



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 -

WEIGUO XIE

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 4, 5, and 39 of the *REBBA 2002* Code of Ethics.

ORDER: Fine of \$5,500.00 payable to RECO on or before July 29, 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

1. Weiguo Xie ("Xie") is employed by Brokerage A; a brokerage under the Act.

2. On or about March 11, 2018, Xie contacted Brokerage B to book a showing for a property located at 1-A Street, City A (the "Property").
3. Xie was provided a showing time of 5:00 p.m. to 6:00 p.m. on March 11, 2018. The lock-box code was provided to Xie at this time.
4. At approximately 6:15 p.m. on March 11, 2018, Xie's buyer clients attended the Property and proceeded to let themselves in using the lock-box code that was provided to them by their agent, Xie.
5. Xie's buyer clients were greeted by Seller A who was the owner of the Property. Seller A let them in the Property as she believed one of the two individuals present were the agent and his client. At the showing, Xie's business card was left on the counter.
6. During the showing, Seller A came to learn that the two individuals that were viewing the Property were not in fact an agent as she was advised by the female buyer client that she was looking at buying a property with boyfriend, who she was with.
7. At no material time did Xie attend the viewing of the Property and/or re-schedule the showing at was originally scheduled between 5:00 p.m. and 6:00 p.m. on March 11, 2018.

JOINT SUBMISSION AS TO PENALTY

8. On or about March 11, 2018, Xie facilitated unauthorized access to the Property by providing the lock-box code to his clients, contrary to sections 4, 5 and 39 of the Code of Ethics.

AGREED PENALTY

WEIGUO XIE, the Respondent, be ordered to pay a penalty of \$5,500.00 on or before July 29, 2019.

By initials below, I, WEIGUO XIE, 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, WEIGUO XIE, 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, WEIGUO XIE, 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 4, 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. WEIGUO XIE is Ordered a Fine of \$5,500.00 payable to RECO on or before July 29, 2019.

[Released: April 2, 2019]