



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 -

ANGELA MARIA VIGNA

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

ORDER: Fine of \$3,000.00 payable to RECO on or before September 30, 2019.

Successful completion of “REIC 2280 – Legal Issues in Real Estate” course, and provide RECO with confirmation of successful completion on or before September 30, 2019.

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. Angela Vigna (“Vigna”) is and was, at all relevant times, registered as a salesperson under the *Real Estate and Business Brokers Act, 2002*. She was, at all relevant times, employed by Brokerage A
2. On or about February 27, 2017, Vigna, representing a Seller, listed for sale (“Listing”) a residential property located at 1-A Street, City A (“Property”) for \$1,288,000.00.
3. The Listing stated that the Property included “A Fully Fin. Basement Apartment W Separate Entrance, Pot Lights & Income Potential”. However, the proper permits and approvals had not been obtained for the basement unit and hence, it was not legal.
4. Vigna acknowledged that the use of “apartment” to describe the basement unit was an unintentional and unfortunate oversight on her part, as the basement unit was not legal.
5. However, the salesperson who represented the purchasers of the Property knew that the basement unit was not legal prior to submitting an offer to purchase the Property.

SUMMARY OF AGREEMENTS

It is agreed that Vigna failed to comply with the Code of Ethics (“Code”) as follows:

6. Inadvertently described the basement unit of the Property as an “apartment” even though it was not a legal unit, contrary to section 38, with respect to error only, of the Code.

It is agreed that Vigna failed to comply with the following section of the Code of Ethics:

Error, misrepresentation, fraud, etc., *with respect to error only*

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

ANGELA MARIA VIGNA, the Respondent, be ordered to pay a penalty of \$3,000.00 on or before September 30, 2019.

In addition to the above penalty, Respondent must enroll in the “RECI 2280 – Legal Issues in Real Estate” course offered by the Real Estate Institute of Canada, and provide proof of successful completion of the course to RECO, on or before September 30, 2019.

By initials below, I, ANGELA MARIA VIGNA, 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, ANGELA MARIA VIGNA, 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, ANGELA MARIA VIGNA, 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 Section 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. ANGELA MARIA VIGNA is Ordered a Fine of \$3,000.00 payable to RECO on or before September 30, 2019.
2. ANGELA MARIA VIGNA is Ordered to successfully complete “REIC 2280 – Legal Issues in Real Estate” course on or before September 30, 2019.

[Released: July 12, 2019]