



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 -

ARUNI SENADIERA

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

ORDER: Fine of \$10,000.00 payable to RECO by August 31, 2018.

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. Aruni Senadiera is and was at all relevant times registered as a Salesperson under the *Real Estate and Business Brokers Act, 2002* ("Act"). Ms. Senadiera represented a consumer ("Consumer") on the attempted purchase of a residential property ("Property").

2. Ms. Senadiera prepared and submitted a written offer to buy the Property on behalf of the Consumer. After negotiations, the offer was accepted and became an Agreement of Purchase and Sale ("APS"). The APS was made subsequent to a plan, which Ms. Senadiera did not originate but knew about, whereby the Property would be bought by a named buyer in trust ("Trustee") for the Consumer, the intended occupant and who was to be responsible for payments. Ms. Senadiera named the Trustee as sole buyer on the APS and related representation and transaction documents, contrary to Sections 3, 5 and 38 of the Code of Ethics to the Act ("Code").
3. Ms. Senadiera accepted \$10,000.00 from the Consumer for the purpose of representing that it was a GIC certificate held by the Trustee. This was contrary to Sections 3, 5, 38 and 39 of the Code.
4. In the course of dealing with the transaction described above, Ms. Senadiera inquired in writing about an attempt to obtain mortgage financing that she knew was based on false information, but that did not in the end result in financing being advanced, contrary to Sections 3, 5 and 38 of the Code.
5. The Consumer did not proceed with the transaction. Ms. Senadiera prepared and obtained a mutual release where the sellers of the Property agreed to return \$4,000.00 of the deposit.
6. Ms. Senadiera also voluntarily repaid the \$10,000.00 she received.

AGREED PENALTY

ARUNI SENADIERA, the Respondent, be ordered to pay a penalty of \$10,000.00 by August 31, 2018.

By initials below, I, ARUNI SENADIERA, 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, ARUNI SENADIERA, 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, ARUNI SENADIERA, acknowledge that I was made 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. ARUNI SENADIERA is Ordered a Fine of \$10,000.00 payable to RECO BY August 31, 2018.

[Released: September 1, 2017]