



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 -

**TAMER HOSNY DARWISH
AND EMADEDDIN SHIHADDEH (ALSO KNOWN AS EMAD SHIHADDEH)**

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:

TAMER HOSNY DARWISH

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

ORDER: Fine of \$1,000.00 payable to RECO on or before May 31, 2017.

EMADEDDIN SHIHADDEH (ALSO KNOWN AS EMAD SHIHADDEH)

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

ORDER: Fine of \$2,500.00 payable to RECO on or before May 31, 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. Tamer Hosny Darwish (“Darwish”) is registered to trade in real estate as a salesperson under the Act and is employed by Brokerage A, a brokerage under the Act.
2. Emadeddin Shihadeh (“Shihadeh”) is registered to trade in real estate as a salesperson under the Act and is employed by Brokerage B, a brokerage under the Act.
3. On or about August 28, 2015, a showing appointment was scheduled by Darwish for a property located at 1-A Street, City A (the “Property”), through Brokerage C, a brokerage under the Act.
4. On or about August 28, 2015, Darwish provided the lock box code, address and appointment time for the Property to Shihadeh without the consent of the Seller and/or Brokerage C, thereby breaching sections 3 and 38 of the Code of Ethics.
5. On or about August 28, 2015, Shihadeh provided the lock box code for the Property to his buyer client and permitted his buyer client to enter the Property without the consent of the Seller and/or Brokerage C, thereby breaching sections 4, 5, 38 and 39 of the Code of Ethics.

AGREED PENALTY

TAMER HOSNY DARWISH

TAMER HOSNY DARWISH, the Respondent, be ordered to pay a penalty of \$1,000.00 on or before May 31, 2017.

By initials below, I, TAMER HOSNY DARWISH, 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, TAMER HOSNY DARWISH, 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, TAMER HOSNY DARWISH, 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 38 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. TAMER HOSNY DARWISH is Ordered a Fine of \$1,000.00 payable to RECO on or before May 31, 2017.

AGREED PENALTY

EMADED DIN SHIH ADEH (also known as EMAD SHIH ADEH)

EMADED DIN SHIH ADEH (also known as EMAD SHIH ADEH), the Respondent, be ordered to pay a penalty of \$2,500.00 on or before May 31, 2017.

By initials below, I, EMADED DIN SHIH ADEH (also known as EMAD SHIH ADEH), 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, EMADED DIN SHIH ADEH (also known as EMAD SHIH ADEH), 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, EMADED DIN SHIH ADEH (also known as EMAD SHIH ADEH), 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 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. EMADEDDIN SHIHADDEH (also known as EMAD SHIHADDEH) is Ordered a Fine of \$2,500.00 payable to RECO on or before May 31, 2017.

[Released: May 4, 2017]