



Business Practices Process

The Victoria Real Estate Board is committed to encouraging and promoting a high level of professionalism among its members. The Board recognizes that when someone takes the time to lodge a formal complaint, it is because they feel genuine dissatisfaction with the service they have received and/or believe that the REALTOR® has acted improperly in some way.

The Board takes complaints very seriously and makes every effort to ensure that any complaint is thoroughly investigated and that all parties concerned have a full opportunity to be heard. The following offers an outline of the Board's procedures for dealing with complaints. We hope this outline will answer most of your questions in this regard.

What is required before the Board will accept your complaint?

We only ask that any complaint be submitted to us in writing (email is also acceptable) outlining the nature of the complaint in as much detail as possible. We would strongly suggest, however, that prior to submitting a complaint, you contact the manager (the Managing Broker) of the real estate firm where the REALTOR® works to discuss your concerns. Issues can often be resolved with the assistance of the Managing Broker thus avoiding the need to go through the formal complaint process.

What happens if the matter is currently before the courts?

The Board's policy is not to investigate any complaint that is currently before the courts. It is open to you to lodge a complaint with the Board either prior to initiating legal action or once legal proceedings have completed.

What jurisdiction does the Board have?

The Board, through its Business Practices Committee, Hearing Panels and Appeal Panels has the authority to inquire into whether real estate licensees have breached the Standards of Business Practice, Code of Ethics, the Board's Regulations or its Bylaws. The Board does not have jurisdiction to make monetary awards or determinations on contract disputes. Such matters are within the jurisdiction of the civil courts.

Any concerns regarding possible breaches of the *Real Estate Services Act* should be referred to the Real Estate Council of BC (Tel: 1-877-683-9664; Fax: (604) 683-9017; www.recbc.ca; Suite 900 - 750 West Pender St. Vancouver, V6C 2T8).

What is the first thing that happens after I have lodged a complaint?

The REALTOR® concerned will be asked to provide a written response to the allegations contained in your complaint. The REALTOR®'s manager (Managing Broker) will also be asked to provide any relevant comments. Copies of these responses will then be forwarded to you – usually within about three weeks

after receipt of your complaint – and you will be asked to indicate within two weeks whether you wish to withdraw your complaint or have the matter referred to the Board's Business Practices Committee. If we do not receive a response from you by the specified deadline, we will again attempt to contact you but if we are unsuccessful it will be assumed that you do not wish to proceed with the complaint and the matter will be considered closed.

What happens if the complaint is referred to the Business Practices Committee?

A member of the Committee will be assigned to investigate the matter. This member will contact you, the REALTOR® and any other individuals involved for additional information. The investigating member will then make a report to the committee. The committee meets once per month except for the month of August when there is usually no meeting held. It may be several weeks to several months before the matter is brought before the committee, depending on when the case is assigned to an investigating member and the complexity of the matters under investigation.

What does the Business Practices Committee do?

The committee carefully considers the investigator's report into the facts of the case and any recommendations that the investigator has made. The committee considers whether there is evidence to suggest that the REALTOR® has breached the Code of Ethics, Standards of Business Practice or the Board's Bylaws/Regulations. The committee has the following options:

- 1 It can make a finding of no wrongdoing on the part of the REALTOR®. In this event, you and the REALTOR® would be duly informed and the matter would be considered closed.
- 2 It can find that there is a *prima facie* case that the REALTOR® has breached one or more Articles of the Standards of Business Practice, or the Code of Ethics, or the Board's Bylaws/Regulations and can specify a proposed penalty.

If the committee finds that there is a *prima facie* case against the REALTOR®, what happens next?

The REALTOR® is informed of the committee's findings and any proposed penalty and is given 10 working days to respond to the two options open to him/her. These are as follows:

- 1 Accept the findings and proposed penalty made by the committee. In this instance, you would be notified accordingly and the matter would then be considered closed;
- 2 Reject the findings and/or the proposed penalty. In this instance, the case would then proceed to a formal Hearing;

Tell me more about the formal Hearing

A Hearing is a completely fresh examination of the complaint in a formal setting where the complainant, the REALTOR® and any witnesses give testimony under oath. A court reporter is present to record a transcript of the proceedings. In a case involving a member of the public, the Hearing Panel comprises three people – two experienced REALTORS® who are members of the Victoria Real Estate Board and one layperson. In the event the complaint has been lodged by one Board member against another then the Hearing Panel comprises three experienced Board members. Members of the Hearing Panel are provided in advance with background material on the complaint, but are not informed as to the initial finding of the Business Practices Committee.

After hearing testimony from all the parties concerned and ensuring that everyone has had a full opportunity to be heard, the Hearing Panel adjourns to consider the matter. The panel has two options:

- 1 It can make a finding of no wrongdoing on the part of the REALTOR®. In this instance, you and the REALTOR® would be duly informed and the matter would be considered closed;
- 2 It can find that the REALTOR® has breached one or more Articles of the Standards of Business Practice, or the Code of Ethics, or the Board's Bylaws/Regulations and can specify a penalty.

If the Hearing Panel makes a finding of a breach, what happens next?

The REALTOR® is duly informed and is given 10 working days to respond to the two options open to him / her:

- 1 Accept the findings and any penalty specified by the Hearing Panel. If the REALTOR® chooses this option, you would be duly informed and the matter would then be considered closed;
- 2 Reject the findings and request a review of the Hearing Panel proceedings by an Appeal Panel — although this option is available to the REALTOR® it is rarely exercised.

What is the Appeal Panel?

The Appeal Panel comprises three experienced members of the Victoria Real Estate Board who would review a transcript of the Hearing Panel proceedings. The Appeal Panel would then make a final ruling as follows:

- 1 It can make a finding of no wrongdoing on the part of the REALTOR®. In this instance, you and the REALTOR® would be duly informed and the matter would be considered closed;
- 2 It can uphold the findings of the Hearing Panel or make a new finding that the REALTOR® has breached one or more Articles of the Standards of Business Practice, or the Code of Ethics, or the Board's Bylaws/Regulations and can specify a penalty. In this instance, you and the REALTOR® would be duly informed and the matter would be considered closed.

If you have any additional questions about our process or areas of jurisdiction, please do not hesitate to contact:

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