



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 -**

**JENNY XIAOLIN LIN**

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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, 5, 38 and 39 of the *REBBA 2002* Code of Ethics.

**ORDER:** Fine of \$2,500.00 payable to RECO on or before August 30, 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. Jenny Xiaolin Lin is registered to trade in real estate as a broker under the Act and was employed by Brokerage A, a brokerage under the Act.
2. The Complainant, Registrant A, is registered to trade in real estate as a salesperson under the Act and was employed by Brokerage B, a brokerage under the Act.

3. On or about October 22, 2015, Jenny Lin had scheduled a showing for her buyer client(s) commencing at 4:00 p.m., at a property located at 1-A Road, City A (the "Property").
4. During the scheduled showing, Individual A removed the key from the lockbox and entered the Property with Jenny Lin's buyer client(s). Lin was not present at the scheduled showing for the Property with her buyer client(s).
5. During the scheduled showing, Registrant A attended the Property. Registrant A proceeded to provide her business card to the unidentified Individual A and requested his in return. The Individual A did not provide same.
6. The male later identified himself to Registrant A as "*Jenny's husband*" and Jenny Lin's buyer clients confirmed that he drove them there to view the Property. He further contacted Jenny Lin and she later arrived at the Property.
7. Jenny Lin 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.
8. Jenny Lin 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, 38 and 39 of the Code of Ethics.
9. Jenny Lin put her 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

JENNY XIAOLIN LIN, the Respondent, be ordered to pay a penalty of \$2,500.00 on or before August 30, 2017.

By initials below, I, JENNY XIAOLIN LIN, 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, JENNY XIAOLIN LIN, 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, JENNY XIAOLIN LIN, acknowledge that I was aware of 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 Section 3, 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. JENNY XIAOLIN LIN is Ordered a Fine of \$2,500.00 payable to RECO on or before August 30, 2017.

*[Released: July 5, 2017]*