



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 -

**PALANIAPPAN MANIAN
ALSO KNOWN AS BALAN MANIAN**

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, 5 and 39 of the *REBBA 2002* Code of Ethics.

ORDER: Fine of \$2,500.00 payable to RECO on or before November 27, 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. Manian is registered to trade in real estate as a broker under the Act and was employed by Keller Williams Referred Realty ("Referred Realty"), a brokerage under the Act. Manian is currently registered with Signature Realty Inc.

2. On or about October 15, 2016, Manian scheduled a showing from 4:00 p.m. – 5:00 p.m. at a property located at 1 A Street, City A (the “Property”).
3. During the scheduled showing, Manian used the key left by the Seller to allow his clients into the unit. Manian did not stay for the showing and/or had any other registrant accompany his clients during the scheduled showing.
4. Manian permitted unsupervised access to the Property without the consent of the Seller and/or their agent, thereby breaching sections 3, 5 and 39 of the Code of Ethics.
5. Manian put the Seller’s home potentially at risk by allowing a non-registrant unrestricted access to the home without supervision by a registrant, thereby breaching Sections 3, 5 and 39 of the Code of Ethics.
6. Manian put his clients, the Buyers, at risk of liability, injury and/or loss by allowing an unsupervised visit to the Property, thereby breaching Sections 3, 5 and 39 of the Code of Ethics.

AGREED PENALTY

PALANIAPPAN MANIAN (known as BALAN MANIAN), the Respondent, be ordered to pay a penalty of \$2,500.00 on or before November 27, 2017.

By initials below, I, PALANIAPPAN MANIAN (known as BALAN MANIAN), 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, PALANIAPPAN MANIAN (known as BALAN MANIAN), 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, PALANIAPPAN MANIAN (known as BALAN MANIAN), 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, 5 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. PALANIAPPAN MANIAN (known as BALAN MANIAN) is Ordered a Fine of \$2,500.00 payable to RECO on or before November 27, 2017.

[Released: June 7, 2017]