



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 -

ZI XING ZHANG also known as EMILY ZHANG

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 4, 5 and 39 of the *REBBA 2002* Code of Ethics.

ORDER: Fine of \$5,000.00 payable to RECO on or before November 21, 2018.

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. Zi Xing Zhang also known as Emily Zhang (“Zhang”) 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 June 20, 2016, Zhang contacted Brokerage B to book a showing for a property located at 1-A Road, City A (the "Property").
3. Zhang was provided a showing time of 5:00 p.m. – 6:00 p.m. on June 20, 2016.
4. At approximately 4:51 p.m. on the same day, the showing was confirmed with Zhang and the lock-box code was provided.
5. Shortly after 5:00 p.m. on June 20, 2016, the Complainant attended the Property to introduce himself as the Listing Agent. When he arrived, he attempted to enter the Property but the door was locked.
6. The Complainant knocked and was greeted by two people. The Complainant asked them who the real estate agent was and was advised that Zhang was representing them. Zhang had to leave the Property to assist in the retrieval of her clients' purse. She left the two non-registrants at the Property unattended.

SUMMARY OF AGREEMENTS

It is agreed:

1. On or about June 20, 2016, Zhang facilitated unauthorized access to the Property by allowing two non-registrants access without a registrant present, contrary to Sections 4, 5 and 39 of the Code of Ethics.
2. RECO received a complaint on June 28, 2016. To date, Zhang has failed and/or neglected to provide a response to this complaint although she was requested to provide one on June 29, 2016.

AGREED PENALTY

Zi Xing Zhang also known as Emily Zhang, the Respondent, be ordered to pay a penalty of \$5,000.00 on or before November 21, 2018.

By initials below, I, Zi Xing Zhang also known as Emily Zhang, 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, Zi Xing Zhang also known as Emily Zhang, 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, Zi Xing Zhang also known as Emily Zhang, 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 4, 5 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. Zi Xing Zhang also known as Emily Zhang is Ordered a Fine of \$5,000.00 payable to RECO on or before November 21, 2018.

[Released: March 29, 2018]