

**IN THE MATTER OF THE REAL ESTATE DEVELOPMENT MARKETING ACT**

**- AND -**

**IN THE MATTER OF INLAND LAKE RESORT INC., AND  
PATRICK JOHN MCBRIDE**

**ORDER UNDER SECTIONS 30(1)(a) and 32(1)**

Upon reviewing the Affidavit and supporting documents submitted by staff, I am of the opinion that:

1. Inland Lake Resort Inc. ("Inland Lake") was registered as a company in the Province of British Columbia on July 26, 2005. the registered and records office is #8 – 1540 Springhill Drive, Kamloops, British Columbia, and the sole director is Patrick John McBride ("McBride") of [REDACTED] Kelowna, British Columbia.
2. The following is noted with regard to Inland Lake:
  - (a) Inland Lake is a company of which McBride is the sole director.
  - (b) Inland Lake and McBride as the controlling mind and sole director of Inland Lake, are marketing 1/13 undivided interests in the property commonly known as Blue Lake Resort.
  - (c) Jack Larsen is an agent employed by Inland Lake and/or McBride, and is actively marketing the 1/13 undivided interests in the Blue Lake Resort property.
  - (d) By letter dated February 14, 2006, the Ministry of Transport advised Inland Lake their proposed preliminary layout plan of subdivision was not approved.
  - (e) There is no record of a Disclosure Statement on file with the Superintendent's office for either Inland Lake or Blue Lake Resort.
  - (f) British Columbia Land Titles shows that Hal and Karen Geddes are the registered owners of the property.

- (g) McBride has admitted that cheques have been received for the purchase of 1/13 undivided interests in the property.
- (h) These cheques are presently held in his office and have not been deposited into a trust account.
- (i) The cheques are payable to notary public Yvonne Geib.
- (j) McBride is aware of the requirements for selling undivided interests in land through his company Crystal Sands resort.
- (k) Inland Lake and McBride are marketing development property without the required Disclosure Statement.

3. Section 1 of the Act states in part:

“ ‘developer’ means a person, who directly or indirectly, owns, leases or has a right to acquire or dispose of development properties.”

“ ‘development property’ means any of the following: ...

- (f) two or more shared interests in land in the same parcel or parcels of land.”

“ ‘development unit’ means any of the following in a development property:  
...

- (f) a shared interest in land.”

“ ‘disclosure statement’ means a statement that discloses material facts about a development property, prepared in accordance with Section 14(2) [*filing disclosure statement*], includes any amendments made to a Disclosure Statement.”

“ ‘market’ means

- (a) to sell or lease,
- (b) to offer to sell or lease, and
- (c) to engage in any transaction or other activity that will or is likely to lead to a sale or lease.”

“ ‘shared interest in land’ means a person’s interest in one or more parcels of land if,

- (a) the parcel or parcels are owned or leased, directly or indirectly, by the person and at least one other person, and
- (b) as part of any arrangement relating to the acquisition of the person's interest, that person's right of use or occupation of the land is limited to a part of the land."

4. Section 3 of the Act states in part:

- "3(1) A developer who markets or intends to market a development unit must,
- (a) meet the applicable requirements of Division 2 [Preliminary Requirements or Approvals], ...
  - (c) file and provide a disclosure statement in accordance with Division 4 [Disclosure Statements].
- (2) A developer who receives a deposit must deal with it in accordance with Division 5 [Deposits]."

5. Section 8 of the Act states in part:

- "8(3) In addition to the requirement under subsection (2), a developer must not market a shared interest in land that includes a right of use or occupation of a previously occupied building unless an approving authority has given approval, in accordance with subsection (5), to market the shared interest in land.
- (4) A developer must not market a shared interest in land that does not include a right of use or occupation of a building unless an Approving Officer has given approval, in accordance with Subsection (6), to market the shared interest in land."

6. Section 14 of the Act states in part:

- "14(1) A developer must not market a development unit unless the developer has,
- (a) prepared a disclosure statement respecting the development property in which the development unit is located, and
  - (b) filed with the superintendent,

(i) the disclosure statement described in paragraph (a).”

7. Section 18 of the Act states in part:

“18(1) A developer who receives a deposit from a purchaser in relation to a development unit must promptly place the deposit with a brokerage, lawyer, notary public or prescribed person who must hold the deposit as trustee in a trust account in a savings institution in British Columbia.”

AND WHEREAS I find that:

1. Inland Lake Resort Inc., and Patrick John McBride, are marketing or intend to market a development unit without meeting the applicable requirements or filing a Disclosure Statement.
2. Inland Lake Resort Inc., and Patrick John McBride, have received deposits from purchasers and have not placed the deposits with a brokerage, lawyer, notary public, or prescribed person, and the funds are not held in trust in a trust account in a savings institution in British Columbia.

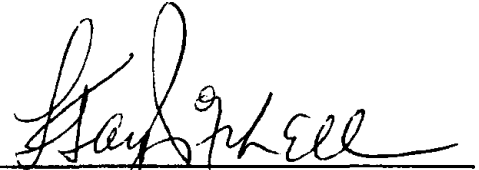
I AM OF THE OPINION that the length of time required for a hearing would be detrimental to the public interest as marketing is underway and purchasers have already provided deposit funds without proper disclosure, and that the developer is in non-compliance.

I CONSIDER IT in the public interest to make an order under Sections 30(1)(a) and 32(1) of the Real Estate Development Marketing Act, (the “Act”) ordering that Inland Lake Resort Inc., and Patrick John McBride:

1. Cease or refrain from marketing one or more development units with regards to the following properties:
  - (a) PID 002-381-516.
  - (b) PID 002-381-770.
  - (c) PID 002-381-559.
2. Direct all deposits received from purchasers be deposited with a brokerage, lawyer, notary public, or prescribed person, who will hold the deposit as trustee in a trust account in a savings institution in British Columbia.

TAKE NOTICE that Inland Lake Resort Inc., and Patrick John McBride may, under Section 37(1)(e) and (f) of the Act, appeal this Order to the Financial Services Tribunal, or require a hearing before the Superintendent under Section 32(4).

Dated at the  
City of Surrey,  
Province of British Columbia  
this 3<sup>rd</sup> day of April, 2006.



L. Jay Mitchell  
Acting Superintendent of  
Real Estate  
Province of British Columbia

TO: Inland Lake Resort Inc.  
#8 – 1540 Springhill Drive  
Kamloops, British Columbia

Patrick John McBride  
[REDACTED]  
Kelowna, British Columbia

Real Estate Council of British Columbia  
#900 - 760 West Pender Street  
Vancouver, British Columbia