventions in Category D contain a mix of brokerage and individual licensee requirements. Administrative penalties under this category consist of a base amount plus an additional amount calculated daily until compliance is achieved. The purpose of increasing the penalty amount daily is to encourage timely compliance and the provision of accurate information. Prior to imposing a daily administrative penalty, BCFSA will provide notice to individuals of their non-compliance and details of the administrative penalty calculation. If the contravention is ceased and the individual comes into compliance within the Compliance Warning Period outlined in the letter, BCFSA may impose an administrative penalty for the base amount associated with the contravention and waive the daily penalty. Individuals should promptly respond to the notice with evidence of compliance, or information about extenuating circumstances, before the warning period expires.

Additions to Category D include contraventions that involve time sensitive requirements or otherwise have a temporal element. BCFSA proposes to change the categorization for a contravention of s. 75 of the Rules (reporting of annual brokerage financial statements, accountant’s report and activity report) from Category A (\$1,000 for a first contravention) to Category D (\$1,000 for a first contravention plus \$250 per day).³ It is expected that moving this contravention from Category A to Category D will create additional motivation for some brokerages to provide their annual filings on time.

Table 3: Proposed Additions to Category D – Instrument, Section, and Description

| |
|---|
| RESA s. 21 (2) – Brokerages must immediately surrender the licence of a person whose licence becomes inoperative or suspended or cancelled. |
| RESA s. 25 – Brokerages must maintain property records in B.C. and in accordance with the rules |
| RESA s. 26 – Brokerage must maintain trust account in British Columbia |
| RESA s. 29 – Interest on trust account (related to Regulations s. 3.1) |
| RESA s. 30 (2) – Brokerage withdraw from trust account (only in relation to <u>rescission payments</u>) |
| Regulation s. 3.1 – Interest on trust account to the foundation |
| Rules s. 28 (4) – Maintenance of trust accounts (only for mingling non-trust funds; applies for the duration of the mingling) |
| Rules s. 75 – Annual brokerage financial statements, accountant’s report, and activity report (<i>currently Category A, proposed move to Category D</i>) |

³ See [BCFSA's current procedures](#) for more information on when and how daily amounts are part of an administrative penalty.

PROPOSED NEW CATEGORIES OF ADMINISTRATIVE PENALTIES

Category E (Daily) – Cooperation with BCFSA Investigations

Uncooperative persons can significantly delay investigations, increase enforcement costs, and obscure evidence. BCFSA is proposing a new category of daily penalty amounts to capture contraventions related to obligations of licensees and unlicensed persons to comply with BCFSA investigations. The proposed penalty amounts are:

- **First contravention:** base amount of \$1,000;
- **Subsequent contravention:** base amount of \$5,000; and
- **Plus \$1,000/day** that the contravention continues.

Creating a new AP category with a greater daily penalty amount than exists in Category D creates a strong incentive to cooperate with investigations. This proposed change may have greater impact for investigations into unlicensed persons, who are generally unaware of their requirement to participate under RESA.

The aim of this proposed category is to motivate persons who are compelled to provide information to promptly comply, which will improve investigative efficiency as well as the overall effectiveness of the regulatory framework.

Generally, BCFSA's approach to investigations provides reasonable timelines to provide relevant documents and, if necessary, an opportunity to participate in an interview. Prior to issuing daily penalties, persons subject to an investigation will have multiple opportunities to comply. In addition to the information available on BCFSA's website, **Appendix B** outlines BCFSA's general process before issuing an administrative penalty from any category, including those with a daily penalty amount.

The proposed inclusion of requirements to cooperate with investigations in the AP Framework would not change the current practice; the addition of these contraventions gives BCFSA tools to encourage timely cooperation with an investigation where there is failure or reluctance to comply. For persons who fail to comply with a request to cooperate, the method for calculating the penalty amount would be similar to the process used now for Category D. It will remain open to a person to request an extension of time by demonstrating any extenuating circumstances.

