



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 -**

**GURPREET MANN (a.k.a. GARY MANN)**

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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, 35 and 38 of the *REBBA 2002* Code of Ethics.

**ORDER:** Fine of \$7,500.00 payable to RECO on or before January 31, 2021.

**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. Gurpreet Mann ("Mann") is registered as a salesperson under the Real Estate and Business Brokers Act, 2002. Mann is employed at Brokerage A.

2. Buyer A and Buyer B are the purchasers of a new build condo located at 1-A Street, City A (the "Property")
3. Individual A is the office manager of Brokerage A.
4. Individual B is a salesperson with Brokerage A.
5. Individual C is a relative of Buyer A and Buyer B.
6. Buyer A and Buyer B was advised by Mann to purchase the Property directly through him rather than the builder. As an incentive, Mann verbally offered the Complainant a 2% cash rebate of \$7,418.00 ("Rebate").
7. On or about May 1, 2010, Buyer A and Buyer B, represented by Brokerage A through Mann, entered into an Agreement of Purchase and Sale to purchase the Property for \$370,900.00.
8. Under the agreement with the builder, Brokerage A, as the co-operating brokerage, was entitled to 4% of the sale price of the Property as commission.
9. The transaction successfully closed on June 30, 2016. Mann, through Brokerage A received a gross commission of \$15,577.80 from the transaction.
10. On or about August 31, 2017, Mann provided Buyer A and Buyer B with a cheque in the amount of \$7,418.00 as per the verbal Rebate.
11. On or about September 5, 2017, Buyer A and Buyer B was notified by the Bank B that the cheque was returned due to insufficient funds.
12. Buyer A and Buyer B on multiple occasions left telephone messages with Mann and no reply was received.
13. On or about February 27, 2018, Buyer A and Buyer B spoke with Individual A who was assured of a return call back. No reply was received.
14. On or about March 6, 2018, Individual C attempted to contact Brokerage A. Individual C spoke with Individual B, who was assured of a return call back by the end of the week. No reply was received.
15. On or about March 9, 2018, Individual C followed up with Individual B and learned that the Rebate was contingent on Buyer A and Buyer B providing two referrals to Mann. Buyer A and Buyer B denies this was agreed to at any time during the purchase of the Property.

16. On or about March 9, 2018, Buyer A and Buyer B filed a complaint with the Real Estate Council of Ontario.

17. On or about April 20, 2018, Mann provided a response through his legal representative as follows:

“I acted as a realtor for Buyer A in the transaction to buy a condo unit... About 2% cash back and bounce cheque, the 2% was offered verbally only as an incentive if Buyer A would refer two clients.” [SIC]

### **SUMMARY OF AGREEMENTS**

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

18. Mann failed to reduce his oral promise and the terms and conditions surrounding that promise to pay Buyer A the Rebate to writing, thereby failing to treat him fairly, to provide him with conscientious and competent service, to be financially responsible in the conduct of business, and committed an error contrary to sections 3, 5, 35, 38 of the Code of Ethics.

19. Mann failed to rectify the issue at the time the action arose by not dealing with Buyer A personally with respect to the Rebate, contrary to sections 3, 5 of the Code of Ethics.

20. Mann acted recklessly, knowing that he was making promises that he knew he would not keep, or knowing that he was not able to keep them, while at the same time collecting a commission contrary to sections 3, 5 of the Code of Ethics.

**It is agreed that Mann 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.

**Conscientious and competent service, etc.**

**5.** A registrant shall provide conscientious service to the registrant's clients and customers and shall demonstrate reasonable knowledge, skill, judgment and competence in providing those services.

### **Financial responsibility**

**35.** A registrant shall be financially responsible in the conduct of business.

### **Error, misrepresentation, fraud, etc.**

**38.** A registrant shall use the registrant's best efforts to prevent error, misrepresentation, fraud or any unethical practice in respect of a trade in real estate.

### **AGREED PENALTY**

GURPREET MANN (a.k.a. GARY MANN), the Respondent, be ordered to pay a penalty of \$7,500.00 on or before January 31, 2021.

By initials below, I, GURPREET MANN (a.k.a. GARY MANN), 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, GURPREET MANN (a.k.a. GARY MANN), 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, GURPREET MANN (a.k.a. GARY MANN), 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, 35 and 38 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. GURPREET MANN (a.k.a. GARY MANN) is Ordered a Fine of \$7,500.00 payable to RECO on or before January 31, 2021.

*[Released: February 28, 2020]*