



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 -

SHAN LI

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 4, 5 and 39 of the *REBBA 2002* Code of Ethics.

ORDER: Fine of \$4,000.00 payable to RECO on or before January 31, 2020.

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. Shan Li (“Li”) is registered to trade in real estate as a salesperson under the Act and is employed by Brokerage A; a brokerage under the Act.

2. On or about June 27, 2018, Li contacted Brokerage B (“Listing Brokerage”) regarding scheduling a showing for her potential buyer-client to view a property located at 1- A Street, City A (“Property”).
3. Li was provided a showing time between the hours of 2:00 p.m. – 3:00 p.m. to view the Property with her buyer-clients. At this time the Brokerage B also forwarded Li the lock-box code that would be needed at the showing.
4. On June 27, 2018, Li’s buyer clients attended the Property without her presence. Li provided the lock-box code to her buyer-clients, so they could proceed with the showing as she was running late.
5. Li was never present throughout the showing that she scheduled earlier that day.
6. Following the showing, the Brokerage B contacted Li for feedback regarding the viewing and was advised at that time that she did not attend the Property with her buyer-clients.

SUMMARY OF AGREEMENT

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

7. On or about June 27, 2018, Li provided the lock-box code for the Property to a non-registrant, contrary to sections 4, 5 and 39 of the Code.

It is agreed that Li failed to comply with the following sections of the Code of Ethics:

Best interests

4. A registrant shall promote and protect the best interests of the registrant’s clients.

Conscientious and competent service, etc.

5. A registrant shall provide conscientious service to the registrant’s clients and customers and shall demonstrate reasonable knowledge, skill, judgment and competence in providing those services.

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

SHAN LI, the Respondent, be ordered to pay a penalty of \$4,000.00 on or before January 31, 2020.

By initials below, I, SHAN LI, 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, SHAN LI, 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, SHAN LI, acknowledge that I exercised my right to be represented by Counsel 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 4, 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. SHAN LI is Ordered a Fine of \$4,000.00 payable to RECO on or before January 31, 2020.

[Released: July 4, 2019]