Table 4: Contraventions for Proposed New Category E – Instrument, Section, and Description

RESA s. 37 (4) – Licensee and unlicensed person cooperation with investigations

Rules s. 74 (1) – Brokerage must allow BCFSA to review accounts & other records

Category F – Unlicensed and Restricted Activity

This is a new proposed category to capture contraventions of RESA's licensing requirement and related restricted activity. The following penalty amounts are proposed:

- **First contravention: between \$5,000 and the maximum amount set out in Section 56 (2) of RESA; and**
- **Subsequent contravention: between \$10,000 and the maximum amount set out in Section 56 (2) of RESA.**

The requirement to be licensed goes to the heart of regulation and is fundamental to consumer protection and the reputation of the real estate industry. Licensing gives consumers confidence that persons who engage in real estate services or represent those that have engaged in real estate services, have received the proper training and are competent to practice. Unlicensed activity puts consumers at risk.

BCFSA investigates a large volume of complaints, many of which involve unlicensed activity. Prior to 2021, contraventions related to unlicensed activity could not be addressed by APs. The only regulatory tools available were disciplinary penalties, freeze orders, and cease and desist orders. Inclusion of unlicensed activity to the AP Framework creates a tool to swiftly respond to many complaints of unlicensed and restricted activity.

To determine the appropriate penalty amount for Category F, BCFSA will consider the unique circumstances of each case, similar to other Canadian regulatory AP frameworks, such as:

- The scale and scope of the conduct;
- The promptness with which non-compliant activity is ceased;
- The level of cooperation with BCFSA; and
- The person's compliance history.

The flexible penalty amount under this category reflects the broad range of activity that may be captured, and level of harm posed by each case.

| Table 5: Contraventions for Proposed new Category F – Instrument, Section, and Description |
|--|
| RESA s. 3 (1) – Unlicensed activity |
| RESA s. 7 (5) (a) – Brokerage relationship with other licensees |
| RESA s. 7 (5) (b) – Brokerage relationship with other licensees |
| RESA s. 20 – Inoperative or suspended licence |
| RESA s. 21 (1) – Licensee must cease to hold themselves out as a licensee and surrender the licence |
| Rules s. 66 (1) – Payment to unlicensed persons prohibited |
| Rules s. 67 – Acting for unlicensed persons prohibited |

CONCLUSION

The Administrative Penalty Framework is an important part of the progressive disciplinary regime established by RESA. BCFSa is seeking feedback on the Proposed Amendments. For more information on the Proposed Amendments, please see the [annotated Rules](#).

Comments can be submitted through the [Consultation Feedback Form](#). The consultation period will close on **November 26, 2023**. Additional information is available on the [Consultation page](#).

Appendices

APPENDIX A: FAQs ON THE ADMINISTRATIVE PENALTY FRAMEWORK

1. Question: What are administrative penalties?

Answer: Administrative penalties function as an intermediate step between a letter of advisement (warning) or undertaking and formal discipline proceedings started by a notice of hearing. APs are a common tool used by regulators to deal efficiently and effectively with contraventions. The primary aim of administrative penalties is to protect the public by encouraging compliance with licensing requirements and the rest of the regulatory scheme.

The Administrative Penalty Framework provides BCFSA with an additional opportunity to encourage compliance with the regulatory framework. The changes will also help ensure that more contraventions can be dealt with quickly.

Currently, the most frequent administrative penalty is imposed for late filing of annual accountants' reports by brokerages (contravention of s. 75 of the Rules).

