



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 -

DAVID LACHANCE

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 7(1) and 7(2) of the *REBBA 2002* Code of Ethics.

ORDER: Fine of \$6,000.00 payable to RECO on or before November 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. David Lachance left the employment of Brokerage A on January 27, 2015 and on January 28, 2015 became an employee of Brokerage B. Upon joining Brokerage B, David Lachance forwarded an Assignment of Listing Agreement to Brokerage A, on behalf of Seller A, requesting that her property listing be transferred from Brokerage A to

Brokerage B, so that David Lachance could continue to represent her as the listing salesperson for that property.

2. The broker of record for Brokerage A, did not ultimately consent to this arrangement and refused to sign the Assignment of Listing Agreement.
3. Notwithstanding that David Lachance did not have Brokerage A's consent, he proceeded to deal directly with Seller A, instead of through the brokerage, which legally represented her. This interference with another brokerages' listing is in violation of sections 7(1) and 7(2) of the Code of Ethics.

AGREED PENALTY

DAVID LACHANCE, the Respondent, be ordered to pay a penalty of \$6,000.00 on or before November 30, 2017.

By initials below, I, DAVID LACHANCE, 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, DAVID LACHANCE, 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, DAVID LACHANCE, 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 7(1) and 7(2) 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. DAVID LACHANCE is Ordered a Fine of \$6,000.00 payable to RECO on or before November 30, 2017.

[Released: July 13, 2017]