

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

AND

IN THE MATTER OF

**JESSICA PAULA ASHLEY LABONTE
(Registration 501748)**

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 which will be considered at a hearing. Allegations contained in a Notice of Hearing are unproven until the Registrar of Mortgage Brokers or their designate has determined their validity.

To: Jessica Paula Ashley Labonte
c/o Verico Xeva Mortgage LLP dba Xeva Mortgage
106-2626 Croydon Drive, Surrey, BC V3Z 0S8

TAKE NOTICE that the Registrar of Mortgage Brokers (the "Registrar") will hold a hearing pursuant to section 8 of the *Mortgage Brokers Act* ("MBA") at BCFSA's offices located at **600 – 750 West Pender Street, Vancouver, British Columbia** or in such other (including virtual) hearing room where the Registrar will provide 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 the regulations made under the MBA (the "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.

AND TAKE NOTICE that the allegations against Jessica Paula Ashley Labonte ("Ms. Labonte") are as follows:

1. Ms. Labonte conducted mortgage business in British Columbia in a manner prejudicial to the public interest, contrary to section 8(1) of the MBA by:
 - a. Failing to use reasonable due diligence when verifying the accuracy of income and documentation that she submitted to lenders;

- b. Submitting inaccurate information in support of the borrowers' income, including altered Notice of Assessments and T1's where she knew or ought to have known that the documents were altered or did not represent the true income for the borrower; and
- c. Providing misleading or false information to lenders when:
 - i. Stating that the property would be owner occupied when in fact it would not;
 - ii. Providing conflicting rental information;
 - iii. Providing conflicting income information;
 - iv. Failing to disclose that the borrower was seeking concurrent mortgage financing; and
 - v. Directing the borrower to withhold important information from the lenders.

- 2. Ms. Labonte failed to keep books and records necessary for the proper recording of business transactions and financial affairs, contrary to section 6(a) of the Regulations.

AND TAKE FURTHER NOTICE that in the event the Registrar determines that your conduct, 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 this 4th day of July, 2022 at the City of Vancouver, British Columbia.

Registrar of Mortgage Brokers

"DAVID AVREN"

Per: David Avren
Vice-President, Legal