

IN THE MATTER OF THE *REAL ESTATE SERVICES ACT*

AND IN THE MATTER OF

RYAN GURINDER RANA

AND

RYAN RANA PERSONAL REAL ESTATE CORPORATION

WRITTEN REASONS FOR ORDER IN URGENT CIRCUMSTANCES

DATE AND PLACE OF HEARING: April 20, 2016
Office of the Real Estate Council
Vancouver, B.C.

DISCIPLINE HEARING COMMITTEE: D. Peerless

COUNSEL FOR THE APPLICANT
REAL ESTATE COUNCIL OF BC: Jennifer Millerd

INTRODUCTION

An *ex parte* hearing was held on April 20, 2016, pursuant to sections 39 and 45(1) and (2) of the *Real Estate Services Act* (“RESA”) by a one person Discipline Hearing Committee (the “Committee”) of the Real Estate Council of BC (the “Council”) to consider an application by the Council for an order in urgent circumstances suspending the licences of Ryan Gurinder Rana and Ryan Rana Personal Real Estate Corporation.

Section 45(1) and (2) state:

- (1) A discipline committee may act under this section if the committee considers that
 - (a) there has been conduct in respect of which a discipline committee could make an order under section 43 against a licensee,
 - (b) the length of time that would be required to complete an investigation or hold a discipline hearing, or both, in order to make such an order would be detrimental to the public interest, and
 - (c) it is in the public interest to make an order under this section against the licensee.

- (2) If the circumstances referred to in subsection (1) apply, the discipline committee may, by order, do one or more of the following:
 - (a) suspend the licensee's licence;
 - (b) impose restrictions or conditions on the licensee's licence or vary any restrictions or conditions applicable to the licence;

(c) require the licensee to cease or to carry out any specified activity related to the licensee's real estate business.

Upon reading the affidavits of Carmen DeFoy and David Moore sworn April 20, 2016 and hearing submissions from legal counsel for the Council, the Committee issued an order in urgent circumstances (the "Order") on April 20, 2016, that the licences of Ryan Gurinder Rana (hereafter "Ryan Rana") and Ryan Rana Personal Real Estate Corporation ("Rana PREC") be suspended effective immediately pursuant to section 45(2) of the *Real Estate Services Act*.

These are the written reasons for the Order.

PROCEEDINGS

Background

The licences of Ryan Rana and Rana PREC were first issued by the Council on February 12, 2016.

On April 13, 2016, the Council was advised by the Real Estate Division of the Sauder School of Business at the University of British Columbia ("Sauder Real Estate Division") that there was cause for concern regarding whether Ryan Rana had written the Real Estate Trading Services Licensing Examination (the "Licensing Examination") and had instead arranged for someone else to write it on his behalf.

Evidence

Affidavit Evidence of David Moore sworn April 20, 2016

David Moore is the Director of Licensing Education with Sauder Real Estate Division. He stated that on November 26, 2015, the Sauder Real Estate Division administered a sitting of the Licensing Examination. On that date, a person claiming to be Ryan Rana attended at the examination centre and presented an Examination Admission Ticket and a BC driver's licence for Ryan Rana. Due to concerns that the photo on the BC Driver's Licence did not match the recent passport photo attached to the Examination Admission Ticket, Sauder Real Estate Division did not permit the person claiming to be Ryan Rana to write the Licensing Examination.

He also stated that on or about November 30, 2015, Ryan Rana provided Sauder Real Estate Division with an affidavit sworn November 30, 2015. The affiant in this affidavit swore that his legal name was Ryan Gurinder Rana, that the photo attached to his affidavit was a current

photo of him taken on November 26, 2015, and that the purpose of the affidavit was to establish that the affiant was the same individual shown on the BC driver's licence held by "Ryan Gurinder Rana".

Mr. Moore stated that after receiving the affidavit, Sauder Real Estate Division permitted Ryan Rana to write the Licensing Examination on December 15, 2015. Ryan Rana passed the Licensing Examination with a score of 90%.

Mr. Moore further stated that on April 6, 2016, [REDACTED], [REDACTED] discovered that Ryan Rana was licensed by the Council on February 12, 2016, and that the photos of Ryan Rana on his website advertising real estate services, appeared to show a different person than the passport-sized photos that were attached to the affidavit and the Examination Admission Ticket.

On April 13, 2016, Mr. Moore advised the Council that he was concerned that someone posing as Ryan Rana wrote the Licensing Examination on behalf of Ryan Rana.

Affidavit Evidence of Carmen deFoy sworn April 20, 2016

Carmen deFoy is a compliance officer with the Council. Ms. deFoy stated that on April 13 and 14, 2016, she commenced an investigation as to whether the person shown on Ryan Rana's website advertising real estate services, was the person shown in the passport-sized photos attached to the affidavit and the Examination Admission Ticket.