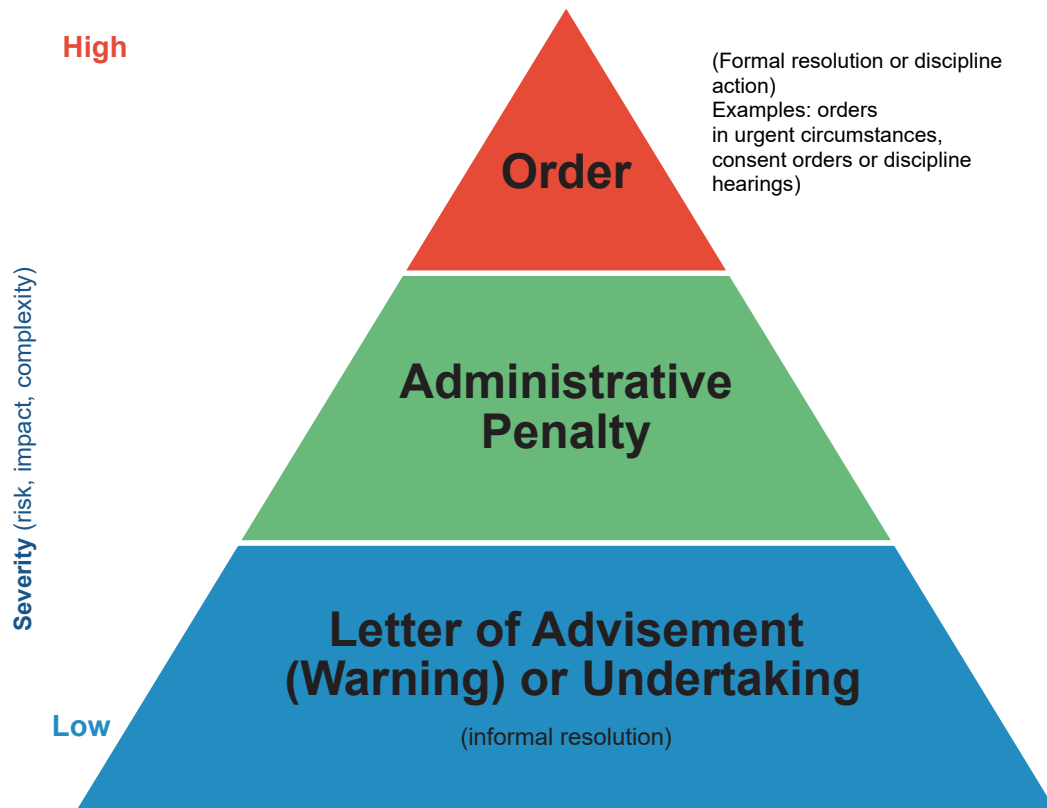
The existing administrative penalty framework recognizes that not all contraventions warrant issuing a notice of discipline hearing and subsequent order. Expanded administrative penalties help ensure that BCFSA's response is proportionate to risk and other unique circumstances of each matter.

2. Question: How is an administrative penalty different than a consent order?

Answer: Administrative penalties promote compliance with legislative requirements and support BCFSA's mandate by providing measured and proportionate responses to instances of non-compliance. Administrative penalties function as an intermediate step between a letter of advisement (warning) and enforcement action.

Consent orders are formal negotiated discipline orders. In the case of a licensee, they become part of a licensee's public discipline record and must be published on BCFSA's website. Consent orders result from formal enforcement action following the issuance and publication of a notice of hearing. Formal enforcement actions address more serious or disputed contraventions of the regulatory framework than administrative penalties.

After a notice of hearing is issued, a licensee or an unlicensed person who wishes to admit to the allegations instead of going to a formal hearing makes a written proposal to the Superintendent. If the Superintendent agrees to the proposal, the formal hearing is averted, and a consent order is issued. If an individual does not wish to propose a consent order to the Superintendent, they can elect not to make a proposal and proceed with a formal hearing.



3. Question: How often does BCFSA use administrative penalties?

Answer: In 2022, BCFSA issued approximately 24 administrative penalties. The intention of expanding the AP Framework is to support increased use of APs as a compliance tool, when appropriate. BCFSA will continue to have the discretion to assess non-compliance and to determine the most appropriate enforcement action. Egregious cases of unlicensed activity will continue to be pursued by orders.

4. Question: What is the intent of the new Rules? What are they meant to do?

Answer: The focus of the Administrative Penalty Framework changes is to include unlicensed/restricted activity, ensure compliance with BCFSA investigations to encourage timely cooperation, and ensure required disclosures are provided properly. The Rules changes will provide BCFSA with more flexible tools and procedures to address most contraventions.

