



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 -

MOHAMMED SAYEED

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

ORDER: Fine of \$4,000.00 payable to RECO on or before January 29, 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

1. Mohammed Sayeed, "Sayeed" is registered as a salesperson under the Real Estate and Business Brokers Act, 2002. Sayeed was employed at the Brokerage A.
2. Sayeed was representing his own buyer clients.
3. Representative A at all relevant times, was employed as a salesperson by Brokerage B. Representative A represented the seller in listing 1-A Street, City A. (the "Property #1")
4. Representative B at all relevant times, was employed as a salesperson by Brokerage C. Representative C was representing his own buyer clients.
5. Representative C at all relevant times, was employed as a salesperson by Brokerage B. Representative C was representing the seller of 1-B Street, City B. (the "Property #2")
6. On April 27, 2019, between 1:00 p.m. and 2:00 p.m., both Sayeed and Representative B had independently scheduled showing appointments through Representative A with their respective buyer clients for Property #1.
7. On April 27, 2019, between 2:00 p.m. and 3:00 p.m., Sayeed had also scheduled a showing with Representative C for Property #2.
8. On April 27, 2019, between 1:00 p.m. and 2:00 p.m., Representative B with his buyer clients attended at Property #1 to conduct the showing. Representative B noticed that the lock box was open and the key was missing. Representative B met with two individuals who were exiting Property #1 and provided the key to him. Representative B also learned that neither of them were registered real estate professionals and that the lock box code was provided to them by their realtor. Representative B notified Representative A of his observations.
9. On April 27, 2019, Representative A immediately notified her seller client and suspended all showings.
10. On April 27, 2019, at approximately 3:25 p.m., Representative A left Sayeed several messages regarding his scheduled showing. Representative A spoke with Sayeed and learned he was not present during the scheduled showing for Property #1 and further that Sayeed's clients were also scheduled to view Property #2.
11. On May 1, 2019, Representative A filed a complaint with RECO regarding the conduct of Sayeed.
12. On June 5, 2019, Sayeed provided the following responses:

“On Saturday, April 27, 2019, I had a showing booked between 1pm and 2pm... I was headed to the property with the intention of meeting the clients at the property for the showing. Once at the property, I received a voice note from my wife telling me that she was feeling nauseous and about to faint in the gym change room. In the moment of panic and haste, and the fact that my client was already at the showing, I made a spontaneous decision based on a trusted client/friend to let them continue to view the property unaccompanied.” [SIC]

“My client advised that he was very keen on seeing the second property as well as he and his wife needed to decide soon... My client insisted that they quickly view the second showing as they were also coming from far and I advertently allowed them to view it again the same way.” [SIC]

13. On August 22, 2019, Representative C provided a response to RECO:

“I called Mohammed Sayeed around 4:00 p.m. and confronted him about his clients going through Property #2, he said he had car trouble and could not make the showing.” [SIC]

SUMMARY OF AGREEMENTS

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

1. Sayeed provided the lock box code to his buyer clients and allowed them to remain unsupervised during the scheduled showings for Property #1 and Property #2, contrary to sections 3, 5, and 39 of the Code of Ethics.
2. Sayeed did not make alternative arrangements for his buyer clients to either be accompanied by another registered real estate salesperson or re-schedule the showing when it became apparent, he was not able to do the showing himself for both Property #1 and Property #2. This is contrary to sections 3, 5, and 39 of the Code of Ethics.
3. Sayeed exposed his buyer clients to potential liability and/or loss for each Property #1 and Property #2, contrary to sections 3, 5, and 39 of the Code of Ethics.

It is agreed that Sayeed 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 within 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.

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

MOHAMMED SAYEED, the Respondent, be ordered to pay a penalty of \$4,000.00 on or before January 29, 2021.

By initials below, I, MOHAMMED SAYEED, 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, MOHAMMED SAYEED, 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, MOHAMMED SAYEED, 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, 5 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. MOHAMMED SAYEED is Ordered a Fine of \$4,000.00 payable to RECO on or before January 29, 2021.

[Released: February 11, 2020]