

CANADA / JUDGMENT

British Columbia Financial Services Authority v. Rohani

2025 BCSC 2359

COURT

Supreme Court of British Columbia

DECIDED

17 October 2025

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2025 BCSC 2359 British Columbia Financial Services Authority v. Rohani IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: British Columbia Financial Services Authority v. Rohani, 2025 BCSC 2359 Date: 20251017 Docket: L250437 Registry: Vancouver Between: British Columbia Financial Services Authority Claimant And Rashin Rohani Respondent Before: The Honourable Justice Basran Oral Reasons for Judgment In Chambers Counsel for the Claimant: J. Zhong The Respondent, Rashin Rohani, appearing in person: R. Rohani Place and Date of Hearing: Vancouver, B.C. October 17, 2025 Place and Date of Judgment: Vancouver, B.C. October 17, 2025

- [1] THE COURT: This is an application brought by the respondent, Rashin Rohani, seeking a stay of enforcement of a decision of the Financial Services Tribunal (the "FST") pending determination of a judicial review.
- [2] The claimant in this matter is the British Columbia Financial Services Authority (the "BCFSA").
- [3] The BCFSA is responsible for the supervision of real estate agents. Ms. Rohani is a former real estate licensee. She gave up her licence in December 2023.
- [4] Following the disciplinary proceedings conducted under the Real Estate Services Act, S.B.C. 2004, c. 42, Ms. Rohani was found to have committed professional misconduct and conduct unbecoming arising from the use of an unregistered mortgage broker who she relied upon to deceive lenders.
- [5] Prior to that matter, Ms. Rohani was provided with an opportunity to avoid going to court or having the matter adjudicated if she agreed to pay a fine of \$100,000 and costs of \$120,000. As a result of this first-level hearing, the Superintendent of Real Estate cancelled Ms. Rohani's real estate licence, ordered a disciplinary penalty in the amount of \$40,000, and ordered her to pay enforcement expenses in the amount of \$90,000.

- [6] It is important to note the difference between these amounts. At first instance, Ms. Rohani understood that she was at risk for paying up to \$220,000. After this determination by the Superintendent of Real Estate, the amount she owed was reduced to \$130,000 and, from that, Ms. Rohani appealed the disciplinary decision to the FST.
- [7] The FST issued its reasons for its decision on June 23, 2025 and upheld the findings that Ms. Rohani had committed professional misconduct and conduct unbecoming, but they set aside the disciplinary penalty. This was because, of the three grounds that Ms. Rohani was originally alleged to have been responsible for, one of those grounds was found not to be made out. Specifically, the allegation that Ms. Rohani had received some fees in respect of amounts or transactions that she had referred to a mortgage broker has not been made out.
- [8] Therefore, the fine was set aside at the FST, of course, her licence was still cancelled, and the enforcement expenses were reduced by 25 percent to \$67,500. In other words, the amount owing to the BCFSa by Ms. Rohani had dropped to \$67,500.
- [9] Ms. Rohani's position is that, over the course of this matter, the amount that she has been asked to repay the BCFSa in respect of her dealings with this mortgage broker and otherwise the manner in which she conducted her real estate practice have dropped from \$220,000 to \$130,000 and then to \$67,500. She now seeks judicial review of the FST's decision, and her position is that this trend is likely to continue, and that she is unlikely to be found to owe anything in respect of the matters that are in issue.
- [10] It is for that reason she is seeking a stay of all enforcement action in relation to the matter that is the subject of the judicial review. Two weeks ago, the BCFSa filed liens on three of Ms. Rohani's properties. The BCFSa has not taken any other steps to enforce the judgment.
- [11] Approximately a month before that, Ms. Rohani filed a judicial review application. That application has not yet been scheduled, but the parties are making efforts to try to have it scheduled sometime relatively soon.
- [12] I note that s. 242.3 of the Financial Institutions Act, R.S.B.C. 1996, c. 141 contains a very strong privative clause. That is a consideration, given that a strong privative clause, means that the standard of review during a judicial review will be patent unreasonableness. In other words, in order for Ms. Rohani to be successful on judicial review, she has to be able to demonstrate that the decision made by the FST borders on the absurd--that it is patently unreasonable.
- [13] What Ms. Rohani seeks here today is a stay of enforcement proceedings and, more specifically, she seeks the removal of the liens on her three properties. The onus is on her to establish that that relief is justified in the circumstances.

- [14] The three-part test that applies in these circumstances is, first of all, to determine whether or not there is a fair or serious question to be tried, and I am satisfied on the facts of this case that there is. This is not frivolous or vexatious; this is not an issue that has no basis whatsoever. I am satisfied that Ms. Rohani has met the test in respect of the first branch of the three-part test.
- [15] The second test is whether or not there will be irreparable harm. The nature of the lien filed by the BCFSA in respect of Ms. Rohani's properties is that it functions as a charge on her properties. It is not going to prevent her from dealing with her properties. It is simply going to ensure that, in the event that the property is sold or otherwise refinanced, the charge filed by the BCFSA is paid out. It is in the nature of a security interest that the BCFSA has placed on the properties to secure its judgment that it has properly obtained in respect of this matter. I am not satisfied that Ms. Rohani has established that there is irreparable harm caused by virtue of the liens being placed on her three properties.
- [16] Turning next to third test, which is the balance of convenience, I have to consider the risks to the BCFSA and to Ms. Rohani of the sale of the properties. Ms. Rohani has made it clear throughout her submissions that she does not have another source of income. She referred to living off of a line of credit, that she owns these three properties, and that the only manner in which she would be able to pay off the amount that is owed, if the amount were to stand, would be to sell the properties. The lien filed by the BCFSA against the properties simply functions to ensure that that happens. In my view, the balance of convenience weighs strongly in favour of the BCFSA, and that is because if that lien were not on the property, and Ms. Rohani was able to sell it, the BCFSA's ability to get paid on its judgment that it has properly obtained would be gone. Ms. Rohani told me as much by indicating that she does not have any other source of income.
- [17] Ms. Rohani has a very steep case to make out on judicial review. And, in my view, that is because of the standard of review that will apply. She will have her day in court. She will have her opportunity to make her submissions in respect of the judicial review, but I am not satisfied that any irreparable harm will flow by virtue of the liens being maintained on the properties and, in any event, I am not satisfied that the balance of convenience favours lifting the liens on the properties. For that reason, the application, as sought by Ms. Rohani, for a stay in respect of the liens is dismissed.
- [18] Costs in this matter will be in the cause. That will be something for determination at the judicial review.
- [19] Is there anything else required at this time, Mr. Zhong? [SUBMISSIONS RE COSTS]
- [20] THE COURT: I am not going to order costs payable in respect of this matter. Costs will be left to the discretion of the judge who hears the judicial review. I appreciate that it is under a different style of cause, but, in my view, the circumstances do not warrant an order of costs. "Basran J."

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Prepared on 28 October 2026 · Esheria