

OMREB COMPLAINT PROCESS

The Okanagan Mainline 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 a 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.

BEFORE SUBMITTING A COMPLAINT

What is required before the Board will accept your complaint?

The Board asks that you take these steps before filing a complaint:

1. Most problems occur because of miscommunication. Talk with the REALTOR® to clarify your concerns.
2. If that doesn't work, take your concern to the Managing Broker of the REALTOR's® office. Issues can often be resolved with the assistance of the Manager to avoid the need of going through a formal complaint process.
3. If that doesn't work, call 250-491-4560 and ask for the Professional Standards Coordinator who will aim to support you in resolving your complaint informally and quickly with the REALTOR® in question. The Professional Standards Coordinator can also help you understand if your complaint falls within the jurisdiction of the Board or the Real Estate Council of BC (the regulatory body responsible for administering the Real Estate Services Act).

If none of these initial steps resolve the issue to your satisfaction, you can fill out a formal Complaint Form (posted on www.omreb.com) including as much detail as possible. Supportive documentation should also be submitted with the form. Submit it via email, or paper copy to the Board office, attention Professional Standards Coordinator, who may in turn forward it to the Professional Conduct Committee.

Please Note: If your complaint is already being investigated by the Real Estate Council of BC or if you are currently pursuing legal action, OMREB will not process your complaint until such processes are completed.

Can I submit a complaint confidentially?

If you would like to make OMREB aware of the conduct of one of its members without pursuing a formal complaint we always appreciate that information, and you are free to do so by speaking with our Professional Standards Coordinator and remain unnamed. If you desire to pursue a formal complaint with the Professional Conduct Committee, identity disclosure is required. The REALTOR® in question must have opportunity to review all files and documents related to the Complaint, which could reveal identity of the Complainant, and the investigative committee also needs to interview both the Complainant and the Respondent to fully assess the situation, and if the case were to go to a Hearing, you would be required to have representation.

What jurisdiction does the Board have?

The Board, through its Professional Conduct Committee, Hearing and Appeal Panels has the authority to inquire into whether REALTORS® have breached the Standards of Business Practice, Code of Ethics, the Board's Regulations or its Bylaws and use certain means to hold members accountable (see general complaint process below for possible penalties). 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. The Board also does not have the authority to suspend or remove a REALTOR®'s license. The *Real Estate Council of British Columbia* is the licensing body of REALTORS®. To find out more about the Council's complaint process, you can call 1-877-683-9664 or visit their web site at www.recbc.ca.

AFTER SUBMITTING A COMPLAINT

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

The REALTOR® concerned will read the complaint you submitted and be asked to provide a written response to OMREB within 10 days. The REALTOR®'s Manager will also be asked to provide any relevant comments. The Complaint and the Response are sent to the Professional Conduct Committee for review.

What is the general complaint process?

1. The Professional Standards Coordinator will confirm that your complaint is being sent to the Professional Conduct Committee.
2. The Committee will review the complaint and decide to either:
 - a. Resolve informally (warning letter/appearance etc.)
 - b. Form an Investigative Sub-Committee to gather more information before making a decision (in which case all involved parties will be interviewed).
 - c. Issue a Consent to Discipline (including fines, educational requirements, restriction of membership privileges etc.)
 - d. Dismiss the case without penalty.
 - e. Refer the Complaint to the *Real Estate Council of British Columbia*.
3. If a Consent to Discipline is assigned, the accused parties have a period of 30 days to appeal the decision and request a Hearing (see info on Hearings below).
4. You will be notified of the outcome when the case has been concluded.

How long does the formal complaint process take?

Generally speaking if a formal complaint goes to the Professional Conduct Committee, it is usually resolved within 3 months but can take longer, even up to 1 year or more if hearings and appeals are involved. This depends on the responsiveness of the parties involved, the Committee's meeting schedule, and the extent of investigation that is required.

What happens during an Investigation?

The Investigation Sub-Committee of the Board will delve into and clarify the issues in more detail by formally interviewing you, the REALTOR®, the REALTOR®'s Manager and any other witnesses that have relevant information, in separate interviews. This sub-committee compiles a report and makes recommendations to the Professional Conduct Committee who determines how to resolve the complaint.

Tell me more about the formal Hearing:

A Hearing is a fresh examination of the complaint in a formal setting where the complainant, the

REALTOR® and any witnesses give testimony under oath. A Hearing most often occurs when the REALTOR® wishes to appeal the initial disciplinary decision of the Professional Conduct Committee. The Hearing panel is comprised of three experienced members of the Okanagan Mainline Real Estate Board, and a non-voting Chairperson who guides the proceedings. The Panel is provided in advance with background material on the complaint, but are not informed as to any of the findings of the Investigative Committee. If you as the complainant are unable or uncomfortable attending the Hearing, you may submit your testimony in writing. 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 and determines how to resolve the complaint.

Note: A REALTOR® may, at any time up to seven days prior to the commencement of a Hearing ordered, tender a conditional admission of a violation and consent to a specific disciplinary action.

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 finding 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 is comprised of three experienced members of the Okanagan Mainline Real Estate Board, one of whom must be a Past-President of the Board who would review the transcript of the Hearing Panel proceedings. The Appeal Panel would first determine after a review of the transcript if an Appeal Hearing will be held. If an Appeal Hearing is ordered, then new evidence may be allowed to be presented at the discretion of the Appeal Panel. The Appeal Panel may uphold the penalties imposed by the Professional Standards Hearing, reverse them, impose new penalties in their place, or order a new Hearing to be conducted within 60 days. You and the REALTOR® would be duly informed of their decision 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 us at:

Okanagan Mainline Real Estate Board

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