



Real Estate Council of Ontario

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**IN THE MATTER OF A DISCIPLINE HEARING HELD PURSUANT TO THE  
*REAL ESTATE AND BUSINESS BROKERS ACT, 2002, S.O. 2002, c. 30, Sch. C***

**BETWEEN:**

**REAL ESTATE COUNCIL OF ONTARIO**

**- AND -**

**MITON KANTI PARIAL**

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**DISCIPLINE DECISION AND REASONS FOR DECISION**

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Subject to Rule 4.02 of the Discipline and Appeals Committee Rules of Practice (*REBBA 2002*), I, the Chair of the Discipline Committee (*REBBA 2002*) have reviewed and considered the Agreed Statement of Facts and Penalty together with the Waiver of Hearing submitted by the Parties to this proceeding and provide the following Order:

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**FINDINGS:** In violation of Sections 3, 4, 5, 38 and 39 of the *REBBA 2002* Code of Ethics.

**ORDER:** Fine of \$3,000.00 payable to RECO on or before February 28, 2018.

Successful completion of the Real Estate Institute of Canada "REIC 2600: Ethics and Business Practice" course and provide RECO with confirmation of successful completion on or before February 28, 2018.

**WRITTEN REASONS:**

**REASONS FOR DECISION**

**INTRODUCTION**

This matter proceeded on the basis of an Agreed Statement of Facts and Penalty and Waiver of Hearing, pursuant to Rule 4.02 of the Rules of Practice (*REBBA 2002*).

The Agreed Statement of Facts and Penalty read:

**AGREED STATEMENT OF FACTS AND PENALTY**

1. Miton Kanti Parial ("Parial") is and was, at all relevant times, registered as a salesperson to trade in real estate under the Act, employed by Brokerage A.
2. On or about June 27, 2016, and between 7:30 p.m. and 8:00 p.m., Parial was scheduled to show clients a property listed for sale, and located at 1-A Street, City A ("Property"). Parial arranged to meet his clients at the Property ("Showing").
3. Parial was running late to the Showing, and with the clients already at the Property awaiting his arrival, Parial proceeded to provide the clients with the Property's lock-box code. When the clients then entered the Property sometime after 8:00 p.m., and without Parial, they were confronted by the owners, who immediately instructed them to leave.

### **SUMMARY OF AGREEMENTS**

#### **It is agreed that Parial acted unprofessionally including as follows:**

1. By providing the clients with the lock-box code to the Property, contrary to sections 3, 4, 5, 38 and 39 of the Code of Ethics under the Act ("Code").
2. By, in essence, permitting the clients to enter and begin viewing the Property unsupervised, contrary to sections 3, 4, 5, 38 and 39 of the Code.

#### **It is agreed that Parial breached the following sections of the Code of Ethics:**

##### **Fairness, Honesty, Etc.**

- 3 A registrant shall treat every person the registrant deals with in the course of a trade in real estate fairly, honestly and with integrity.

##### **Fairness, Honesty, Etc.**

- 4 A registrant shall promote and protect the best interests of the registrant's clients.

##### **Conscientious and Competent Service, Etc.**

- 5 A registrant shall provide conscientious service to the registrant's clients and customers and shall demonstrate reasonable knowledge, skill, judgment and competence in providing those services.

##### **Error, Misrepresentation, Fraud, Etc.**

- 38 A registrant shall use the registrant's best efforts to prevent error, misrepresentation, fraud or any unethical practice in respect of a trade in real estate.

##### **Unprofessional Conduct, Etc.**

- 39 A registrant shall not, in the course of trading in real estate, engage in any act or omission that, having regard to all of the circumstances, would reasonably be regarded as disgraceful, dishonourable, unprofessional or unbecoming a registrant.

### **AGREED PENALTY**

MITON KANTI PARIAL, the Respondent, be ordered to pay a penalty of \$3,000.00 on or before February 28, 2018.

In addition to the above penalty, Respondent must enroll in the Ethics and Business Practice Course provided by the Real Estate Institute of Canada (REIC), and provide proof of successful completion of the course on or before February 28, 2018.

By initials below, I, MITON KANTI PARIAL, acknowledge that I have read and understand the penalty outlined herein and agree to the said terms and/or conditions.

*[Respondent's Initials]*

By initials below, I, MITON KANTI PARIAL, agree, understand, acknowledge and consent to waive the requirement for a hearing and to request an Order from the Chair of the Discipline Committee that includes this Agreed Statement of Facts and Penalty as a final settlement of this matter.

*[Respondent's Initials]*

By initials below, I, MITON KANTI PARIAL, acknowledge that I exercised my right to be represented by Counsel or agent in this matter.

*[Respondent's Initials]*

By signature below, the Parties agree, acknowledge, understand and consent to the final settlement of this matter by way of this Agreed Statement of Facts and Penalty.

[The Agreed Statement was duly signed by the Parties.]

### **DECISION OF THE CHAIR**

Having reviewed and considered the Agreed Statement of Facts, the Chair of the Discipline Committee (*REBBA 2002*) concluded that the Respondent breached Sections 3, 4, 5, 38 and 39 of the *REBBA 2002* Code of Ethics. The Chair of the Discipline Committee (*REBBA 2002*) is also in agreement with the joint submission of the Parties as to penalty and accordingly makes the following order:

1. MITON KANTI PARIAL is Ordered a Fine of \$3,000.00 payable to RECO on or before February 28, 2018.
2. MITON KANTI PARIAL is Ordered to successfully complete the Real Estate Institute of Canada "REIC 2600: Ethics and Business Practice" course and provide RECO with confirmation of successful completion on or before February 28, 2018.

*[Released: March 8, 2017]*