



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 -**

**JERRY BIN OU also known as JERRY OU**

---

**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, 35, 38 and 39 of the *REBBA 2002* Code of Ethics.

**ORDER:** Fine of \$3,500.00 payable to RECO on or before May 4, 2018.

**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. Jerry Bin Ou also known as Jerry Ou ("Ou") 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 October 7, 2016, between 7:45 p.m. and 8:45 p.m., Ou had a showing scheduled for his clients to view a property located at 1-A Street, City A (the "Property").
3. While at the scheduled showing, Ou provided his business card and lockbox code to his client as he had to leave for another appointment.
4. While his clients were viewing the property, the owner came home to find Ou had left his clients unsupervised.
5. Ou 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. Ou 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. Ou 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

JERRY BIN OU also known as JERRY OU, the Respondent, be ordered to pay a penalty of \$3,500.00 on or before May 4, 2018.

By initials below, I, JERRY BIN OU also known as JERRY OU, 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, JERRY BIN OU also known as JERRY OU, 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, JERRY BIN OU also known as JERRY OU, 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. JERRY BIN OU also known as JERRY OU is Ordered a Fine of \$3,500.00 payable to RECO on or before May 4, 2018.

*[Released: November 17, 2017]*