

IN THE MATTER OF THE REAL ESTATE DEVELOPMENT MARKETING ACT

and

0692273 B.C. LTD.

and

ROLAND STEVEN GUSTAFSSON

and

STEVEN HERBERT LINDSAY

and

THOMAS A. TAIT

CONSENT ORDER

The following agreement has been reached between and consented to by 0692273 B.C. Ltd. ("0692273"), Roland Steven Gustafsson ("Gustafsson"), Steven Herbert Lindsay ("Lindsay"), Thomas A. Tait ("Tait") and the Superintendent of Real Estate (the "Superintendent"):

A. ORDERS

0692273, Gustafsson, Lindsay and Tait 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 0692273, Gustafsson, Lindsay and Tait, jointly and severally, pay an administrative penalty in the amount of \$20,000 immediately upon execution of this Order, pursuant to section 30(1)(d) of the *Act*.
2. That 0692273, Gustafsson, Lindsay and Tait, jointly and severally, pay partial costs of the investigation in the amount of \$1500 immediately upon execution of this Order, pursuant to section 30(1)(d) of the *Act*.

FACTS AND ADMISSIONS

As the basis for these Orders, 0692773, Gustafsson, Lindsay and Tait acknowledge the following facts as correct and make the following admissions:

1. 0692273 B.C. Ltd. ("0692273") is a registered company incorporated in the Province of British Columbia on April 8, 2004, with its registered and records office at 201 – 467 Cumberland Road in Courtenay, British Columbia.
2. Roland Steven Gustafsson ("Gustafsson"), Steven Herbert Lindsay ("Lindsay") and Thomas A. Tait ("Tait") were the directors of 0692273 at all relevant times, and remain the directors of 0692273. Collectively 0692273, Gustafsson, Lindsay and Tait are referred to as the "Developer."
3. 0692273 B.C. Ltd. owns development property located at 2001 Blue Jay Place in Courtenay, British Columbia known as "The Woodlands" (the "Development").
4. The Developer filed a disclosure statement on June 29, 2006 (the "Disclosure Statement"). The Disclosure Statement states that the Development consists of 76 proposed residential duplex strata lots to be constructed in 6 phases and that the Developer was only marketing phase one, which consisted of 16 strata lots.
5. The Developer operates a website at the following address: www.thewoodlands.ca (the "Developer's website").
6. As of February 15, 2008, the Developer's website advertised 76 strata lots in the Development, being offered in 11 phases, and that 40 of the strata lots in phases 1 through 8 had been sold.
7. On or about February 15, 2008 38 of the strata lots in the Development had been transferred to purchasers, despite the fact that the Disclosure Statement stated that the Developer was only marketing 16 strata lots. In addition, the Form P Phased Strata Plan Declaration filed in the Land Title Office on November 22, 2006 indicated that there were 11 phases, and not 6 phases as stated in the Disclosure Statement.
8. Section 16 of the *Real Estate Development Marketing Act* (the "Act") states that if a developer becomes aware that a disclosure statement does not comply with the Act or regulations, or contains a misrepresentation, the developer must immediately file a new disclosure statement, or an amended one.

9. The Developer breached the provisions of the Act by failing to file a new disclosure statement or an amendment to the Disclosure Statement.
10. The Developer breached the provisions of the Act by continuing to market the Development without either: filing a new disclosure statement; or filing an amendment to the Disclosure Statement.
11. The Developer agreed to cease marketing the development and, on February 19, 2008, provided Staff with an undertaking, signed by Lindsay, Gustafsson and Tait, confirming that marketing of the Development had ceased, and would not be resumed until a new disclosure statement which complied with the provisions of the Act was filed.
12. On February 19, 2008, Staff discovered that the Developer's realtor was continuing to list development units in the Development for sale on a website. The Staff contacted the Developer's legal counsel and requested that the Developer must remove all marketing of the Development from the internet.
13. On February 19, 2008 the Developer instructed the Developer's realtor to remove all listings for the Development from the realtor's website.
14. On February 28, 2008 the Developer filed a new disclosure statement with the Superintendent (the "February 2008 Disclosure Statement").
15. On March 20, 2008, the Developer filed a first amendment to the February 2008 Disclosure Statement (the "First Amendment"). The February 2008 Disclosure Statement and the First Amendment have been accepted for filing by the Superintendent's office.

C. WAIVER

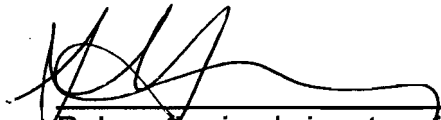
0692273, Gustafsson, Lindsay and Tait waive their right to appeal under section 37 of the Act.

Dated at Surrey, British Columbia, this 9th day of April, 2008. JWE WAC



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

Dated at Courtenay, British Columbia, this 30th day of ^{May}~~April~~, 2008.


Duly authorized signatory for
0692273 B.C. Ltd.

Dated at Courtenay, British Columbia, this 30th day of ^{May}~~April~~, 2008.


Roland Steven Gustafsson

Dated at Courtenay, British Columbia, this 30th day of ^{May}~~April~~, 2008.


Steven Herbert Lindsay

Dated at Courtenay, British Columbia, this 30th day of ^{May}~~April~~, 2008.


Thomas A. Tait