



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

-AND-

IN THE MATTER OF GABRIEL JASON HOFFART, AND JOHN STEPHEN MCKAY

(Pursuant to sections 8 and 8(1.4) of the *Mortgage Brokers Act*)

NOTICE OF HEARING

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

To: GABRIEL JASON HOFFART

S22

JOHN STEPHEN MCKAY

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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, located at the Financial Institutions Commission at **2800 - 555 West Hastings Street in Vancouver, British Columbia**, to 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 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.

AND TAKE NOTICE that the allegations against GABRIEL JASON HOFFART are as follows:

1. In your capacity as the sole submortgage broker of Symmetry 2 Mortgage Investment Corporation (“Symmetry 2 MIC”), you contravened section 8(1)(i) of the MBA by conducting business in a manner that is prejudicial to the public interest, in that you:
 - a. Facilitated the unregistered mortgage broker activities of Mr. McKay by failing to conduct the day to day operation and oversight of all business matters regarding Symmetry 2 MIC and in particular by failing to supervise and oversee the mortgage broker activities of Mr. McKay, who conducted business as a mortgage broker by arranging for Symmetry 2 MIC to lend money to 17 borrowers secured in whole or in part by mortgages without being registered to do so, from approximately June 14, 2013 to January 16, 2016;
 - b. Failed to supervise and oversee Symmetry 2 MIC’s lending activities and ongoing day to day operations from approximately June 14, 2013 to January 16, 2016, and in particular you:
 - i. failed to ensure that all financial and mortgage records of Symmetry 2 MIC were accurate and up to date;
 - ii. failed to ensure that the borrowers in at least 17 of Symmetry 2 MIC’s mortgage files were provided with Form 10 Conflict of Interest Disclosure Statements and cost of credit disclosure statements as required by the MBA; and
 - iii. failed to take conduct of the arrangement of new Symmetry 2 MIC mortgages and to administer existing Symmetry 2 MIC mortgages.
2. In your capacity as a submortgage broker, you contravened section 8(1)(h) of the MBA in that you made a statement in a record filed or provided under the MBA, that was false or misleading by providing and filing in support of Symmetry 2 MIC’s registration with the Registrar a management agreement between Symmetry 2 MIC and Hoffart Metro Financial Group Ltd., a registered broker, dated June 14, 2013 (the “Management Agreement”). The Management Agreement provides that Hoffart Metro Financial Group Ltd. would provide Symmetry 2 MIC with day to day operation and oversight of all business matters regarding Symmetry 2 MIC; when you knew or ought to have known that Hoffart Metro Financial Group Ltd. had not provided those services, and had no active plans to provide those services, to Symmetry 2 MIC.

AND TAKE NOTICE that the allegations against JOHN STEPHEN MCKAY are as follows:

3. You carried on business as a mortgage broker or submortgage broker by arranging for the lending of money to 20 borrowers on behalf of Symmetry 2 MIC from approximately June 4, 2013 to January 16, 2016, secured in whole or in part by mortgages, without being registered to do so as required by section 21 and 8(1.4) of the MBA and without being exempt under section 11 of the MBA.

AND TAKE FURTHER NOTICE that the Registrar will determine if either of you would be disentitled to registration if you were an applicant under section 4 of the MBA, pursuant to section 8(1)(e) of the MBA.

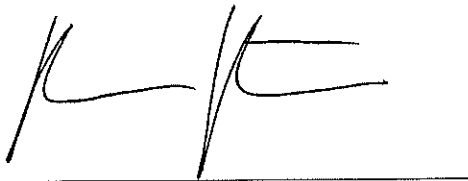
AND TAKE FURTHER NOTICE that in the event the Registrar determines that any of your conduct, as set out above, contravened the MBA and/or the Regulations, the Registrar may make any of the orders set out in section 8 of the MBA, including but not limited to, the remedies permitted pursuant to sections 8(1), 8(1.1), 8(1.4) and 8(2) of the MBA. In addition the Registrar may make an order against either of 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 either of 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 full right to cross-examine all witnesses called and to call evidence in your defence and reply in answer to the allegations.

Issued at the City of Vancouver, BC this 16 day of January 2018

Registrar of Mortgage Brokers



Per: Chris Carter
Acting Registrar of Mortgage Brokers
Province of British Columbia