



Real Estate Council of Ontario

**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 -

SUPREET KAUR TIWANA (a.k.a. POPPY TIWANA)

DISCIPLINE DECISION AND REASONS FOR DECISION

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:

FINDINGS:

In violation of Sections 3 and 7(1) of the *REBBA 2002* Code of Ethics.

ORDER:

Fine of \$5,500.00 payable to RECO on or before September 29, 2017.

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 September 29, 2017.

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. On or about July 26, 2015, Supreet Kaur Tiwana ("Tiwana") approached the seller of the property located at 1-A Street, City A (the "property"), directly on behalf of her buyer clients. The seller was represented by Brokerage B with Registrant A and Registrant B (hereinafter the "listing sales representatives"), who are registered Sales Representatives acting on behalf of the brokerage. Despite knowing that the listing had been contracted to Brokerage B, Tiwana proceeded to negotiate directly with the seller on behalf of her buyers and an offer was subsequently accepted.
2. The listing sales representatives were unaware of these events until after the offer had been accepted by the seller.
3. Registrant C is a Salesperson registered with Brokerage C. Registrant C had clients interested in the property as well, however, due to Tiwana's interference, Registrant C was unable to properly present her clients' offer for consideration.
4. Tiwana failed to treat the listing sales representatives and Registrant C fairly, with honesty and with integrity by communicating and negotiating directly with the seller of the property. Tiwana communicated and negotiated directly with the seller of the property, despite the fact that she knew or ought to have known that Brokerage B held the listing contract on this property. Tiwana's conduct in this regard was also unethical. Further, Tiwana did not have permission from the listing sales representatives to communicate directly with the seller. Tiwana's overall conduct is in violation of sections 3 and 7(1) of the Code of Ethics.

AGREED PENALTY

SUPREET KAUR TIWANA known as POPPY TIWANA, the Respondent, be ordered to pay a penalty of \$5,500.00 on or before September 29, 2017.

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 September 29, 2017.

By initials below, I, SUPREET KAUR TIWANA known as POPPY TIWANA, 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, SUPREET KAUR TIWANA known as POPPY TIWANA, 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, SUPREET KAUR TIWANA known as POPPY TIWANA, 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 and 7(1) 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. SUPREET KAUR TIWANA known as POPPY TIWANA is Ordered a Fine of \$5,500.00 payable to RECO on or before September 29, 2017.
2. SUPREET KAUR TIWANA known as POPPY TIWANA 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 September 29, 2017.

[Released: April 28, 2017]