

Alexander Surgenor & Josh Dehaas
Canadian Constitution Foundation
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Colin McPherson
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Sent via email to: legal@bcfsa.ca

September 9, 2026

Mr. McPherson,

The Canadian Constitution Foundation is a national non-profit organization that defends Canadians' rights and freedoms through public education, communications, and litigation. We have been retained by British Columbia realtor Corbin Chivers to respond to your review of his social media postings and the letter you sent on June 22, 2026.

The decision to caution Mr. Chivers for expressing his political views on social media was unreasonable and it has created a serious and ongoing violation of his freedom of expression protected by section 2(b) of the *Canadian Charter of Rights and Freedoms*.

This decision has chilled Mr. Chivers from speaking his mind on political issues including equality, resource development and reconciliation with Aboriginal peoples.

Although Mr. Chivers' views may be widely held, the Supreme Court has said that section 2(b) protects expression however unpopular, distasteful or contrary to the mainstream.¹ As a majority of the Court recently reiterated, "freedom of expression does not truly begin until it gives rise to a duty to tolerate what other people say," and [it] thus ensures the development of a democratic, open and pluralistic society."²

¹ *Ward v. Quebec (Commission des droits de la personne et des droits de la jeunesse)*, [2021 SCC 43](#), at [para. 60](#), citing *Irwin Toy Ltd. v. Quebec (Attorney General)*, 1989 CanLII 87 (SCC), [1989] 1 S.C.R. 92 at pp. 969-71; *Montréal (Ville de) v. Cabaret Sex Appeal inc.*, 1994 CanLII 5918 (QC CA), [1994] R.J.Q. 2133 (C.A.).

² *Ibid.*

Your letter alleges that two comments Mr. Chivers made on Instagram are “polarizing,” “inflammatory” and/or “discriminatory” and “could bring the industry into disrepute.”

The [first post](#), made on December 30, 2025 includes the statement:

“Bands are chasing endless land claims on top of the cash handouts, demanding compensation and control without any end in sight. This isn't fairness...it's the opposite of reasonable treatment. Worse, they're the ones blocking major resource projects across the country, killing off billions in potential revenue. Ironic, right? They demand the money but sabotage the very developments that could generate it to pay them.”

The second [post](#), made on May 19, 2026, regards the decision to close Joffre Lakes Provincial Park to non-Indigenous visitors, and states:

“Wrong skin color? Stay out. This isn't reconciliation. This is racist segregation with better marketing.”

These comments are quintessential political expressions. Political speech is at the core of the *Charter*’s 2(b) guarantee.³ All Canadians have a right to express these views.

These comments are not polarizing, inflammatory, discriminatory nor disreputable. Nor are they remotely connected to the practice of real estate in British Columbia. Professionals must adhere to certain standards, but “the professional bargain does not require that they fall silent.”⁴ Professional regulators can only sanction the expression of their members where there is a nexus to the profession, where the expression has a negative impact on the individual’s ability to carry out their professional obligations, or where the conduct has a serious enough negative impact on the profession, such as when a teacher makes clear they will discriminate against LGBTQ students in teaching.⁵

Your caution letter failed to consider Mr. Chivers’ right to freedom of expression, and to proportionately balance the limit you have imposed on his expression against the objectives of section 35(2) of the *Real Estate Services Act*,⁶ namely protecting the best interests of the public, maintaining public confidence in the real estate industry, and the avoidance of bringing the real estate industry into disrepute.

³ *RJR-MacDonald Inc. v. Canada (Attorney General)*, [1995 CanLII 64 \(SCC\)](#), [1995] 3 S.C.R. 199.

⁴ *Strom v Saskatchewan Registered Nurses’ Association*, [2020 SKCA 112](#), at paras. [165-166](#).

⁵ *Klop v College of Naturopathic Physicians of British Columbia*, [2022 BCSC 2086](#), at [para. 110](#), citing *College of Physicians & Surgeons Alberta v. Ali*, 2017 ABCA 442 at para. 100, Slatter J. dissenting not on this point [Ali]; *Strom, supra*, at paras. 89, [113–115](#); *Fountain v. British Columbia College of Teachers*, [2007 BCSC 830](#) at [para. 51](#); *Kempling v. British Columbia College of Teachers*, [2005 BCCA 327](#) at [paras. 36, 46](#).

⁶ [SBC 2004, c 42](#)

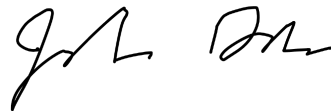
We trust that, had you considered Mr. Chivers' 2(b) freedoms, you would not have cautioned him for engaging in protected political speech.

We request that the BCFSa remove the caution letter from Mr. Chivers' file immediately. If the caution letter is not removed within 30 days of this letter, we will consider our next steps, including taking the appropriate action in the Supreme Court of British Columbia.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Surgenor', written in a cursive style.

Alexander Surgenor, Counsel

A handwritten signature in black ink, appearing to read 'J. Dehaas', written in a cursive style.

Josh Dehaas, Litigation Director