



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 -

COLLEEN MAY MEILLER

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, 4, 5, 17, 26(1) and 38 of the *REBBA 2002* Code of Ethics.

ORDER: Fine of \$12,000.00 payable to RECO on or before October 1, 2019.

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. Colleen Meiller ("Meiller") is employed by Brokerage A, a brokerage registered under the Act.

2. Buyer A (the “Complainant”) is a consumer and was represented by Meiller and Brokerage A for the purchase of a property located at 1-A Street, City A (“Property”).
3. Meiller listed the Property for sale on or about May 11, 2017 for a list price of \$469,500.00 on MLS®.
4. Among other things, Meiller provided the measurements for the rooms on MLS®. Meiller advertised that the master bedroom was 17.3 x 10.8.
5. The Complainant states that they contacted Meiller to submit an offer on the Property. The Complainant offered \$540,000.00 to purchase the Property. On or about May 16, 2017, the Complainant’s offer in the amount of \$540,000.00 was accepted by the Sellers.
6. Meiller did not advise in writing the Complainant or any other party that had submitted an offer that she had two offers of her own. The Complainant states that they were advised that there were a total of six (6) offers. It has been discovered that there was a total of nine (9) offers submitted on the Property.
7. Meiller states that she advised the other parties verbally who had submitted an offer on the Property of the number of offers received but failed to reduce this to writing.
8. The Complainant states that after possession of the Property they came to learn that the measurements taken of the master bedroom were incorrect. The measurements should have read 16.10 X 9.8. When the Brokerage Manager and Complainant revisited the Property, the Brokerage Manager confirmed that the measurements were 17 X 10.

SUMMARY OF AGREEMENTS

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

1. On or about May 11, 2017, Meiller advertised on MLS® measurements for the Property that were incorrect, contrary to sections 5 and 38 of the Code of Ethics, Ontario Regulation 580/05.
2. Meiller failed to inform the Complainant that she was representing another buyer who had submitted an offer on the Property, contrary to sections 3, 4, 5, 17 and 38 of the Code of Ethics, Ontario Regulation 580/05.

3. Meiller failed to advise on the correct number of offers (9) that she was in receipt of for the Property to all interested parties, contrary to sections 3, 5, 26(1) and 38 of the Code of Ethics, Ontario Regulation 580/05.

It is agreed that Colleen Meiller 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.

Best interests

4. A registrant shall promote and protect the best interests of the registrant's clients.

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.

Nature of relationship

17. If a registrant represents or provides services to more than one buyer or seller in respect of the same trade in real estate, the registrant shall, in writing, at the earliest practicable opportunity and before any offer is made, inform all buyers and sellers involved in that trade of the nature of the registrant's relationship to each buyer and seller.

Competing offers

26. (1) If a brokerage that has a seller as a client receives a competing written offer, the brokerage shall disclose the number of competing written offers to every person who is making one of the competing offers, but shall not disclose the substance of the competing offers.

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

COLLEEN MAY MEILLER, the Respondent, be ordered to pay a penalty of \$12,000.00 on or before October 1, 2019.

By initials below, I, COLLEEN MAY MEILLER, 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, COLLEEN MAY MEILLER, 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, COLLEEN MAY MEILLER, 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, 4, 5, 17, 26(1) 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. COLLEEN MAY MEILLER is Ordered a Fine of \$12,000.00 payable to RECO on or before October 1, 2019.

[Released: May 27, 2019]