



IN THE MATTER OF THE REAL ESTATE SERVICES ACT, S.B.C. 2004 c. 42

-AND-

ABSOLUTE PROPERTY SERVICES

-AND-

TREVOR KYLE GLINSBOCKEL

-AND-

ADAM JASON GRANT JAMIESON

**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 (the "Staff"), I am of the opinion that:

Background

1. Absolute Property Services ("Absolute") was registered as a partnership in British Columbia on December 19, 2008. Absolute has two partners: Trevor Kyle Glinsbockel ("Glinsbockel") and Adam Jason Grant Jamieson ("Jamieson").

2. Absolute's 2010 Business License Application was submitted to the City of Prince George on February 4, 2010 by Jamison. Absolute's business address, according to the license application, is #1 – 1205 3rd Avenue in Prince George.
3. The Real Estate Council of British Columbia has confirmed that neither Absolute, nor Glinsbockel, nor Jamieson are, nor has either ever been, licensed to provide real estate services in the Province of British Columbia.

Complaints and investigation in 2009

4. In June, 2009, Staff concluded an investigation into the activities of Absolute and Glinsbockel. During the course of the investigation, Glinsbockel advised Staff as follows:
 - (a) he used Craigslist to advertise properties for sale or rent which were owned either by him or by others;
 - (b) he had received remuneration for the sale or rent of properties, including those which he himself did not own;
 - (c) he was currently only listing for sale or rent properties which he himself owned; and
 - (d) he was unaware of the licensing requirements under the *Real Estate Services Act* (the "Act") and would immediately cease any further real estate activities until being licensed to do so.

Further complaints and investigation in 2009 and 2010

5. On or about August 13, 2009, Staff received another complaint alleging that Absolute and Jamieson appeared to be providing real estate services without being licensed to do so.

6. Staff reviewed Absolute's website at www.absolutepropertieservices.ca on September 2, 2009, which revealed the following:

(a) The home page advertised the following services:

Tenants We manage some of the areas [sic] most desirable rentals. Our progressive staff understands that consistently working to improve the quality of service and attention to detail are the best ways to provide comfortable communities for the people who have chosen our rentals...

Owners Our business is to provide our clients with management solutions that help their properties operate smoothly, increase in desirability and enhance investment value. That's why property owners throughout the area depend on us to help achieve their goals of property performance and profitability. Whether your properties are apartments, single family homes, duplexes, commercial developments, or office spaces for growing companies, our company ensures that your property is well managed to attract and retain tenants.

If you own an investment property in Prince George and are looking for a Property Management company to take care of your real estate investment, you have come to the right place. We can take care of all logistics including the maintenance and needed repairs or upgrades to the property to help make your property earn you maximum investment revenue."

(b) The "About Us" page included a more detailed description of the services provided, as follows:

"[Absolute] is centrally located in Prince George BC and locally owned. Established in 2008, we serve a growing need for a professional property management company that specializes in both commercial and residential..."

Listed below are a few of the many services included:

*Rent collection *Provide/supervise maintenance *Payment of all bills/mortgages *Assist/supervise resident managers *7 days a week and 24 hours a day availability [sic] Our management fees range between 6-8% of the gross monthly income collected. The actually monthly management fee is based on variables of services needed. Leasing fees are calculated separately from the monthly management fee."

(c) Of the 19 properties advertised for rent, two belonged to Glinsbockel, one belonged to a company of which Glinsbockel was a director and none belonged to Jamieson and/or Absolute.

7. When contacted by Staff, Jamieson advised as follows by email dated October 19, 2009:

"Our website was outdated and has been changed. Our only ads are Prince George based for our own properties...Earlier this year we were trying different strategies and were leaning towards Property Management. Then we received a letter and stopped with that direction. We were just trying to come up with some strategies to fill our vacant units. We are investors and we invest with many other investors. Our company can assist homeowners and landlords with maintenance, cleaning, landscaping, renovations and repair."

8. On June 18, 2010 Staff received another complaint regarding Absolute and Jamieson. The investigation of this complaint revealed the following:

(a) In or about July 2009, Absolute began providing rental property management services to [REDACTED] and [REDACTED] in respect of the following properties in Prince George: [REDACTED]
[REDACTED]
[REDACTED] These properties were owned by [REDACTED]
[REDACTED] of [REDACTED] were the principals.

(b) Absolute's services were terminated by [REDACTED] by June 2010. The services which Absolute had provided prior to being terminated included the collection of rent.

(c) Absolute provided [REDACTED] with a Property Agent Contract which included the following information and terms:

"The Owner has expressed his consent to hand over the landlord duties and maintenance of the property to [Absolute].

The client is aware that [Absolute] is not a licensed property management company.

...

[Absolute] is responsible for the following:

1. [Absolute] after examining the Property is willing to manage it.

2. The vacancy management of the unit

...

- Showing the property to prospective tenants

...

3. Tenant management

- All necessary forms and procedures will be completed prior to move-in. This includes
 - A rental application accompanied by a deposit if the unit will be held for the applicant
 - A residential tenancy agreement, collection of the first months rent and security deposit...
- All phone calls from tenants are handled by [Absolute]
- Carry out negotiations with the tenants

...

4. Property Maintenance

...

5. Handling of Money

- The collected rent and security deposits will be deposited into the clients account on the 10th of the month...

...

Renting the Property/Ending a Tenancy

Renting the Property

1. [Absolute] may contact other real estate agencies in order to find tenants for the property. An ongoing advertisement will run in the local newspaper. Our website will show vacant units, and display the unit information with pictures...

...

Management fees

- 9%-11% of the rent collected by Absolute
 - 11% to 4 units
 - 10% 5-9 units
 - 9% 10 units or more
- \$150.00 signing of a new Tenant...
- \$15.95 per month per client. This fee covers:
 - The administration costs for filing and storing all paperwork for 6 years
 - Advertising costs..."

