



**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 -

GURDEEP SINGH SAINI also known as GARY SAINI

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 \$5,500.00 payable to RECO on or before December 31, 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. Gurdeep Singh Saini o/a Garry Saini ("Saini") is registered as a salesperson under the *Real Estate and Business Brokers Act, 2002* ("Act"), and employed by Brokerage A, a

registered brokerage under the Act. He was, at the relevant time, employed by Brokerage B, a registered brokerage under the Act.

2. On or about January 9, 2018, Representative A and Representative B, salespersons under the Act, on behalf of Brokerage C., listed for sale a condominium property located at 1-A Street, City A ("Property") for \$469,500.00.
3. On or about January 25, 2018, Saini, representing his buyer clients ("Buyers"), negotiated an agreement to purchase ("APS") the Property for \$467,500.00.
4. Under the APS, the Buyers were entitled to view the Property two times prior to closing. As such, Saini confirmed a viewing appointment for Friday, March 2, 2018 between 2:00 p.m. to 3:00 p.m.
5. On March 2, 2018, at around 2:00 p.m., the Buyers attended the Property, entered the lockbox code and entered the Property using a key retrieved from the lockbox. The Buyers viewed the Property and replaced the key in the lockbox before leaving the Property.
6. Saini never attended the Property on March 2, 2018 because of traffic. Rather, Saini had provided the Buyers with the code to the lockbox so that they would be able to enter and view the Property, even though he, another registrant under the Act or the homeowners would not be present to supervise them.
7. Saini took full responsibility for his conduct and agreed that providing the lockbox code to the Buyers was a regrettable lapse of judgement.

SUMMARY OF AGREEMENTS

It is agreed that Saini breached the Code of Ethics under the Act ("Code") as follows:

8. Provided the lockbox code to the Property to unauthorized individuals who entered and viewed the Property unsupervised, contrary to sections 3, 5 and 39 of the Code.

AGREED PENALTY

GURDEEP SINGH SAINI (aka GARY SAINI), the Respondent, be ordered to pay a penalty of \$5,500.00 on or before December 31, 2019.

By initials below, I, GURDEEP SINGH SAINI (aka GARY SAINI), 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, GURDEEP SINGH SAINI (aka GARY SAINI), 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, GURDEEP SINGH SAINI (aka GARY SAINI), 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, 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. GURDEEP SINGH SAINI (aka GARY SAINI) is Ordered a Fine of \$5,500.00 payable to RECO on or before December 31, 2019.

[Released: March 26, 2019]