

## ASSOCIATION OF INTERIOR REALTORS® COMPLAINT PROCESS

The ASSOCIATION OF INTERIOR REALTORS® is committed to encouraging and promoting a high level of professionalism among its members. The Association 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 Association 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 Association'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 Association will accept your complaint?**

The Association 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 Ext. 228 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 Association or the BC Financial Services Authority (BCFSA) - 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.interiorrealtors.com](http://www.interiorrealtors.com)) including as much detail as possible. Supportive documentation should also be submitted with the form. Submit it via email to [standards@interiorrealtors.com](mailto:standards@interiorrealtors.com), who may in turn forward it to the Professional Conduct Committee.

**Please Note:** If your complaint is already being investigated by BCFSA or if you are currently pursuing legal action, the Association of Interior REALTORS® may not process your complaint until such processes are completed.

#### **Can I submit a complaint confidentially?**

If you would like to make the ASSOCIATION OF INTERIOR REALTORS® 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 Association have?**

The Association, through its Professional Conduct Committee, Hearing and Appeal Panels has the authority to inquire into whether REALTORS® have breached the CREA Code of Ethics, the Association's Regulations or its Bylaws and use certain means to hold members accountable (see general complaint process below for possible penalties). The Association does not have jurisdiction to make monetary awards or determinations on contract disputes. Such matters are within the jurisdiction of the civil courts. The Association also does not have the authority to suspend or remove a REALTOR®'s license. The *BC Financial Services Authority* is the licensing body of REALTORS®. To find out more about the BCFSA's complaint process, you can call (604) 660-3555 or visit their web site at [www.bcfesa.ca](http://www.bcfesa.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 the ASSOCIATION OF INTERIOR REALTORS® within 14 days. The REALTOR®'s Manager/Broker 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 *BCFSA*
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. Only members 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 4 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 Association will delve into and clarify the issues in more detail by formally interviewing you, the REALTOR®, the REALTOR®'s Manager/Broker 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. The Professional Conduct Committee will offer the Respondent a Consent to Discipline, which, if agreed to by the Respondent, will set the discipline and avoid a formal hearing.

**Tell me more about the formal Hearing:**

A Hearing is a fresh examination of the complaint in a formal setting where the Complainant, 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 five members of the opposite Professional Conduct Committee of the ASSOCIATION OF INTERIOR REALTORS®. 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 three days prior to the commencement of a Hearing, tender their signed original Consent to Discipline.

**If the Hearing Panel makes a finding of a breach, what happens next?**

The REALTOR® is duly informed and is given 30 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 that 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 ASSOCIATION OF INTERIOR REALTORS®, one of whom must be a Past-President of the Association, one member at large and one member who is a Broker; they 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, the Respondent will provide evidence where the Hearing Panel may have erred to the Appeal Panel. The Appeal Panel may uphold the penalties imposed by the Professional Standards Hearing Panel, reverse them, impose new penalties in their place, or order a new Hearing to be conducted. The REALTOR® would be duly informed of their decision and you would be advised that the file has been closed.

If you have any additional questions about our process or areas of jurisdiction, please do not hesitate to contact us at:

The ASSOCIATION OF INTERIOR REALTORS®

Professional Standards Coordinator

250-491-4560 Ext - 228

[standards@INTERIORREALTORS.com](mailto:standards@INTERIORREALTORS.com)