



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 -

FEI QI (also known as FAYE QI)

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

ORDER: Fine of \$5,000.00 payable to RECO on or before March 12, 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. Faye Qi (aka Fey Qi) (“Qi”) is registered as a salesperson to trade in real estate under the Act. At the relevant times, Qi was employed by the Brokerage A.

2. 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 B. Representative A listed 1-A Street, City A (the "Property").
3. Individual A and Individual B are tenants who reside at the Property.
4. On June 30, 2018, Qi booked an appointment between 11:00 a.m. and 12:00 p.m. for a showing of the Property.
5. On June 30, 2018, Individual A was at the Property around the time of the showing. She noticed two buyers use the lock box code to gain entry into the Property without a sales representative.
6. On June 30, 2018, Individual A exchanged text messages with Representative A explaining what had occurred at the Property.
7. On or about June 30, 2018, Representative A called Qi for an explanation. That same day, Representative A filed a complaint with the Real Estate Council of Ontario.
8. On July 29, 2018, Qi provided a response stating the following:

"I am aware that a registered real estate agent needs to be on site during any house showing... I didn't make it to the property in time due to traffic." [SIC]
9. Qi facilitated unauthorized access to the Property by providing the lock-box code to her clients, contrary to sections 5 and 39 of the Code of Ethics.

SUMMARY OF AGREEMENTS

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

1. Qi did not conduct herself in a conscientious and competent manner, when she provided the lockbox code to the Buyers to gain unsupervised access to the property, contrary to section 5 and 39 of the Code of Ethics.
2. Qi's conduct represents an act or omission that, with regard to all the circumstances, is reasonably regarded as being disgraceful, dishonourable, unprofessional or unbecoming of a registrant, all of which is contrary to section 39 of the Code of Ethics.

It is agreed that QI failed to comply with the following sections of the Code of Ethics:

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. O. Reg. 580/05, s. 5.

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. O. Reg. 580/05, s. 39

AGREED PENALTY

FEI QI (also known as FAYE QI), the Respondent, be ordered to pay a penalty of \$5,000.00 on or before March 12, 2020.

By initials below, I, FEI QI (also known as FAYE QI), 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, FEI QI (also known as FAYE QI), 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, FEI QI (also known as FAYE QI), 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 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. FEI QI (also known as FAYE QI) is Ordered a Fine of \$5,000.00 payable to RECO on or before March 12, 2020.

[Released: May 30, 2019]