



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 -

RUBING XUE (a.k.a. RUBY XUE)

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 and 39 of the *REBBA 2002* Code of Ethics.

ORDER: Fine of \$4,500.00 payable to RECO on or before March 17, 2021.

Successful completion of the “RECO’s MCE Compliance + Ethics” Part 1 and 2 course and provide RECO with confirmation of successful completion on or before March 17, 2021.

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

It is agreed as follows:

1. Rubing Xue also known as Ruby Xue (“Xue”) who is registered as a broker under the Real Estate and Business Brokers Act, 2002 (“Act”).
2. At all relevant times, Xue is and was employed by Brokerage A, a brokerage under the Act.
3. The complainant in this matter was the Listing Salesperson of a property located 1-A Street, City A (“the property”). Representative A is employed by Brokerage B.
4. Xue scheduled a showing of the Property for August 9, 2019 between the hours of 11:00 a.m. – 12:00 p.m. The appointment was confirmed, and the lockbox code was provided to Xue by Brokerage B.
5. The seller returned home after the showing and found a cell phone left in the house. The seller called Representative A office and spoke with an assistant named Individual A (“assistant”) and informed her about the cell phone.
6. Representative A’s assistant contacted Xue and informed her about the phone but Xue was already on her way to another appointment and was not able to go back to the property.
7. Xue’s assistant tried reaching the seller to request that the phone be left outside so the clients could collect the phone but the Seller had already left the house, as there was another brokerage showing the property at 2:30 p.m., that day.
8. Later, after the other showing was complete, the seller returned home and some time later heard someone at the door using the lockbox. The seller learned that the man at the door trying to enter was Xue’s client, who had obtained the lockbox code from Xue.

SUMMARY OF AGREEMENTS

It is agreed that XUE failed to comply with the Code of Ethics as follows:

- A. Xue facilitated unauthorized access to the property by providing her clients the lockbox code and permitting the clients to attend the Property without a Salesperson during a

time when there was no scheduled appointment for the Property, therefore violating Sections 3 and 39 of the Code of Ethics.

It is agreed that XUE failed to comply with 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.

Unprofessional conduct, etc.

39. A registrant shall not, in the course of trading in real estate, engage in any act or omission that, having regard to all of the circumstances, would reasonably be regarded as disgraceful, dishonourable, unprofessional or unbecoming a registrant.

AGREED PENALTY

RUBING XUE (a.k.a. RUBY XUE), the Respondent, be ordered to pay a penalty of \$4,500.00 on or before March 17, 2021.

In addition to the above penalty, the Respondent must enrol in the "RECO's MCE Compliance + Ethics", Part 1 and 2 course and provide proof of successful completion of the course on or before March 17, 2021.

By initials below, I, RUBING XUE (a.k.a. RUBY XUE), 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, RUBING XUE (a.k.a. RUBY XUE), 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, RUBING XUE (a.k.a. RUBY XUE), 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 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. RUBING XUE (a.k.a. RUBY XUE) is Ordered a Fine of \$4,500.00 payable to RECO on or before March 17, 2021.
2. RUBING XUE (a.k.a. RUBY XUE) is Ordered to successfully complete the Real Estate Council of Ontario (RECO) "RECO's MCE Compliance + Ethics", Part 1 and 2 course and provide RECO with confirmation of successful completion on or before March 17, 2021.

[Released: September 28, 2020]