

2006 : No. 4 September-October

Parmjit Singh Virk

Surrey, BC

Called to the bar: November 14, 1997

Discipline hearing : June 9, 2006

Panel : Gordon Turriff, QC, Chair, Bruce A. LeRose and Gavin H.G. Hume, QC

Report issued : June 21, 2006 (indexed as 2006 LSBC 26)

Counsel : James Doyle for the Law Society; Jerome Ziskrout for Mr. Virk

Facts

While acting for a client in a matrimonial matter in March 2005, Mr. Virk accepted documents from opposing counsel to transfer the matrimonial home to Mr. Virk's client. Mr. Virk also gave his undertaking to provide opposing counsel with a trust cheque for \$85,000 upon registration of the transfer.

Two weeks later, in response to a letter from opposing counsel asking when to expect payment, Mr. Virk wrote that his client was arranging financing on the matrimonial home and that the money would be provided when his client received the funds.

In May 2005, opposing counsel obtained a property search of the matrimonial home which revealed the transfer documents had been filed with the Land Title Office in March. Opposing counsel immediately wrote to Mr. Virk demanding payment. Mr. Virk provided the funds three days later.

In a letter to the Law Society, Mr. Virk acknowledged he had breached an undertaking and expressed his regret for having done so.

Admission and penalty

The hearing panel noted the breach of undertaking was very serious in that it harmed the integrity of real estate practice. The panel said the efficient dispatch of real estate transactions, which is in the public interest, depends upon the confidence with which one solicitor can rely upon the undertaking of another and that it was important to safeguard this aspect of real estate practice.

Mr. Virk admitted to the Discipline Committee that his conduct constituted professional misconduct. Under Rule 4-22, the Committee and the hearing panel accepted his proposed penalty. The hearing panel accordingly ordered that he:

1. pay a fine of \$2,000; and
2. pay costs of \$2,000.