



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 -**

**CHUN NI AU YEUNG**

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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 \$3,000.00 payable to RECO on or before February 18, 2019.

**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. Au Yeung is registered to trade in real estate as a salesperson under the Act. At all relevant times, Au Yeung was employed by Brokerage A, a brokerage registered under the Act.

2. On or about August 15, 2017, the “Complainant contacted Au Yeung and inquired about a residential property listing with Brokerage A, municipally known as 1-A Street, City A (“Property”).
3. The Complainant asked Au Yeung if she could schedule a showing to see the Property at 6:30 p.m. on August 15, 2017.
4. Au Yeung informed the Complainant that he could attend at the Property at 6:30 p.m. on August 15, 2017, to view the Property.
5. Au Yeung provided the Complainant with the lockbox code and instructed him access the Property on his own, without consent from the seller and without any registrant supervision.
6. The Complainant felt uncomfortable accessing the Property without registrant supervision and did not attend access the Property as instructed by Au Yeung.

#### **SUMMARY OF AGREEMENTS**

It is agreed that:

- 1 She permitted unsupervised access to the Property without consent of the seller, thereby breaching sections 3, 5, and 39 of the Code of Ethics.
- 2 She put the seller’s Property potentially at risk by allowing a non-registrant unlimited and unrestricted access to the Property without registrant supervision, thereby breaching sections 3, 5, 38, and 39 of the Code of Ethics.
- 3 She put the Complainant at risk of liability, injury and/or loss by permitting an unsupervised showing of the Property, thereby breaching sections 3, 5, and 39 of the Code of Ethics.

#### **AGREED PENALTY**

CHUN NI AU YEUNG, the Respondent, be ordered to pay a penalty of \$3,000.00 on or before February 18, 2019.

By initials below, I, CHUN NI AU YEUNG, 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, CHUN NI AU YEUNG, 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, CHUN NI AU YEUNG, acknowledge that I exercised 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. CHUN NI AU YEUNG is Ordered a Fine of \$3,000.00 payable to RECO on or before February 18, 2019.

*[Released: August 24, 2018]*