

BC FINANCIAL SERVICES AUTHORITY

**IN THE MATTER OF THE *REAL ESTATE SERVICES ACT*
SBC 2004, c. 42 as amended**

AND

IN THE MATTER OF

**DONALD PAUL NICHOL
(087202)**

NOTICE OF DISCIPLINE HEARING

[This Notice has been redacted before publication.]

To: Donald Paul Nichol
c/o Pacific Quorum Properties Inc. (Surrey)
8613 – 155th Street
Surrey, BC | V3S 3P7

TAKE NOTICE that the Superintendent of Real Estate (the “**Superintendent**”) of the BC Financial Services Authority (“**BCFSA**”) will hold a discipline hearing under Part 4 of the *Real Estate Services Act* (“**RESA**”) from **February 27 to 29, 2024 commencing at 9:30 am** in the virtual Hearing Room at BCFSA’s offices located at **600 – 750 West Pender Street, Vancouver, British Columbia** to determine whether your conduct contravened the RESA, the *Real Estate Services Regulation* (the “**Regulation**”), or the *Real Estate Services Rules* (the “**Rules**”).

AND TAKE NOTICE that the allegations against you are as follows:

1. You committed professional misconduct within the meaning of section 35(1) of RESA in that, in respect of a rental property at [Property 1], Surrey, British Columbia (the “**Property**”):
 - a. You failed to collect a security deposit and first month’s rent from a tenant prior to the tenant taking residency of the Property on November 21, 2016, contrary to:
 - i. Section 30(a) (formerly 3-3a) of the Rules [*a licensee must act in the best interests of the client*]; and
 - ii. Section 34 (formerly 3-4) of the Rules [*a licensee must act with reasonable care and skill*].
 - b. You failed to ensure the two residential tenancy agreements associated with the Property

contained negotiated terms as per the instructions of the Property owners, contrary to:

- i. Section 30(b) (formerly 3-3b) of the Rules [*a licensee must act in accordance with the lawful instructions of the client*]; and
 - ii. Section 34 (formerly 3-4) of the Rules.
- c. You failed to enter the correct address of the Property on a residential tenancy agreement in respect of the Property, which was later provided to the Residential Tenancy Board in the filing of a request, resulting in a delay of approximately six weeks in the associated Residential Tenancy Board hearing, contrary to section 34 (formerly 3-4) of the Rules.
 - d. You failed to make reasonable efforts to collect a monetary penalty from a tenant for the early termination of the tenant's residency of the Property in October 2016, contrary to section 34 (formerly 3-4) of the Rules.
 - e. You failed to conduct a move-in inspection prior to a tenant moving into the Property on November 21, 2016, as required by the residential tenancy agreement, contrary to sections 30(a) (formerly 3-3(a)) and 34 (formerly 3-4) of the Rules.
 - f. You failed to conduct a credit check on prospective tenants as instructed by the Property owners, contrary to sections 30(a) (formerly 3-3(a)), 30(b) (formerly 3-3(b)), and 34 (formerly 3-4) of the Rules.

AND FURTHER TAKE NOTICE that if the Superintendent finds you committed professional misconduct, the Superintendent must make an order against you, and may also order you to pay enforcement expenses incurred by BCFSA, under sections 43 and 44 of the RESA.

AND FURTHER TAKE NOTICE that if you do not attend the discipline hearing, the Superintendent may proceed with the discipline hearing in your absence and may make findings and orders under sections 43 and 44 of the RESA without further notice to you.

AND FURTHER TAKE NOTICE that you are entitled, at your own expense, to be represented by legal counsel and to participate in the discipline hearing.

Dated this 20th day of September 2023 at the City of Victoria, British Columbia.

Superintendent of the BC Financial Services Authority

"Original signed by Jonathan Vandall"

Jonathan Vandall
Delegate of the Superintendent of Real Estate
Province of British Columbia