

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

LEE TAN  
(162116)

CONSENT ORDER

RESPONDENT: Lee Tan , representative, Maxcel Westcoast Realty Ltd., while licensed with Sutton Group Seafair Realty dba Seafair Realty Ltd.

DATE OF REVIEW MEETING: October 10, 2018

DATE OF CONSENT ORDER: October 10, 2018

CONSENT ORDER REVIEW COMMITTEE: L. Hrycan  
E. Mignosa  
S. Sidhu

ALSO PRESENT: E. Seeley, Executive Officer  
D. Avren, Director, Legal Services  
Jessica Gossen, Legal Counsel for the Real Estate Council

PROCEEDINGS:

On October 10, 2018, the Consent Order Review Committee (“Committee”) resolved to accept the Consent Order Proposal (“COP”) submitted by Lee Tan .

**WHEREAS** the COP, a copy of which is attached hereto, has been executed by Lee Tan .

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

1. Lee Tan be reprimanded;
2. Lee Tan pay a discipline penalty to the Council in the amount of \$2,000.00 within ninety (90) days from the date of this Order;

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3. Lee Tan , at her own expense, register for and successfully complete the Real Estate Trading Services 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;
  4. Lee Tan, at her own expense, register for and successfully complete the course: REIC2600 Ethics in Business Practice, offered by the Real Estate Institute of Canada, within the time period directed by Council; and
  5. Lee Tan pay enforcement expenses to the Council in the amount of \$1,500.00 within sixty (60) days from the date of this Order.

If Lee Tan 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 10th day of October, 2018, at the City of Vancouver, British Columbia.

ON BEHALF OF THE CONSENT ORDER REVIEW COMMITTEE

“L. Hrycan”

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Len Hrycan  
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**

**LEE TAN  
(162116)**

**CONSENT ORDER PROPOSAL BY LEE TAN**

**BACKGROUND AND FACTS**

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

For the purposes of the Proposal, Lee Tan and the Council have agreed upon the following facts:

1. Lee Tan has been licensed as a representative since 2011.
2. Lee Tan was at all relevant times licensed as a representative with Sutton Group Seafair Realty Ltd.
3. Ms. Tan's licensing history is as follows:

<b>Brokerage</b>	<b>License Level</b>	<b>Licence Category</b>	<b>Start Date</b>	<b>End Date</b>
Seafair Realty Ltd. (X021200)	Representative	Trading	2016/04/05	
Star-West Realty Ltd. (X022527)	Representative	Trading	2016/06/04	2016/04/05
Pan Pacific Platinum Real Estate Services Inc. (X030113)	Representative	Trading	2014/03/06	2015/06/04
West Coast Realty Ltd. (X027671)	Representative	Trading	2013/10/03	2014/03/06
West Coast Realty Ltd. (X028975)	Representative	Trading	2013/08/01	2013/10/02
West Coast Realty Ltd. (X027672)	Representative	Trading	2013/03/27	2013/08/01
Star-West Realty Ltd. (X022527)	Representative	Trading	2012/10/11	2013/03/27
Interlink (2008) Realty Corporation (X029053)	Representative		2011/10/21	2012/08/31
***Unlicensed***	N/A	N/A	2011/07/29	2011/10/20
Seafair Realty Ltd. (X021200)	Representative	Trading	2011/06/28	2011/07/28

4. This matter relates to Ms. Tan's disclosure of personal and confidential information of her client, MW, for whom she acted as listing agent in early 2017.
5. MW is a 96-year old widow. At all material times MW maintained a close relationship with her grand-daughter, AG, but was estranged from her own daughter, SG. AG has advised the Council that the SG has a history of disturbing and harassing behavior by SG towards MW.
6. Ms. Tan first met MW in or around 2015. At that time, MW was the owner of a property located at 4XXX Foxglove Crescent, Richmond, BC (the "Property"). Ms. Tan met MW while doing door-knocking cold calls in MW's neighborhood. MW had been a successful licensee in the past and Ms. Tan and MW had much in common.
7. Over the next couple of years, Ms. Tan, along with her husband and co-licensee JM, developed a close relationship with MW. They regularly visited her, delivered food and meals to her, transported her to hospital emergency many times, and were generally available to help MW and provide her with support and assistance.
8. In or around early 2017, MW decided that it was in her best interest to sell her house as she could not care for herself any longer. In addition, the market was good and MW needed the money from the sale to fund her care. AG also advised the Council that the move was required because of ongoing issues with SG.
9. Ms. Tan was aware of the details surrounding MW's problems with SG and of the concerns leading to her decision to move and was specifically advised of the family desire to keep the location of her new residence private. MW discussed her desire to have a better relationship with her daughter with Ms. Tan and that she wanted her daughter to give her a written apology.
10. MW co-listed the Property with Ms. Tan and JM of Sutton Group Seafair Realty along with PJ, her long-time friend and a licensee with Macdonald Realty Westmar Realty Ltd.
11. On January 29, 2017, MW entered into a Contract to sell the Property at the price of \$2,170,000.00. The sale completed on February 28, 2017.
12. During the sale of the Property, MW moved to a senior care home in Surrey. As per A.G.'s and MW's request, SG was not provided with her new contact information although MW continued to tell Ms. Tan that she wanted a resolution to the discord between her and her daughter.
13. Over the course of the next few months, Ms. Tan received numerous email communications from SG with respect to MW, including the following:
  - a. On March 2, 2017, SG emailed Ms. Tan regarding providing MW with magazines. Ms. Tan advised her to provide them to her, and she would deliver them to MW,

