



Real Estate Council of Ontario

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**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 -**

**MURTAZA AHMAD**

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**DISCIPLINE DECISION AND REASONS FOR DECISION**

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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:

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**FINDINGS:** In violation of Sections 3 and 39 of the *REBBA 2002* Code of Ethics.

**ORDER:** Fine of \$3,500.00 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**

It is agreed as follows:

1. Murtaza Ahmad ("Ahmad") is registered as a salesperson under the Real Estate and Business Brokers Act, 2002 ("Act"). Ahmad is employed at Brokerage A, a brokerage under the Act.

2. Individual A is the Complainant in this matter and was the owner of the property located at 1-A Street, City A (the "Property").
3. Ahmad had scheduled a home inspection to be carried out on October 21, 2018, commencing at 4:00 p.m. Ahmad represented the buyers of the Property and had submitted a conditional offer on the Property that included, *inter alia*, a home inspection be completed by the buyer(s).
4. Prior to the Home Inspection, Ahmad did contact the Listing Agent to advise that the Home Inspector would be arriving at 4:00 p.m. and that he would proceed to inspect the exterior as Ahmad was unable to attend the Property at 4:00 p.m.
5. Ahmad was unable to attend the Property while the Home Inspector was already present at the Property with the Buyers and provided the Home Inspector the lock-box code to enter the Property to continue with the home inspection.
6. Ahmad did attend the Property around 5:00 p.m. while the Home Inspector and Buyers were inside in the Property. Individual A was able to view this on the Property's security camera(s).

### SUMMARY OF AGREEMENTS

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

1. Ahmad facilitated unauthorized access by allowing his client(s) and the Home Inspector access to the Property that he was not present at to supervise, contrary to Sections 3 and 39 of the Code of Ethics.

It is agreed that Ahmad 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 within the course of a trade in real estate fairly, honestly and with integrity.

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

MURTAZA AHMAD, the Respondent, be ordered to pay a penalty of \$3,500.00 on or before December 31, 2019.

By initials below, I, MURTAZA AHMAD, 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, MURTAZA AHMAD, 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, MURTAZA AHMAD, 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 3 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. MURTAZA AHMAD is Ordered a Fine of \$3,500.00 payable to RECO on or before December 31, 2019.

*[Released: January 30, 2020]*