



**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 -

HUGO ERNESTO CEREN (also known as HUGO CEREN)

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

ORDER: Fine of \$4,500.00 payable to RECO on or before January 23, 2020.

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. At the relevant times, Hugo Ernesto Ceren (“Ceren”) was employed by Brokerage A. Ceren is currently employed with Brokerage B, also registered under the Act.

2. Individual A is the tenant of a property located at 1-A Street, City A (“the Property”).
3. Representative A is registered as a salesperson to trade in real estate under the Act. At all relevant times, Representative A was employed by Brokerage C. Representative A listed the Property for sale on Multiple Listing Service.
4. On April 12, 2018, Ceren scheduled a showing of the Property at an appointment on April 13, 2018, between 1:30 p.m. and 2:00 p.m.
5. On April 13, 2018, Ceren arrived early with his buyer clients at approximately 11:15 a.m., entered the Property without obtaining consent and/or approval from Individual A or Representative A, which is a violation of Section 39 of the Code of Ethics.
6. On April 13, 2018, Individual A filed a complaint with the Real Estate Council of Ontario.
7. On May 14, 2018, Ceren provided a response to the complaint. In his response he stated the following:

“We got to the property just ahead of schedule and we had hoped the tenant would be there and we can explain and ask for permission to view the property slightly earlier than originally planned.” [SIC]

8. That Ceren breached the following sections of O. Reg. 580/05: Code of Ethics:

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

HUGO ERNESTO CEREN (aka HUGO CEREN), the Respondent, be ordered to pay a penalty of \$4,500.00 on or before January 23, 2020.

By initials below, I, HUGO ERNESTO CEREN (aka HUGO CEREN), 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, HUGO ERNESTO CEREN (aka HUGO CEREN), 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, HUGO ERNESTO CEREN (aka HUGO CEREN), acknowledge that I exercised my right to be represented by Counsel 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 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. HUGO ERNESTO CEREN (aka HUGO CEREN) is Ordered a Fine of \$4,500.00 payable to RECO on or before January 23, 2018.

[Released: March 20, 2019]