



FINANCIAL SERVICES TRIBUNAL

Fourth Floor 747 Fort Street
Victoria British Columbia
V8W 3E5

Telephone: (250) 387-3464

Facsimile: (250) 356-9923

Mailing Address:
PO Box 9425 Stn Prov Govt
Victoria BC V8W 9V1

Website: www.fst.gov.bc.ca

DECISION NO. 2015-RSA-002(b)

In the matter of an appeal pursuant to section 54 of the *Real Estate Services Act* S.B.C. 2004, c. 42 to the Financial Services Tribunal under section 242.2 of the *Financial Institutions Act*, R.S.B.C. 1996, c. 141

BETWEEN: James Sydney Parsons **APPELLANT**

AND: Real Estate Council Of British Columbia **RESPONDENTS**
Superintendent Of Real Estate

BEFORE: Patrick F. Lewis, Vice-Chair

DATE: Conducted by way of written submissions
concluding on July 6, 2015

PRELIMINARY DECISION ON THE APPELLANT'S APPLICATION FOR A FURTHER EXTENSION OF TIME

[1] In my decision of May 29, 2015, I granted the Appellant an extension from June 11 to July 15, 2015, to file his written submissions in this appeal. The Appellant had requested an extension to July 31, 2015, but the Real Estate Council of British Columbia ("Council") took the position that no extension beyond June 30, 2015, should be permitted.

[2] As the Appellant in that earlier application had mentioned the prospect of a proposed amendment to his Notice of Appeal, I said in my May 29, 2015, decision that, if such was to be pursued, it would need to be brought quickly given the main submission deadline of July 15th, and that a further extension of that date should not be expected.

[3] The Appellant now in fact seeks a two week extension of that July 15th date, to July 29, 2015.

[4] Following delivery of my decision of May 29, 2015, the Appellant did bring an application to amend his Notice of Appeal, but not until June 30, 2015. Council then requested two weeks, to July 13, 2015 – being two days before the Appellant's main appeal submission was due – to reply to that application, which request was

granted, this tribunal advising that a decision on the application to amend would be communicated to the parties by the following day, July 14th .

[5] Then, on July 2, 2015, the Appellant made this current request for a two week extension of the July 15, 2015 deadline for the filing of his appeal submission, referencing the large number of issues raised in the proposed appeal amendments.

[6] The Superintendent of Real Estate has not taken a position on any of these applications or requests. Council, however, opposes this application by the Appellant for a two week extension. My paraphrase of Council's submission is that (a) the Appellant has already been given a lengthy extension, (b) he did not heed my admonition about bringing the amendment application quickly, and (c) a further two week extension to file his appeal submission would undermine the decision I made on May 29, 2015, which was to permit an extension of time but for a period (as it happens) roughly two weeks short of what was sought.

[7] I agree substantially with Council's submissions. I nonetheless grant the Appellant a five day extension, to July 20, 2015, to file his submission on this appeal. I do so with reluctance particularly as the Appellant has not explained why he took slightly over a month from the rendering of my May 29, 2015, to bring the application to amend the Notice of Appeal. Still, I recognize that if the July 15, 2015 deadline is maintained Appellant's counsel will need to effectively prepare two appeal submissions, one based on the original appeal grounds and one on the proposed amended grounds, as it will not be known whether the motion to amend is granted until the day before that deadline. While that timing problem appears to be (in the absence of further explanation) of the Appellant's making, at the expense of a five day delay I will provide some opportunity for the sparing of that additional cost. Efficiency will still be needed in argument preparation by July 20th, but I have not been given reason to think that unrealistic and, in any case, further trenching on my May 29, 2015 decision is not appropriate nor fair to Council.

"Patrick Lewis"

Patrick F. Lewis
Vice-Chair
Financial Services Tribunal

July 8, 2015