



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 -

ZHIFEI ROSS LIU

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, 4, 5 and 38 of the *REBBA 2002* Code of Ethics.

ORDER: Fine of \$4,000.00 payable to RECO on or before February 28, 2019.

WRITTEN REASONS: *attached*

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. Liu is registered as a salesperson to trade in real estate under the Act. At the relevant times, Liu was employed by the Brokerage A.
2. Seller A is the seller of a property located at 1-A Drive, City A ("the Property").

3. On or about March 22, 2017, Seller A arrived at the Property around 7:30 p.m. to find a car in the driveway. Seller A confronted Liu in the Property and learned that Liu was running late for his scheduled showing. Seller A checked her appointment logs and learned that Liu was scheduled to show the Property on March 23, 2017 between 2:00 p.m. and 3:00 p.m. Seller A requested Liu and his buyer client to leave the Property.
4. Seller A filed a complaint with the Real Estate Council of Ontario.
5. On or about April 28, 2017, an email response from Liu states: "We had a few showing appointments that day... All other house showing appointment were confirmed with same day and only 1-A Drive can only showed next day. After we finished all other houses showing, we are really like to look at 1-A Drive so we can make a decision which house we put offer later. That way we will save time not drive again next day from downtown." [SIC]
6. Liu accessed the Property by using the lock-box key, one day before he was scheduled to show the Property and did not obtain consent and/or approval from Seller A and/or her representative, which is a violation of Sections 3, 4, 5, and 38 of the Code of Ethics.

It is agreed that Liu breached the following sections of the Code of Ethics:

Fairness, honesty, etc.

3. A registrant shall treat every person the registrant deals with in the course of a trade in real estate fairly, honestly and with integrity.

Best interests

4. A registrant shall promote and protect the best interests of the registrant's clients. O. Reg. 580/05, s. 4.

Conscientious and competent service, etc.

5. A registrant shall provide conscientious service to the registrant's clients and customers and shall demonstrate reasonable knowledge, skill, judgment and competence in providing those services. O. Reg. 580/05, s. 5.

Error, misrepresentation, fraud, etc.

38. A registrant shall use the registrant's best efforts to prevent error, misrepresentation, fraud or any unethical practice in respect of a trade in real estate. O. Reg. 580/05, s. 38.

AGREED PENALTY

ZHIFEI ROSS LIU, the Respondent, be ordered to pay a penalty of \$4,000.00 on or before February 28, 2019

By initials below, I, ZHIFEI ROSS LIU, 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, ZHIFEI ROSS LIU, 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, ZHIFEI ROSS LIU, 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, 4, 5 and 38 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. ZHIFEI ROSS LIU is Ordered a Fine of \$4,000.00 payable to RECO on or before February 28, 2019.

[Released: March 5, 2018]