9. On July 29, 2010, Staff received a further complaint regarding Absolute and Jamieson. The investigation of this complaint revealed the following:

- (a) [REDACTED] retained Jamieson and/or Absolute to manage property she owned at [REDACTED] in Prince George. [REDACTED] terminated the services being provided by Absolute/Jamieson in July 2010.
- (b) In response to the email from [REDACTED] terminating Absolute's services, Jamieson wrote as follows:

"You signed a contract with us and owe us money. You cannot just cancel your contract and have given us no notice. What reasons are you firing us for? We have taken a dirty unit full of garbage, cleaned it and rented it..."

Current advertising of services

10. Staff reviewed Absolute's website at absolutepropertyservices.ca on October 19, 2010 and discovered the following:

- (a) Absolute's address, according to the home page, is #1 – 1205 3rd Avenue, Prince George, British Columbia.
- (b) The following services were advertised on the home page:

Tenants

We manage some of the areas [sic] most desirable rentals. Our progressive staff understands that consistently working to improve the quality of service and attention to detail are the best ways to provide comfortable communities for the people who have chosen our rentals. Our tenants feel comfortable knowing that 24 hours a day, 7 days a week they will be able to reach a qualified employee who will promptly address any maintenance issue as it relates to their safety or the integrity of your property

Owners

Our business is to provide our clients with management solutions that help their properties operate smoothly, increase in desirability and enhance investment value. That's why property owners throughout the area depend on us to help achieve their goals of property performance and profitability. Whether your properties are apartments, single family homes, duplexes, commercial developments, or office spaces for growing companies, our company ensures that your property is well managed to attract and retain tenants."

- (b) The "Rentals" section of the website advertised 18 properties for rent. None of the 18 properties advertised belonged to Absolute, Glinsbockel or Jamieson.

Applicable legislation

11. Section 1 of the Act provides the following definitions:

"**providing**", in relation to real estate services, includes

- (a) offering to provide such services,
- (b) holding oneself out as a person who provides such services, or
- (c) soliciting for the purpose of the provision of such services;

"**real estate**" means

- (a) real property,
- (b) regardless of whether it is or is not an interest in real property, a cooperative interest, shared interest in land or time share interest, as these are defined in the *Real Estate Development Marketing Act*, and
- (c) a right in relation to real property that is defined by regulation to be real estate, but does not include a right in relation to real property that is excluded by regulation;

"**real estate services**" means

- (a) rental property management services,
- (b) strata management services, or
- (c) trading services;

"**remuneration**" includes any form of remuneration, including a commission, fee, gain or reward, whether the remuneration is received, or is to be received, directly or indirectly;

"**rental property management services**" means 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 the 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 matters

but does not include an activity excluded by regulation;

"rental real estate" means real estate that is or is intended to be rented or leased;

"trading services" means 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;

12. Section 3(1) of the Act states as follows:

"3(1) 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 services, or
- (b) exempted by subsection (3) or the regulations from the requirement to be licensed under this Part in relation to the provision of those real estate services."

AND WHEREAS I find that:

1. Neither Absolute, nor Glinsbockel, nor Jamieson is 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. Real estate services under the Act includes rental property management services. By acting as an agent for property owners, showing rental properties, advertising rental properties and collecting rents, Absolute, Glinsbockel and Jamieson are conducting rental property management activities for which a license is required.
3. Neither Absolute, nor Glinsbockel, nor Jamieson 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. Absolute, Glinsbockel and/or Jamieson are engaging in real estate services for which a license under the Act is required, although neither of them have the required license.

I THEREFORE CONSIDER THAT Absolute, Glinsbockel and Jamieson are conducting themselves in a manner that would enable me to make an order under section 49 of the Act.

I AGREE with Staff that a hearing would require approximately four witnesses and would take approximately two days to complete, and could not be held for at least six months due to scheduling of parties, witnesses, counsel and the hearing officer.

I FIND 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 due administration of the Act given that it would likely result in further non-compliance with the provisions of the Act. This is of particular concern given the numerous properties currently advertised for rent on Absolute's website when neither Absolute, nor Glinsbockel, nor Jamieson, are licensed. Of further concern is that Glinsbockel and Jamieson have been warned, in the past, about

possible non-compliance with the Act, and have continued to provide unlicensed property management services regardless, despite their assurances that all unlicensed activity would cease. Continued non-compliance would harm the reputation of the British Columbia real estate industry and would be detrimental to the public interest.

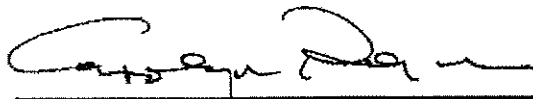
I AM FURTHER OF THE OPINION that it is in the public interest to make a summary order under section 51 of the Act so that the public is protected against further non-compliance with the Act.

I THEREFORE ORDER, pursuant to sections 51(2)(a) and 49(2)(a) of the Act, that Absolute, Glinsbockel and Jamieson :

Cease and desist conducting, directly or indirectly, real estate services including rental property management services, in British Columbia, effective immediately, unless and until they become licensed to do so under the provisions of the Act.

TAKE NOTICE that Absolute, Glinsbockel and Jamieson 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, in the Province of British Columbia this 10 day of January, 2011.



Carolyn Rogers
Superintendent of Real Estate
Province of British Columbia

TO: Absolute Property Services
#1 – 1205 3rd Avenue
Prince George, BC
V2L 3E6

Trevor Kyle Glinsbockel

[REDACTED]

Prince George, BC

[REDACTED]

Adam Jason Grant Jamieson

[REDACTED]

Prince George, BC

[REDACTED]