



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 -**

**SHEIK FAZILL HANIFF**

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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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|-------------------------|---|
| <b>FINDINGS:</b>        | In violation of Sections 3, 5 and 38 of the <i>REBBA 2002</i> Code of Ethics.   |
| <b>ORDER:</b>           | Fine of \$3,000.00 payable to RECO not later than 180 days from the date of the Decision of the Discipline Committee. |
| <b>WRITTEN REASONS:</b> | <i>attached</i>   |

**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. Sheik Fazill Haniff ("Haniff") is and was, at all relevant times, registered as a salesperson under the *Real Estate and Business Brokers Act, 2002*, and employed by Brokerage A.
2. On or about September 5, 2018, Representative A, salesperson under the Act, listed for lease a residential property at 1-A Street, City A ("Property") on behalf of the landlord.
3. Haniff booked an appointment to view the Property on September 6, 2018 between 2:00 p.m. and 3:00 p.m. ("Appointment").
4. Haniff, who was running late for the Appointment, provided the lockbox code for the Property to his client, Client A ("Client"). However, the code was not used by the Client.

#### SUMMARY OF AGREEMENTS

It is agreed that Haniff failed to comply with the Code of Ethics ("Code") as follows:

5. Provided the lockbox code to the Property to unauthorized individuals, contrary to sections 3, 5 and 38 of the Code.

It is agreed that Haniff 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.

#### 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.

#### 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

SHEIK FAZILL HANIFF, the Respondent, be ordered to pay a penalty of \$3,000.00 not later than 180 days after the date of the Decision of the Discipline Committee on this matter.

By initials below, I, SHEIK FAZILL HANIFF, 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, SHEIK FAZILL HANIFF, 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, SHEIK FAZILL HANIFF, 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, 5 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. SHEIK FAZILL HANIFF is Ordered a Fine of \$3,000.00 payable to RECO not later than 180 days from the date of the Decision of the Discipline Committee.

*[Released: September 27, 2019]*