



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 -

CHIEN-TING WU (trading as JOHNNY WU)

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 \$4,000.00 payable to RECO on or before July 12, 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. CHIEN-TING WU WHO IS REGISTERED AS JOHNNY WU, (“Wu”) is registered as a salesperson under the *Real Estate and Business Brokers Act, 2002* (“Act”). Wu is employed at Brokerage A.
2. Seller A and Seller B (the “Complainants”) were the Sellers of the Property located at 1-A Street, City A (the “Property”).
3. Buyer A and Buyer B were the buyers of the Property. They were represented by Brokerage B and Wu acted as Buyers representative.
4. On or about March 30, 2019, Buyer A and Buyer B submitted an offer through Brokerage B to purchase the Property (the “Offer”).
5. The Offer was accepted on the same day and the transaction was set for completion on May 17, 2019.
6. On or about May 1, 2019, Wu and his clients visited the Property with the consent of the Sellers.
7. On or about May 7, 2019, at 10:02 p.m., Wu, with his friend, entered the Property without an appointment using the lockbox code provided to him on or about May 1, 2019.
8. Wu and his friend walked out of the Property at 10:10 p.m. A surveillance camera installed at the Property captured the entry and exit to the Property.
9. Wu confirmed in his written response to RECO that he and his friend entered the Property in search of a misplaced bag, without an appointment and without the knowledge or consent of the Sellers.

SUMMARY OF AGREEMENTS

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

- A. Wu accessed the Property using lockbox code without authorization, knowledge or consent of the sellers thereby violating sections 3, and 39 of the Code of Ethics.

It is agreed that Wu 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

CHIEN-TING WU (trading as JOHNNY WU), the Respondent, be ordered to pay a penalty of \$4,000.00 on or before July 12, 2021.

By initials below, I, CHIEN-TING WU (trading as JOHNNY 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, CHIEN-TING WU (trading as JOHNNY 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, CHIEN-TING WU (trading as JOHNNY WU), 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. CHIEN-TING WU (trading as JOHNNY WU) is Ordered a Fine of \$4,000.00 payable to RECO on or before July 12, 2021.

[Released: August 12, 2020]