



Real Estate Council of Ontario

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**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 -**

**MAN WU also known as MANDY WU**

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**DISCIPLINE DECISION AND REASONS FOR DECISION**

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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:

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**FINDINGS:** In violation of Sections 3, 5, 38 and 39 of the *REBBA 2002* Code of Ethics.

**ORDER:** Fine of \$5,000.00 payable to RECO on or before November 16, 2018.

Successful completion of the Ontario Real Estate Association (OREA) “Real Property Law Articling Course”, and provide RECO with confirmation of successful completion on or before November 16, 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. Wu 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 February 8, 2017, between 2:00 p.m. and 3:00 p.m., Wu had a showing scheduled for her clients to view a property located at 1-A Street, City A (the "Property").
3. Wu's assistant attended the showing and produced Wu's business card when asked by another agent.
4. After the showing, the Listing salesperson contacted Wu to confirm who was present during the showing and was advised that she sent her unregistered assistant.
5. Wu was not present at the showing scheduled for the Property.
6. Wu put the Seller's home potentially at risk by allowing a non-registrant unrestricted access to the home without supervision by Wu, thereby breaching Sections 3, 5, 38 and 39 of the Code of Ethics.
7. Wu put her assistant 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

MAN WU also known as MANDY WU, the Respondent, be ordered to pay a penalty of \$5,000.00 on or before November 16, 2018.

In addition to the above penalty, Respondent must enroll in the Real Property Law Articling Course provided by the Ontario Real Estate Association (OREA), and provide proof of successful completion of the course on or before November 16, 2018.

By initials below, I, MAN WU also known as MANDY WU, 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, MAN WU also known as MANDY WU, 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, MAN WU also known as MANDY WU, acknowledge that I exercised my right 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. MAN WU also known as MANDY WU is Ordered a Fine of \$5,000.00 payable to RECO on or before November 16, 2018.
2. MAN WU also known as MANDY WU is Ordered to successfully complete the Ontario Real Estate Association (OREA) "Real Property Law Articling Course" and provide RECO with confirmation of successful completion on or before November 16, 2018.

*[Released: June 1, 2018]*