

BC FINANCIAL SERVICES AUTHORITY

**IN THE MATTER OF THE *MORTGAGE BROKERS ACT*
RSBC 1996, c 313 as amended**

AND

IN THE MATTER OF

**KA CHAI HUI also known as ELVIS HUI
(REGISTRATION NO. 500477)**

AND

**GUARANTI MORTGAGES CORP.
(REGISTRATION NO. X300397)**

AMENDED NOTICE OF HEARING

(Pursuant to sections 8 and 8(1) of the *Mortgage Brokers Act*)

[This Notice has been redacted before publication.]

NOTICES OF HEARING issued by the Registrar of Mortgage Brokers include allegations that will be considered at a hearing. Allegations contained in a Notice of Hearing are unproven until the Registrar of Mortgage Brokers, or their appointee, has determined their validity.

To: KA CHAI HUI also known as ELVIS HUI
211 – 6011 Westminster Highway
Richmond, BC, V7C 4R9

And To: Guaranti Mortgages Corp.
~~240—8833 Odlin Crescent~~
~~Richmond, BC, V6X 3Z7~~
211 – 6011 Westminster Hwy
Richmond, BC, V7C 4R9

TAKE NOTICE that the Registrar of Mortgage Brokers (“Registrar”) will hold a hearing pursuant to section 8 of the *Mortgage Brokers Act* (“MBA”) at the offices of the Registrar, BC Financial Services Authority, located at 2800 - ~~555 West Hastings Street~~600 – 750 West Pender Street in Vancouver, British Columbia, to provide each of you with an opportunity to be heard prior to the Registrar making any order under the MBA should it be determined that your conduct contravened the MBA, or regulations made under the MBA (“Regulations”). The hearing will commence ~~at a date to be determined by the parties, and if no agreement is reached within one month of the date~~

~~of this Notice, the hearing date will be determined by the Registrar on May 13, 2024.~~

AND TAKE NOTICE that the allegations against KA CHAI HUI also known as ELVIS HUI (“Mr. Hui”) are as follows:

1. In his capacity as a submortgage broker, Mr. Hui conducted mortgage business in British Columbia in a manner prejudicial to the public interest, contrary to section 8(1) of the MBA in that he, in respect of one or more of the mortgage applications involving four borrowers as set out in the attached **Schedule “A”**:
 - a. Knew, or ought to have known, that some or all of the bank statements and letters of employment submitted or relied on in support of the respective mortgage applications were not genuine;
 - b. Obtained financing on behalf of one or more borrowers through [Bank 1]’s Non-Resident Mortgage Program when he knew, or ought to have known, that the borrowers did not meet the underwriting criteria for the bank’s program;
 - c. Was in possession of two different versions of the same bank statement of the borrower, where the altered version showing a higher balance was saved in the borrower’s mortgage file and the genuine version was found elsewhere; and
 - d. Submitted two concurrent mortgage applications to different lenders and failed to disclose to lenders that the borrower was seeking concurrent mortgage financing for the purchase of other properties.
2. In his capacity as a submortgage broker, Mr. Hui conducted mortgage business in British Columbia in a manner prejudicial to the public interest, contrary to section 8(1)(i) of the MBA in that he, in relation to the mortgage files of one or more of the borrowers as set out in the attached **Schedule “A”**:
 - a. Attempted to mislead the Staff of the Registrar by removing a copy of a borrower’s work permit and a letter from Service Canada confirming the borrower’s SIN from the mortgage file, before providing the file to Staff.
3. While registered as a submortgage broker, Mr. Hui conducted himself in a manner which would make him disentitled to registration if he were an applicant under section 4 of the MBA, contrary to section 8(1)(e) of the MBA, by obstructing, or attempting to obstruct, an ongoing investigation of the Registrar into his conduct by counselling his client, [Individual 1], to do one or more of the following:
 - a. To not cooperate with the Registrar’s summonses;
 - b. To provide fraudulent documents to staff of the Registrar that he provided to [Individual 1] for that purpose; and
 - c. To delete evidence of their communications, being their WeChat conversation.

AND TAKE NOTICE that the allegations against Mr. Hui and GUARANTI MORTGAGES CORP. (“Guaranti”) are as follows:

4. Contrary to section 6(a) of the Regulations, Mr. Hui and Guaranti, in respect of one or more of the mortgage applications involving four borrowers as set out in the attached **Schedule “A”**:

- a. Failed to retain documents relating to the employment of the borrowers in the mortgage files;
 - b. Failed to retain copies of the genuine bank statements of the borrower in the proper mortgage file, with the borrower's mortgage file having an altered version of the bank statement, showing a higher balance than the genuine version; and
5. Contrary to section 17.4 of the MBA, failed to make proper disclosure as required under that section when Mr. Hui and Guaranti failed to provide a Form 10 to a lender disclosing that Mr. Hui and Guaranti were being compensated by the borrower.

AND TAKE FURTHER NOTICE that in the event the Registrar determines that the conduct of either of you, as set out above, contravened the MBA or the Regulations, the Registrar may make any of the orders set out in section 8 of the MBA including, but not limited to, the remedies permitted pursuant to sections 8 and 8 (1.4) of the MBA. In addition, the Registrar may make an order against you for payment of the investigation and costs of the hearing, pursuant to section 6(9) of the MBA and may make any further orders under the MBA as deemed appropriate by the Registrar.

AND TAKE FURTHER NOTICE that in the event of your non-attendance at the hearing, the Registrar may proceed with the hearing in your absence. The Registrar may hear evidence and make findings regarding your conduct and may make orders described above, all without further notice to you.

AND TAKE FURTHER NOTICE that you are entitled, at your own expense, to be represented by legal counsel at the hearing and you and your counsel will have the right to cross-examine all witnesses called and to call evidence in your defence and reply in answer to the allegations.

Dated at Vancouver, British Columbia, this ~~28th day of July, 2024~~ 22nd day of April, 2024.

Registrar of Mortgage Brokers

"Original signed by Jonathan Vandall"

Per: Jonathan Vandall
Acting Registrar of Mortgage Brokers
Province of British Columbia

SCHEDULE "A" TO THE NOTICE OF HEARING

Borrower	Mortgage Application Dates
[Individual 1] in respect of the purchase of [Property 1], North Vancouver, BC	December 4, 2018
[Individual 2] in respect of the purchase of [Property 2], Surrey, BC	April 23, 2019
[Individual 3] in respect of the purchase of [Property 3], Vancouver, BC and [Property 4], Vancouver, BC	April 4, 2019 and April 5, 2019
[Individual 4] and [Individual 5] in respect of the purchase of [Property 5], Richmond, BC	Mortgage application funded March 14, 2019