

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

STONEHAVEN ENTERPRISES LTD.

-AND-

PHILIP LESEUR

-AND-

GERALD HARTWIG

-AND-

FRASER MCCOLL

CONSENT ORDER

The following agreement has been reached between and consented to by Stonehaven Enterprises Ltd. ("SEL"), Philip Leseur ("Leseur"), Gerald Hartwig ("Hartwig"), and Fraser McColl ("McColl") and the Superintendent of Real Estate (the "Superintendent"):

A. ORDERS

SEL, Leseur, Hartwig 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 SEL 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 Leseur, Hartwig and McColl shall, jointly and severally, pay an administrative penalty in the amount of **\$10,000**, immediately upon execution of this Order, pursuant to section 30(1)(d)(ii) of the *Act*, and

4. That SEL, Leseur, Hartwig and McColl shall, jointly and severally, pay costs of the investigation in the amount of **\$922.50**, 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, SEL, Leseur, Hartwig and McColl acknowledge the following facts as correct, and make the following admissions:

1. SEL was incorporated in British Columbia on March 31, 2006. SEL's registered and records office is located at #1212 – 1175 Douglas Street in Victoria, British Columbia.
2. The directors of SEL are Hartwig, Leseur and McColl.
3. SEL is the named developer of a development known as Stonehaven, located at 2006 Troon Court, Langford, British Columbia ("Stonehaven" or the "Development").
4. On November 10, 2006, SEL submitted a disclosure statement for Stonehaven to the Superintendent (the "Disclosure Statement"), which included disclosure of the following information:
 - (a) The legal description for the parent property on which Stonehaven would be located is PID 025-827-898, Lot 9, Section 82, Highland District, Plan VIP76197;
 - (b) Stonehaven would be located on 0.63 acres to be created from the subdivision of the parent property (the "Stonehaven Lands");
 - (c) SEL had entered into a Contract of Purchase and Sale with the owner of the parent property for the Stonehaven Lands, the closing of which was scheduled for November 30, 2006;
 - (d) Stonehaven would consist of 31 individual strata lots;
 - (e) The City of Langford has not yet issued a building permit for Stonehaven;


- (f) As of the date of the filing of the Disclosure Statement, SEL did not have a commitment for financing the construction of Stonehaven; and
 - (g) SEL's real estate agent is Home Team Realty Ltd.
5. The current legal description for Stonehaven is PID 027-024-032 Lot A Section 82 Highland District Plan VIP82848.
 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. The nine month period following the filing of the Disclosure Statement ended on August 10, 2007.
 8. On August 13, 2007, staff of the Superintendent (the "Staff") wrote Leseur confirming that the 9-month period following the filing of the Disclosure Statement had ended on August 10, 2007, without any amendments to the Disclosure Statement having been filed. As such, all marketing of Stonehaven should have ceased on August 10, 2007.
 9. On August 27, 2007, Staff received a letter from Leseur advising that all marketing of Stonehaven had ceased as of August 27, 2007 and that an amendment to the Disclosure Statement would be filed shortly.
 10. On March 27, 2008, Staff wrote Leseur again, requesting, among other things, confirmation that no marketing of Stonehaven had occurred since August 27, 2007.
 11. On April 10, 2008, Leseur advised Staff, in writing, that no marketing of Stonehaven had occurred since August 27, 2007 and that marketing would not resume until after either a new disclosure statement or an amended disclosure statement, was filed with the Superintendent.
 12. On April 24, 2008, SEL submitted an amendment to the Disclosure Statement which was accepted for filing (the "Amended Disclosure Statement").
 13. However, despite the assurances Leseur had given Staff, SEL had actively marketed Stonehaven between August 10, 2007 (when the nine

month period allowed under section 10 of the Act and the Superintendent's Policy Statements 5 and 6 had expired) and April 24, 2008 (when the Amended Disclosure Statement was filed), 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.

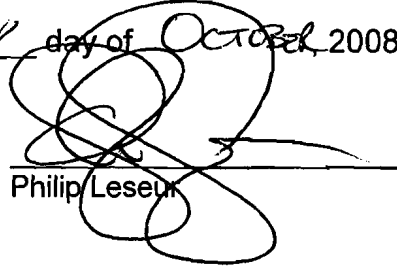
C. WAIVER

SEL, Leseur, Hartwig and McColl waive their right to appeal under section 37 of the Act.


Dated at Surrey, British Columbia, this 21ST day of OCTOBER 2008.


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

Dated at VICTORIA, British Columbia, this 10 day of OCTOBER, 2008.


Philip Leseur

Dated at VICTORIA, British Columbia, this 10 day of OCTOBER, 2008.



Gerald Hartwig

Dated at Victoria, British Columbia, this 10th day of October, 2008.



Fraser McColl

Dated at VICTORIA, British Columbia, this 10 day of October, 2008.



Duly authorized signatory for
Stonhaven Enterprises Ltd.