5. Question: What is the process for calculating daily amounts?

Answer: It is proposed that calculating penalty amounts for Category E will follow a similar method to the existing Category D. For contraventions of a Rule in Category D, in addition to the base penalty amount, the Superintendent may impose a daily penalty of \$250 for each day or part of a day of non-compliance beyond the [Compliance Warning Period](#), up to the maximum penalty amount set by Section 56 of RESA (\$100,000 in respect of each contravention of a designated Rule). The daily penalty ceases to accrue on the first day full compliance exists.

For Category E, the penalty amount may be impacted by previously imposed penalties and escalating penalties will be imposed in circumstances of subsequent contraventions. The method of calculation for daily administrative penalties is set out in the Rules and is discussed in greater detail on BCFSA's [website](#).

6. Question: If licensee requirements are not changing, then what would change?

Answer: The proposed changes to the Rules expand the number of contraventions that are eligible for disposition by an administrative penalty. Because of changes to legislation, contraventions of RESA and its associated regulations can now be part of the Administrative Penalty Framework. The changes will also help ensure that more contraventions can be dealt with quickly and efficiently, particularly contraventions of the requirement to be licensed. Adding more contraventions will also help provide predictability to licensees, unlicensed persons, and BCFSA in terms of the likely outcome of many contraventions.

Diverting appropriate files, including those involving unlicensed activity, to administrative penalties can lead to quicker dispositions of many contraventions and free up BCFSA compliance resources to investigate and discipline complex and unethical conduct.

7. Question: Can a person dispute an administrative penalty?

Answer: Yes, RESA has specific provisions allowing a person to request reconsideration of a BCFSA decision to impose an administrative penalty. The deadline to make a reconsideration request is within 30 days of the date on which the administrative penalty decision was issued. In 2022, BCFSA received four requests for reconsideration: three were confirmed by a hearing officer and one request was withdrawn. More information can be found on BCFSA's [website](#).

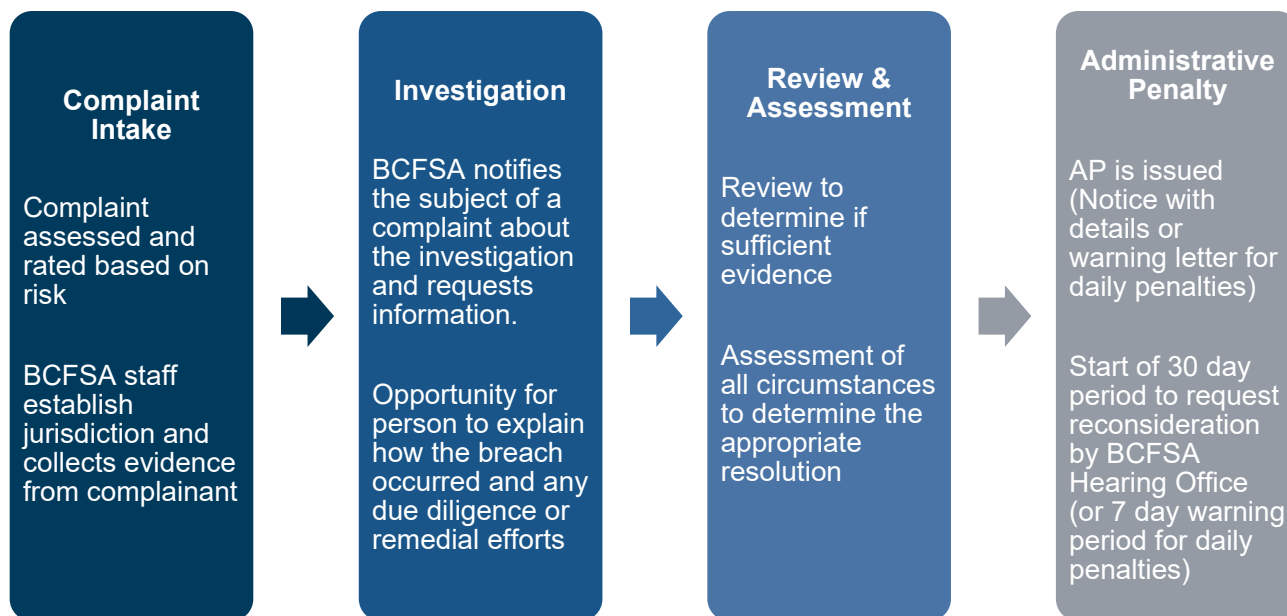
8. Question: Are administrative penalty notices published and publicly available?

