



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

- AND -

GUY ALEXANDER SCOTT

-AND-

KELOWNA GOLF SKI & BORGATA LODGE LTD.

-AND-

CHRIS LEWIS

NOTICE OF ADJOURNMENT AND RESETTING OF HEARING

ORDERS UNDER SECTION 40 and 48 OF  
THE REAL ESTATE SERVICES ACT

WHEREAS I signed a Notice of Hearing on July 3, 2012 (the "Notice of Hearing"), setting this matter down for hearing on September 11, 12 and 13, 2012 in order to allow Guy Alexander Scott ("Scott"), Kelowna Golf Ski & Borgata Lodge Ltd. ("KGSB") and Chris Lewis ("Lewis") an opportunity to be heard;

AND WHEREAS the Notice of Hearing was served on all parties on July 6, 2012;

AND WHEREAS Scott advised on July 18, 2012 that he was not available for hearing on September 11, 12 and 13, 2012;

AND WHEREAS Scott, KGSB and Lewis were asked to provide alternate dates when they are available for hearing, but did not do so;

AND WHEREAS Scott, KGSB and Lewis were informed by letter dated August 13, 2012 of an application to adjourn and reset the hearing dates from September 11, 12 and 13 to December 3, 4 and 5, 2012, dates on which they indicated they were not available, but they again did not provide alternate dates on which they were available;

AND WHEREAS I signed a Notice of Adjournment and Resetting of Hearing on September 6, 2012, adjourning the hearing previously set for September 11, 12 and 13, 2012, and re-setting the hearing for December 10, 11 and 12, 2012;

**AND WHEREAS** on December 5, 2012, Greg Harney ("Harney") advised my office in writing that he had been retained by Scott KGSB and Lewis;

**AND WHEREAS** on December 6, 2012, Harney advised my office in writing that he was unavailable on the dates set for the hearing, and applied for adjournment;

**NOW THEREFORE** I order that the hearing as previously set for December 10, 11, and 12, 2012 is adjourned;

**AND TAKE NOTICE** that the hearing, based on the allegations contained in the Notice of Hearing attached hereto as Schedule "A", will now take place on **February 5, 6, and 7, 2013** at Suite 2800 – 555 West Hastings Street, in Vancouver, British Columbia to allow Scott, KGSB and Lewis an opportunity to be heard before the Superintendent determines:

1. What orders to make pursuant to section 49 of the *Real Estate Services Act*, based upon the findings of fact contained in the Cease Order made April 13, 2012; and
2. What other orders may be appropriate to make in the circumstances.

**AND TAKE NOTICE** that Scott, KGSB and Lewis may be represented by counsel at the hearing and may make representations and lead evidence. Scott, KGSB and Lewis are requested to advise of their intentions to attend the hearing by writing to the Superintendent of Real Estate at Suite 2800, Box 12116, 555 West Hastings Street, Vancouver, British Columbia V6B 4N6, at least five days before the date of the hearing;

**AND TAKE NOTICE**, pursuant to section 40(2)(c) of the *Real Estate Services Act*, the Superintendent may proceed with the hearing in the absence of Scott, KGSB and/or Lewis.

Dated at the  
City of Vancouver,  
Province of British Columbia  
this 10 day of December, 2012.



Carolyn Rogers  
Superintendent of Real Estate  
Province of British Columbia

Page 3

TO: Greg Harney  
Harney Shields  
6<sup>th</sup> Floor, 844 Courtney Street  
Victoria, BC V8W 1C4