- b. On March 4, 2017, SG emailed Ms. Tan regarding providing MW with a library of books and magazines. Ms. Tan advised her to leave them at the Property.
  - c. On March 31, 2017, SG emailed Ms. Tan to ask her forward happy birthday wishes to MW.
  - d. On May 1, 2017, Ms. Tan learned that SG wrote a letter to MW and left it at the Property. Ms. Tan advised SG that Ms. Tan no longer had access to the Property and the letter was lost.
  - e. On May 18, 2017, SG emailed Ms. Tan to inquire whether MW would pay for her storage costs. Ms. Tan forwarded this inquiry to MW's friend, LB.
  - f. On May 31, 2017, SG emailed Ms. Tan again, repeating the storage request inquiry. Again, Ms. Tan forwarded the inquiry to LB.
14. On June 15, 2017, SG emailed Ms. Tan indicating that she had a letter for MW but wanted to give it to her directly and keep communications just between the two of them.
  15. On June 15, 2017, without seeking MW's consent or permission, Ms. Tan provided SG with MW's address at the care Home.
  16. Following Ms. Tan's disclosure to SG of MW's contact information, SG contacted MW directly and sent her a written communication which caused distress for MW.
  17. On August 10, 2017, the Council received a complaint from AG with respect to Ms. Tan's disclosure of MW's contact information to SG.
  18. A Notice of Discipline Hearing was issued on June 21, 2018 and served on Lee Tan .
  19. Ms. Tan has no prior discipline history.
  20. Ms. Tan contends that her disclosure of MW's contact information was well-intentioned in an effort to assist in the mending of MW's and SG's estranged relationship. She states that she and MW have been friends for many years. They had many conversations about the relationship between MW and her daughter and MW expressed to her the hope that her daughter would communicate remorse for her conduct and make an apology to her.
  21. However, not only was Ms. Tan aware of AG's and MW's desire to keep MW's address unknown to SG.

### **PROPOSED FINDINGS OF MISCONDUCT**

For the sole purposes of the Proposal and based on the facts outlined herein, Lee Tan proposes the following findings of misconduct be made by the CORC:

1. Lee Tan committed professional misconduct within the meaning of section 35(1)(a) of the RESA when she disclosed her client's contact information to her client's estranged daughter without her client's consent in that Ms. Tan failed to maintain the confidentiality of information respecting her client, contrary to section 3-3(e) of the Rules.

### **PROPOSED ORDERS**

Based on the facts herein and the Proposed Findings of Misconduct, Lee Tan 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. Lee Tan be reprimanded.
2. Lee Tan pay a discipline penalty to the Council in the amount of \$2,000 within ninety (90) days of the date of this Order.
3. Lee Tan, at her own expense, register for successfully complete the Trading Services Remedial Education Course as provided by the Real Estate Division, Sauder School of Business at the University of British Columbia in period as directed by the Council.
4. Ms. Tan, at her own expense, register for successfully complete the course: REIC2600 Ethics in Business Practice, offered by the Real Estate Institute of Canada, within the time period directed by Council.
5. Lee Tan pay enforcement in the amount of \$1,500.00 within sixty (60) days from the date of this Consent Order.
6. If Lee Tan fails to comply with any of the terms of this Order, a Discipline Committee may suspend or cancel Lee Tan's licence without further notice to her.

### **ACKNOWLEDGEMENTS AND WAIVER OF APPEAL RIGHT**

1. Lee Tan 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. Lee Tan acknowledges that she has been urged and given the opportunity to seek and obtain independent legal advice with respect to the disciplinary process, the allegations contained in the Notice of Discipline Hearing, and the execution and submission of the Proposal to the CORC; and, that she has obtained independent legal advice or has chosen not to do so, and that they are making the Proposal with full knowledge of the contents and the consequences if the Proposal is accepted.
3. Lee Tan 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. Lee Tan 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. Lee Tan hereby waives her right to appeal pursuant to section 54 of the RESA.
6. The Proposal and its contents are made by Lee Tan 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 Lee Tan in any civil proceeding with respect to the matter.

"L. Tan"

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**LEE TAN**

**Dated \_\_28th\_\_ day of \_Sept\_, 2018**

Signature of Lee Tan witnessed on the above date  
by

"J. Moseley"

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Witness Name *(Please Print)*

"J. Moseley"

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Witness Signature