

IN THE MATTER OF THE REAL ESTATE SERVICES ACT

- AND -

DOVE PROPERTY MGMT LTD.

- AND -

NANCY LEE RENAE

**ORDERS UNDER SECTIONS 51 AND 49 OF
THE REAL ESTATE SERVICES ACT**

UPON REVIEWING the submissions and exhibits contained in the Investigation Report prepared by the staff of the Superintendent of Real Estate, I am of the opinion that:

1. On January 14, 2008, the Office of the Superintendent of Real Estate (the "Superintendent") received a complaint that Dove Property Mgmt Ltd. ("Dove") and Nancy Lee Renae ("Renae") were providing rental property management services without being licensed under the *Real Estate Services Act* ("the Act").
2. The Real Estate Council of British Columbia ("the Council") confirmed that Dove and Renae are not licensed to provide real estate services in the Province of British Columbia. Renae is the sole officer and director of Dove.
3. Section 1 of the *Act* defines "Real Estate Services" as:
 - (a) rental property management services,
 - (b) strata management services, or
 - (c) trading services.
4. Section 1 of the *Act* defines "Rental Property Management Services" as meaning "any of the following services provided to or on behalf of an owner of rental real estate":
 - (a) trading services in relation to the rental of real estate;
 - (b) collecting rents or security deposits for the use of the real estate;

- (c) managing the real estate on behalf of the owner by
 - (i) making payments to third parties,
 - (ii) negotiating or entering into contracts,
 - (iii) supervising employees or contractors hired or engaged by the owner, or
 - (iv) managing landlord and tenant mattersbut does not include an activity excluded by the regulation.

5. Section 1 of the *Act* defines "trading services" as meaning any of the following services provided to or on behalf of a party to a trade in real estate:

- (a) advising on the appropriate price for the real estate;
- (b) making representations about the real estate;
- (c) finding the real estate for a party to acquire;
- (d) finding a party to acquire the real estate;
- (e) showing the real estate;
- (f) negotiating the price of the real estate or the terms of the trade in real estate;
- (g) presenting offers to dispose of or acquire the real estate;
- (h) receiving deposit money paid in respect of the real estate

but does not include an activity excluded by regulation.

6. Section 3(1) of the *Act* states:

A person must not provide real estate services to or on behalf of another, for or in expectation of remuneration, unless the person is

- (a) licensed under this Part to provide those real estate services, or
- (b) exempted by subsection (3) of the regulations from the requirement to be licensed under this Part in relation to the provision of those real estate services.

7. The complaint against Dove and Renae alleged that a couple (the "Couple") had rented part of a house located at [REDACTED] in Aldergrove, British Columbia (the "House"). The complaint also alleged as follows:

- (a) Dove and Renae began managing the House on behalf of the owner in January 2008;

- (b) the Couple was instructed to pay rent directly to Dove, as manager of the House; and
 - (c) Renae had purported to evict the Couple from the House in January 2008, which eviction was subsequently rescinded.
8. On April 14, 2008, staff of the Superintendent (the "Staff") attended [REDACTED] Avenue in Aldergrove, British Columbia, which is identified as the address of both Dove and Renae in the BC Company search the Staff conducted. Inquiries at the residence revealed that Renae did reside there, but was not at home. Staff left a message for Renae, asking that she contact them.
9. On April 15, 2008, the Staff received a call from a woman who identified herself as Renae. In that call, Renae stated the following:
- (a) She is the owner and director of Dove.
 - (b) She has owned Dove since September 2002.
 - (c) She started the company to restrict her liability for five rental units which she herself owns and manages.
 - (d) In addition to managing her own properties, she has a verbal agreement with another property owner (the "Property Owner") to manage the two units which are contained in the House, one of which was leased to the Couple.
 - (e) She has managed both units in the House since January 2008.
 - (f) She is paid 10% of the rent for management of the Property Owner's units in the House.
 - (g) Both of the Property Owner's units in the House were presently unoccupied.
 - (h) She does not manage any other properties.

AND WHEREAS I find that:

1. Neither Dove nor Renae are licensed under the Act to provide real estate services within the province of British Columbia. A license is required pursuant to Section 3 of the Act for a person to provide real estate services to or on behalf of another.

2. Dove and/or Renae are actively engaged in providing real estate services to or on behalf of others for or in expectation of remuneration.
3. Neither Dove nor Renae are exempted from the requirement to be licensed by subsection 3(3) of the *Act*, nor are they exempted from the requirement to be licensed by the Regulations.
4. Dove and/or Renae are engaging in real estate services for which a license under the *Act* is required. Dove and Renae do not have the required license.

I THEREFORE CONSIDER that Dove and Renae are conducting themselves in a manner that would enable me to make an order under section 49 of the *Act*.

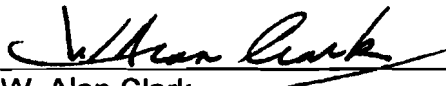
I FURTHER CONSIDER that the length of time that would be required to hold a hearing in order to make an order under section 49 of the *Act* would be detrimental to the public interest. A hearing would likely take at least two to three months to prepare for and conduct. Dove and Renae are presently conducting unlicensed activity without any supervision from a licensed person.

I THEREFORE ORDER pursuant to sections 51(2) (a) and 49(2) (a) of the *Act* that Dove and Renae:

Cease and desist conducting, directly or indirectly, real estate services, including rental property management services, in British Columbia, effective immediately.

TAKE NOTICE that Dove and Renae, may appeal this Order to the Financial Services Tribunal under section 54(1)(e) of the *Act*, or require a hearing before the Superintendent under sections 51(3) and 45(6) of the *Act*.

Dated at the
City of Surrey,
Province of British Columbia
this ~~Sry~~ day of May, 2008.


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

TO: Dove Property Mgmt Ltd.

[REDACTED]
Aldergrove, BC
[REDACTED]

Nancy Renae

[REDACTED]
Aldergrove, BC
[REDACTED]

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