



March 10, 2021

Honourable Selina Robinson, MLA
Minister of Finance
Room 153, Parliament Buildings
Victoria, BC V8V 1X4
Sent by email: fin.minister@gov.bc.ca

Dear Minister,

RE: Bill 8, *Finance Statutes Amendment Act, 2021* – removal of records and discipline committees

On behalf of the British Columbia Real Estate Association (BCREA), I write to you on important matters related to the amendments to the *Real Estate Services Act* (RESA) in Bill 8, introduced on March 2.

While BCREA is pleased to see movement toward a single real estate regulator, we were alarmed to read changes to section 37(3)(a) of RESA (in s. 59(d) of Bill 8). The amendment seems to grant the new superintendent of real estate the authority to remove records from a real estate office during an investigation to determine whether a licensee may have committed professional misconduct or conduct unbecoming.

We understand that these amendments emulate provisions in the *Securities Act* and the *Mortgage Brokers Act*. However, what the changes to RESA lack are the safeguards included in the other statutes. BCREA believes the authority to remove records – even in the course of an investigation – should require a court-issued authorization to preserve the right to be secure from unlawful search and seizure, as guaranteed by section 8 of the Canadian *Charter of Rights and Freedoms*.

We urge you to quickly take action to either reverse the amendment to s. 38 or, at the very least, add the following requirements for the superintendent:

- provide a receipt before removing records, and
- return the records as soon as possible.

BCREA is also concerned with the elimination of discipline committees, as described in section 62 of Bill 8. While investing all of the authority for disciplinary hearings in the superintendent means the superintendent can delegate that authority to committees, we understand that will not happen in practice in the future. Instead, each disciplinary hearing will be conducted by a single hearing officer (a BCFSA staff member, likely a lawyer). We believe this approach will run counter to best practices in the regulation of professionals, resulting in a process lacking in practitioner insight, balance and diversity of opinions. Please preserve discipline committees for the benefit of real estate licensees and consumers and as a best practice.

Given the speed with which Bill 8 has reached third reading with no amendments, we are disappointed to have missed the opportunity for our concerns to be addressed at the committee stage. Nonetheless, you have the authority to make further amendments, and I look forward to discussing these matters with you as soon as possible so they can be considered well in advance of the implementation of the new regulatory structure. To schedule a meeting, please contact BCREA Vice President of Government Relations and Stakeholder Engagement Trevor Hargreaves at thargreaves@bcrea.bc.ca or 236.333.4572.

As you know, BCREA is the professional association for about 23,000 REALTORS® in BC, focusing on provincial issues that impact real estate. Working with the province's 11 real estate boards, BCREA provides continuing professional education, advocacy, economic research and standard forms to help Realtors provide value for their clients.

To demonstrate the profession's commitment to improving Quality of Life in BC communities, BCREA supports policies that encourage economic vitality,

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provide housing opportunities, respect the environment and build communities with good schools and safe neighbourhoods.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Darlene K Hyde". The signature is written in a cursive, flowing style.

Darlene K. Hyde
Chief Executive Officer

Copies: Mike Bernier, MLA – Peace River South (mike.bernier.mla@gov.bc.ca)
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