Answer: The aim of administrative penalties is to encourage compliance. Section 57.1 of RESA enables, but does not require, the Superintendent to [publish](#) a copy of a notice of administrative penalty and the reconsideration decision confirming or cancelling the administrative penalty.

The Superintendent will generally publish all notices of administrative penalties over \$2,500 and all related reconsideration decisions on BCFSAs website in perpetuity. Administrative penalties for \$2,500 or less will generally be aggregated instead of being published individually. Administrative penalties greater than \$2,500 will be published on the CanLII website. Administrative penalties do not include enforcement costs. The maximum amount of an administrative penalty under RESA is \$100,000. In practice, the administrative penalty amounts established by the Rules are generally much lower. More information about the possible outcomes of an investigation can be found on BCFSAs [website](#).

APPENDIX B: BCFSA'S PROCESS FOR ISSUING AN ADMINISTRATIVE PENALTY

Below is a broad outline of BCFSA's processes leading up to the issuance of an administrative penalty. There are additional steps and nuances at each stage which have been omitted for the sake of simplicity in presenting general process information. Further detailed information of the current [AP processes](#) and the [complaints process](#) can be found on BCFSA's website.



BCFSA has discretion to determine how best to resolve a contravention of RESA, its regulation, or the Rules. In instances where BCFSA is satisfied that one or more of the provisions designated as eligible for an administrative penalty have been breached, BCFSA may consider issuing an administrative penalty (Section 57 of RESA).

When a file is received by BCFSA's Intake Team, it is assessed to ensure that BCFSA has the jurisdiction to resolve the complaint, and there is sufficient evidence to support the complaint. A file is then processed, additional information may be gathered, and the complaint is assessed to determine if there is evidence and jurisdiction to resolve it. At the end of the intake process, the file is either closed or is assigned to an investigator. BCFSA employs a cooperative approach to investigations, including establishing reasonable timeframes for responses from persons under investigation, and expects their full, candid cooperation.

Prior to imposing a daily administrative penalty, BCFSA will deliver a letter to the person identifying:

- The non-compliance;
- Details of the administrative penalty calculation;
- The period to come into compliance; and
- Other important information.

This letter is known as a non-compliance warning letter. The period to come into compliance will generally be seven days after the warning letter is delivered. A person should promptly respond to BCFSA with evidence of compliance, or information about extenuating circumstances, before the warning period expires.

With respect to the proposed new category related to failures to cooperate with BCFSA investigations (Category E) – before a warning letter is delivered, a person who is the subject of an investigation by BCFSA will have multiple opportunities to come into compliance with requests for information and document production, or provide details of extenuating circumstances why timelines cannot be met.

Generally, BCFSA will consider several factors before deciding that an administrative penalty is an appropriate disposition. Some of these factors involve:

- **BCFSA has conducted a sufficient investigation** to be satisfied that a designated provision has been breached;
- **An opportunity to explain** how the breach occurred has been given to the person (e.g., determining if they exercised due diligence to avoid the breach). The chance to provide an explanation often emerges naturally during an investigation;
- Compliance and licensing history, if applicable;
- **The degree of harm** to a client, consumer, or other member of the public or to the reputation of the real estate industry, if any;
- **Any benefit to the person** who committed the breach (i.e., determining if they materially benefitted from putting a consumer at risk and/or if they reasonably have expected to derive, directly or indirectly, any economic benefits from the contravention); and
- **Any remedial efforts** by the person who committed the breach to mitigate the impact of the contravention and to prevent a recurrence, including voluntary repayments, admissions, and appropriate training.



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