



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 -**

**ZARDAD AZMAT**

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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 \$4,500.00 payable to RECO on or before November 4, 2021.

**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. Azmat is and at all relevant times was employed by Brokerage A.
2. Seller A ("Seller") is one of the owners of 1-A Street, City A ("Property").

3. Azmat represented Buyer A and Buyer B, the Buyers in the purchase of the Property. The accepted offer dated September 22, 2019, was conditional upon the results of a successful home inspection.
4. On September 25, 2019, a home inspection of the Property was scheduled between the hours of 10:00 a.m. and 1:00 p.m.
5. On September 25, 2019, the home inspector, Individual A of Company A, visited the Property between the hours of 10:00 a.m. and 1:00 p.m. to complete the inspection. When Individual A arrived at the Property, he noticed it was unlocked and Buyer A was inside the Property.
6. Azmat was not present at the time of the home inspection.
7. After the home inspection was completed, Individual A left the Property with Buyer A remaining at the Property unattended.
8. On October 18, 2019, the Seller filed a complaint with RECO.
9. On February 24, 2020, Azmat provided the following response to the complaint:

“I provided my client with the lockbox via phone call.” [SIC]

## SUMMARY OF AGREEMENTS

### **It is agreed that Azmat failed to comply with the Code of Ethics as follows:**

- A. By providing the lock-box code to the Buyers, Azmat provided the Buyers and the home inspector unsupervised access to the Property, contrary to sections 3 and 39 of the Code of Ethics.

### **It is agreed that Azmat 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.

#### **Unprofessional conduct, etc.**

39. A registrant shall not, in the course of trading in real estate, engage in any act or omission that, having regards to all of the circumstances, would reasonably be regarded as disgraceful, dishonourable, unprofessional or unbecoming a registrant.

## AGREED PENALTY

ZARDAD AZMAT, the Respondent, be ordered to pay a penalty of \$4,500.00 on or before November 4, 2021.

By initials below, I, ZARDAD AZMAT, 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, ZARDAD AZMAT, 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, ZARDAD AZMAT, 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. ZARDAD AZMAT is Ordered a Fine of \$4,500.00 payable to RECO on or before November 4, 2021.

*[Released: November 12, 2020]*