



BRITISH COLUMBIA
REAL ESTATE
ASSOCIATION

December 2, 2016

Honourable Mike de Jong, MLA
Minister of Finance and Government House Leader
Room 153, Parliament Buildings
Victoria, BC V8V 1X4

Sent by email: fin.minister@gov.bc.ca

Dear Minister,

RE: Changes to Council Publication Policies

The Real Estate Council of BC recently announced its intention to publish upcoming notices of hearing on the Council's website starting this month. This would include the licensee's name, the allegations against them, and the date and time of the scheduled hearing.

We support your desire to enhance the transparency and effectiveness of the Council's disciplinary processes as well as provide consumers and licensees with easy to find information about discipline decisions and upcoming hearings.

After an informative meeting with the Superintendent of Real Estate earlier this week, we understand the challenge in balancing the need to inform the public with the privacy concerns of the impacted individuals.

We believe that publishing information about the hearing and the issue on the Council's website would be sufficient to ensure the public is informed, without needing to disclose a licensee's name. Members of the public could then choose to attend the hearing if they so desired. If a licensee is found guilty of misconduct, we support the Council's public disclosure process.

Our concern is that publishing information before any allegations have been substantiated creates a situation where licensees may be considered guilty before proven innocent. We appreciate the Superintendent's direction to the Council to include a statement on their website that a notice of hearing is not a finding of guilt or misconduct.

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However, information published online can be accessible long after a hearing has been concluded, regardless of the outcome. If Council publishes information which may unfairly damage the reputation of a licensee, we are concerned it may result in an increase in complaints to the Privacy Commissioner, result in an additional drain on Council's resources and undermine Council's disciplinary process.

BCREA is the professional association for more than 20,000 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.

Sincerely,

A handwritten signature in black ink that reads "Robert Laing". The signature is written in a cursive, flowing style.

Robert Laing
Chief Executive Officer

Copies: Premier Christy Clark
Micheal Noseworthy, Superintendent of Real Estate
Erin Seeley, Acting Executive Officer, Real Estate Council of BC
John Horgan, Leader of the Official Opposition, MLA – Juan de Fuca
David Eby, MLA – Vancouver-Point Grey