

IN THE MATTER OF THE REAL ESTATE DEVELOPMENT MARKETING ACT

SBC 2004, c. 41

-AND-

THE SPRINGS RV RESORT AT HARRISON INC.

-AND-

DAVID D. GRANT

-AND-

WAYNE MOSER

-AND-

BEATRICE MOSER

-AND-

MARY DARLENE SMITH

CONSENT ORDER

The following agreement has been reached between The Springs RV Resort at Harrison Inc. ("Springs Inc."), David D. Grant ("Grant"), Wayne Moser ("W. Moser"), Beatrice Moser ("B. Moser") and Mary Darlene Smith ("Smith") and the Superintendent of Real Estate (the "Superintendent").

A. ORDERS

Springs Inc., Grant, W. Moser, B. Moser and Smith consent to, and the Superintendent makes, the following orders pursuant to sections 28, 30, 31 and 32 of the *Real Estate Development Marketing Act* ("REDMA"):

1. That Springs Inc., Grant, W. Moser, B. Moser and Smith will not market any development units in the development known as Springs RV Resort at Harrison, located at 670 Hot Springs Road in the Village of Harrison Hot

Springs, British Columbia until a new disclosure statement, or an amendment to the existing disclosure statement, as directed by the Superintendent and satisfactory to the Superintendent, is filed with the Superintendent;

2. That Springs Inc. Grant, W. Moser, B. Moser and Smith pay, jointly and severally, an administrative penalty in the amount of \$15,000, immediately upon execution of this Order, pursuant to section 30(1)(d)(i) and (II) of *REDMA*;
3. That Springs Inc., Grant, W. Moser, B. Moser and Smith pay, jointly and severally, costs of the investigation in the amount of \$1843.50 immediately upon execution of this Order, pursuant to sections 30(1)(c) and 31(1)(a) of *REDMA*.

B. FACTS AND ADMISSIONS

As the basis for these Orders, Springs Inc., Grant, W. Moser, B. Moser and Smith acknowledge the following facts as correct:

1. Springs Inc. was incorporated in British Columbia on March 20, 2006. Grant, W. Moser, B. Moser and Smith are the directors of Springs Inc.
2. Springs Inc. is the named developer for the development known as The Springs RV Resort at Harrison located at 670 Hot Springs Road in the Village of Harrison Hot Springs, British Columbia ("Springs RV Resort" or the "Development").
3. On February 1, 2008, Springs Inc. filed a disclosure statement for Springs RV Resort with the Superintendent (the "Disclosure Statement"). The Disclosure Statement includes the following information:
 - a. The Development will consist of 150 recreational vehicle sites.
 - b. The Development will have common areas and common facilities for the use of all owners, comprised of a club house, swimming pool, hot tub, washrooms and laundry facilities.
 - c. The Development will be structured as a "fractional ownership" or "shared interest in land", whereby each purchaser will acquire a 1/150th interest in the land which comprises the Development.

- d. Springs Inc. is not aware of any dangers in the condition of the soil or subsoil, nor is it aware of any flooding danger to the land in normal circumstances.
4. As of April 30, 2008, Springs Inc. had not obtained the necessary permits for construction of the club house or swimming pool at Springs RV Resort, or approval to market the shared interest in land from the Village of Harrison Hot Springs ("Harrison"), nor did Springs Inc. have the approval of the Superintendent to commence early marketing of the Development. Despite the lack of necessary permits and/or approvals, Springs Inc. began marketing Springs RV Resort.
 5. Springs Inc., Grant, W. Moser, B. Moser and Smith admit that they marketed shared interests in Springs RV Resort without first having the necessary approvals in principal for the proposed construction from Harrison and/or the requisite permission of the Superintendent to begin early marketing, thereby contravening sections 8 and 10 of *REDMA*.
 6. On March 31, 2008, the Chief Administrative Officer issued a Stop Work Order with respect to Springs RV Resort.
 7. Springs Inc., Grant, W. Moser, B. Moser and Smith admit that they did not amend the Disclosure Statement to disclose the existence of the Stop Work Order issued on March 31, 2008, thereby contravening sections 14 and 16 of *REDMA*.
 8. Harrison Bylaw No. 875, a bylaw to provide for floodplain management, includes a map of Harrison identifying the designated floodplain (Attached hereto as Exhibit 1).
 9. Springs RV Resort is located within the designated floodplain identified in Harrison Bylaws No. 875. This fact was not disclosed in the Disclosure Statement.
 10. Springs Inc., Grant W. Moser, B. Moser and Smith were required to disclose the fact that Springs RV Resort lies in a designated floodplain in the Disclosure Statement. Their failure to do so constitutes a contravention of section 14 of *REDMA*.

C. WAIVER

Springs Inc., Grant, W. Moser, B. Moser and Smith waive their right to appeal under section 37 of *REDMA*.

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Dated at Surrey, British Columbia, this 13th day of JAN, 2009 WAE, 2008:

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

Dated at Vancouver, British Columbia, this 8 day of Jan, 2008/9 rg

Mary Smith
Duly authorized signatory for
The Springs RV Resort at Harrison Inc.

Dated at Vancouver, British Columbia, this 5 day of JAN, 2008 PA

David D Graht
David D. Graht

Dated at Vancouver, British Columbia, this 5 day of JAN, 2008 A/P WAE

Wayne Moser
Wayne Moser

Dated at Vancouver, British Columbia, this 5 day of JAN, 2008 rg

Beatrice Moser
Beatrice Moser

Dated at Vancouver British Columbia, this 8 day of Jan, 2008/9 rg

Mary Darlene Smith
Mary Darlene Smith