During the course of her investigation, Ms. deFoy viewed Ryan Rana's Instagram accounts and noticed that a person with the screen name [REDACTED] had "liked" a number of Ryan Rana's posts on Instagram. When Ms. deFoy searched the name [REDACTED] on Facebook, she was directed to a Facebook page for a person named [REDACTED]. When she viewed that Facebook page, she noticed that the person shown in the profile picture for [REDACTED] appeared to be the same person shown in the passport-sized photos attached to the affidavit and Examination Admission Ticket of Ryan Rana.

Ms. deFoy stated that on April 15, 2016 she was present during a telephone call conducted on speaker phone between Ryan Rana, Robert Fawcett, the Council's Executive Officer and Geoff Thiele, the Council's Director of Legal Services. During that phone call Ryan Rana admitted that he did not write the Licensing Examination and that someone else had written it for him.

Ms. deFoy stated that on April 15, 2016, the licences of Ryan Rana and Rana PREC were surrendered to the Council by Ryan Rana's managing broker.

Submissions by the Council

The Council submitted that despite Ryan Rana's admission of his misconduct and subsequent surrender of his licences, it had concerns about its authority under the RESA to notify the public regarding Ryan Rana's conduct, prior to a discipline order being made pursuant to section 43 of the RESA. The Council submitted that based on the affidavit evidence of Ms. deFoy and Mr. Moore it had met the criteria for an order under section 45 of the RESA. The Council submitted that if such an order was granted then it would be obligated pursuant to section 47 of the RESA to publish a copy of the order "as soon as practicable". This would allow the Council to immediately inform members of the public that Ryan Rana's licence had been suspended and to advise them of the reasons for the suspension.

REASONS FOR DECISION

At the conclusion of the hearing, the Committee considered the affidavit evidence and submissions of the Council. The Committee was mindful of its mandate to protect the public interest. It noted that when clients choose to work with a licensee, they trust they are working with a professional with a certain level of skill, expertise and ethics. It noted that the licensing process, including the Licensing Examination is a fundamental and integral part of the legislative scheme designed to protect the public by ensuring that all licensees have a basic threshold of knowledge and competence.

The Committee determined that Ryan Rana acted in a deceptive manner. When he arranged for someone to write the Licensing Examination for himself, he deceived the Council by not complying with its educational requirements, deprived the public of the protections created by those requirements and acted in a manner that was detrimental and contrary to the public interest.

The Committee was satisfied there had been conduct in which a discipline committee could make an order under section 43 of the RESA that Ryan Rana committed professional misconduct contrary to sections 35(1)(a) of the RESA, in that he, *inter alia*:

- i) engaged in deceptive dealing, contrary to section 35(1)(c) of the RESA; and
- ii) made or allowed to be made false or misleading statements in his application for licensing contrary to sections 35(1)(g), 24(1) and 10 of the RESA and section 2-8 of the Council Rules.

In addition, the Committee was satisfied a discipline committee could also make an order under sections 35(2) and 43 of the RESA that Ryan Rana and Rana PREC committed conduct

unbecoming a licensee that would undermine public confidence in the real estate industry and bring the real estate industry into disrepute.

The Committee noted that Ryan Rana had admitted his misconduct and his brokerage had already surrendered his licences to the Council on April 15, 2016. However, the Committee was concerned that Ryan Rana had been providing trading services to the public for approximately two months. Since the extent to which Ryan Rana and Rana PREC were involved in any real estate transactions and whether he had handled deposits was unknown, the Committee felt it was incumbent upon the Council to act promptly and alert the public about Ryan Rana's misconduct. The Committee noted the Council's obligations under section 47 of the RESA that if an order under urgent circumstances was granted then the Council must publish a copy of the order and the reasons.

The Committee determined that publication of Ryan Rana's suspension pursuant to section 45 of the RESA was in the public interest and would allow members of the public to have notice of the suspension and afford them the opportunity to obtain independent legal advice with respect to any real estate services provided to them by Ryan Rana.

The Committee was satisfied that there was sufficient evidence to meet the criteria set out in section 45(1) of the RESA to suspend the license of Ryan Rana and Ryan and PREC and under section 47 of the RESA, to publish the order as soon as practicable.

DECISION

The Discipline Hearing Committee ordered on April 20, 2016 that the licences of Ryan Gurinder Rana and Ryan Rana Personal Real Estate Corporation are suspended effective immediately pursuant to section 45(2) of the Real Estate Services Act.

DATED at VANCOUVER, BRITISH COLUMBIA THIS 21 DAY OF April, 2016.

FOR THE DISCIPLINE HEARING COMMITTEE



D. Peerless
Discipline Hearing Committee