



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 -

GUO YOU LIN also known as DAVID LIN

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 3, 5, 38 and 39 of the *REBBA 2002* Code of Ethics.

ORDER: Fine of \$2,500.00 payable to RECO on or before October 13, 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. Guo You Lin also known as David Lin 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. On or about September 15, 2016, Guo You Lin had a showing scheduled for his clients to view a property located at 1-A Road, City A, Ontario (the "Property").
3. Prior to his clients attending the Property, Guo You Lin provided the lock box code to his clients.
4. Guo You Lin's clients arrived at the Property before Guo You Lin and let themselves in using the lock box code that was provided to them earlier. Guo You Lin was not present at the showing.
5. Guo You 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.
6. Guo You 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.
7. Guo You Lin put his clients 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

GUO YOU LIN also known as DAVID LIN, the Respondent, be ordered to pay a penalty of \$2,500.00 on or before October 13, 2017.

By initials below, I, GUO YOU LIN also known as DAVID 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, GUO YOU LIN also known as DAVID 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, GUO YOU LIN also known as DAVID 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 Sections 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. GUO YOU LIN also known as DAVID LIN is Ordered a Fine of \$2,500.00 on or before October 13, 2017.

[Released: July 26, 2017]