

IN THE MATTER OF THE REAL ESTATE DEVELOPMENT MARKETING ACT
SSC 2004, Chapter 41

18 ON 18 DEVELOPMENTS LTD.

LEONARD GREIG BARRIE

-AND-

PHILIP LESEUR

-AND-

FRASER MCCOLL

CONSENT ORDER

The following agreement has been reached between and consented to by 18 On 18 Developments Ltd. ("18 On 18"), Leonard Greig Barrie ("Barrie"), Philip Leseur ("Leseur"), Fraser McColl ("McColl") and the Superintendent of Real Estate (the "Superintendent"):

A. ORDERS

18 On 18, Barrie, Leseur and McColl consent to and the Superintendent makes the following orders pursuant to sections 28, 30 and 32 of the *Real Estate Development Marketing Act* (the "Act"):

1. That 18 On 18, Barrie, Leseur and McColl will not market any development units in the development known as the Highlander, located at 2000 Hannington Road, Langford, British Columbia until a new disclosure statement, or an amended disclosure statement, at the direction of the Superintendent, with the form and content satisfactory to the Superintendent, is filed with the Superintendent.
2. That 18 On 18 shall pay an administrative penalty in the amount of \$30,000, immediately upon execution of this Order, pursuant to section 30(1)(d)(i) of the *Act*.

3. That Barrie, Leseur and McColl shall, jointly and severally, pay an administrative penalty in the amount of \$15,000, immediately upon execution of this Order, pursuant to section 30(1)(d)(ii) of the *Act*; and
4. That 18 On 18, Barrie, Leseur and McColl shall, jointly and severally, pay partial costs of the investigation in the amount of \$2185, immediately upon execution of this Order, pursuant to sections 30(1)(c) and 31(1)(a) of the *Act*.

FACTS AND ADMISSIONS

As the basis for these Orders, 18 On 18, Barrie, Leseur and McColl acknowledge the following facts as correct, and make the following admissions:

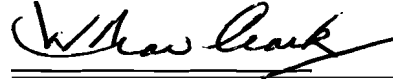
1. 18 On 18 was incorporated in British Columbia on March 1, 2006. Its registered and records office is located at #208 - 2800 Bryn Maur Road in Victoria, British Columbia.
2. Barrie, Leseur and McColl are the sole directors and officers of 18 On 18.
3. 18 On 18 is the named developer of a development known as The Highlander, located at 2000 Hannington Road, Langford, British Columbia (the "Highlander" or the "Development").
4. 18 On 18 filed a disclosure statement for the Development on November 10, 2006 (the "Disclosure Statement").
5. The Disclosure Statement discloses, in part, the following:
 - (a) the legal description for the parent property on which Highlander would be located is PID 025-827-898, Lot 9, Section 82, Highland District, Plan VIP76197;
 - (b) Highlander would be located on 0.554 acres to be created from the subdivision of the parent property (the "Highlander Lands");
 - (c) 18 On 18 had entered into a Contract of Purchase and Sale with the owner of the parent property for the Highlander Lands, the closing of which was December 15, 2006;
 - (d) Highlander will consist of 213 individual strata lots;

- (e) the City of Langford has not yet issued a building permit for Highlander; and
 - (f) The developer's real estate agent is Home Team Realty Ltd.
5. The current legal description for the Highlander is PID 027-024-644 Lot 1 Section 82 Highland District Plan V1P82851. The Disclosure Statement has never been amended to reflect the change in legal description.
 6. The Disclosure Statement was filed pursuant to the Superintendent's Policy Statements 5 and 6 which allow early marketing of a development for a maximum period of nine months from the date the disclosure statement is filed, unless an amendment to the disclosure statement, setting out both the particulars of the issued building permit, and of a satisfactory financing commitment, is filed with the Superintendent during that period.
 7. On August 13, 2007, the Superintendent's staff (the "Staff") wrote to Leseur, confirming that the 9-month period following the filing of the Disclosure Statement had ended on August 10, 2007, and that no amendments to the Disclosure Statement had been filed. As such, all marketing of the Highlander should have ceased on August 10, 2007.
 8. On August 27, 2007, Staff received a letter from Leseur advising that all marketing of the Highlander had ceased as of August 27, 2007.
 9. On April 10, 2008, Staff wrote Leseur again, requesting, among other things, confirmation that no marketing of the Highlander had occurred since August 27, 2007.
 10. On April 10, 2008, Leseur advised Staff, in writing, that no marketing of the Highlander had occurred since August 27, 2007 and that marketing would not resume until after either an amended disclosure statement, or a new disclosure statement, was filed with the Superintendent.
 11. Despite the assurances Leseur had given Staff in both August 2007 and April 2008, units in the Highlander were being actively marketed, after the expiry of the nine month period allowed under section 10 of the Act and the Superintendent's Policy Statements 5 and 6, without filing the required amendments to the Disclosure Statement, thereby contravening sections 10(4) and 16 of the Act, as well as Policy Statements 5 and 6.
 12. Units in the Highlander continued to be marketed, in contravention of the Act, until the Superintendent issued a cease marketing order on April 28, 2008.

C. WAIVER

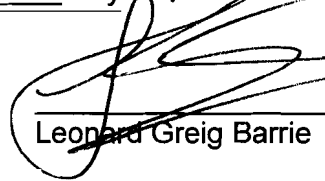
18 On 18, Barrie, Leseur and McColl waive their right to appeal under section 37 of the Act.

Dated at Surrey, British Columbia, this 4th day of SEPTEMBER, 2008.



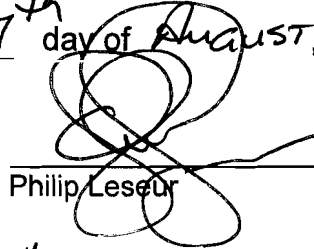
W. Alan Clark
Superintendent of Real Estate
Province of British Columbia

Dated at VICTORIA, British Columbia, this 27th day of AUGUST, 2008.



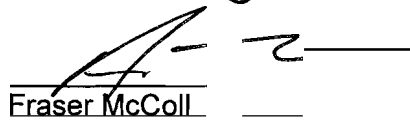
Leonard Greig Barrie

Dated at VICTORIA, British Columbia, this 27th day of AUGUST, 2008.



Philip Leseur

Dated at VICTORIA, British Columbia, this 27th day of AUGUST, 2008.



Fraser McColl

Dated at VICTORIA, British Columbia, this 27th day of AUGUST, 2008.



Duly authorized signatory for
18 On 18 Developments Ltd.