



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 -

LI QUAN ZHU (a.k.a. DAVID ZHU)

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 and 38 of the *REBBA 2002* Code of Ethics.

ORDER: Fine of \$4,500.00 payable to RECO not later than 180 days after the date of the Decision of the Discipline Committee.

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. Li Quan Zhu o/a David Zhu ("Zhu") is and was, at all relevant times, registered as a salesperson under the *Real Estate and Business Brokers Act, 2002* ("Act"), and employed by Brokerage A.

2. Representative A is and was, at all relevant times, registered as a broker under the Act and employed by Brokerage B.
3. Seller A ("Seller") is the owner of a condominium located at 1-A Street, City A ("Property").
4. On May 9, 2019, Chow, on behalf of Brokerage B, listed the Property for sale on the MLS®. The Property was tenanted, and hence the Listing stated that 24 hours' notice was needed for all showings.
5. On May 10, 2019, between 12:00 p.m. and 1:00 p.m., Zhu obtained a key for the Property from the concierge in the building. While Zhu may have attempted to book an appointment to view the Property the day before, he had not received confirmation from Brokerage B to obtain the key from concierge.
6. After receiving the key from concierge, Zhu, with the permission of the tenant who was inside the Property, was able to view the Property with his clients.

SUMMARY OF AGREEMENTS

It is agreed that Zhu failed to comply with the Code of Ethics under the Act as follows:

7. Zhu obtained the key to the Property from concierge without having received confirmation from the listing brokerage that an appointment had been booked, contrary to sections 3 and 38 of the Code of Ethics.

It is agreed that Zhu 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.

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

LI QUAN ZHU (o/a DAVID ZHU), the Respondent, be ordered to pay a penalty of \$4,500.00 not later than 180 days after the date of the Decision of the Discipline Committee on this matter.

By initials below, I, LI QUAN ZHU (o/a DAVID ZHU), 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, LI QUAN ZHU (o/a DAVID ZHU), 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, LI QUAN ZHU (o/a DAVID ZHU), 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 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. LI QUAN ZHU (o/a DAVID ZHU) is Ordered a Fine of \$4,500.00 payable to RECO not later than 180 days after the date of the Decision of the Discipline Committee.

[Released: January 6, 2020]