



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 -**

**CLEMENT LIN (a.k.a. KEVIN LIN)**

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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 36(8) and 36(9) of the *REBBA 2002* Code of Ethics.

**ORDER:** Fine of \$10,000.00.00 payable to RECO on or before August 21, 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. Clement Lin (a.k.a. Kevin Lin) is registered as a broker under the Real Estate and Business Brokers Act, 2002. "Lin" is employed at Brokerage A. During the period in question, Lin was employed with Brokerage B.

2. On or about July 25, 2015, Buyer A (hereinafter “the Complainant”) entered into an Agreement of Purchase and Sale to purchase a property located at 1-A Street, City A. The transaction closed on October 30, 2015.
3. Brokerage B was the listing brokerage for the property in question.
4. On or about September 23, 2015, the Schedule B was amended to delete a clause contained in the original agreement which gave Brokerage B, Kevin Lin and his associates, permission to advertise the sale of the property.
5. However, despite withdrawing her permission, the Complainant noticed two advertisements, in December of 2016 and January 2017, which advertised the sale of her property as having been “Sold in 7 days” and “Sold over asking 114%.”
6. Lin failed to honour the Complainants’ wishes and advertised the sale of the property without her consent, including details which could be used to identify the property in question. Such conduct is in violation of sections 36(8) and 36(9) of the Code of Ethics.

### **SUMMARY OF AGREEMENTS**

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

3. Lin included an advertisement that could be used to identify specific real estate, contrary to section 36(8) of the Code of Ethics.
4. Lin included an advertisement that could reasonably be used to determine some or all of the contents of the agreement that dealt with the conveyance of an interest in real estate, including any provision of the agreement relating to the price, contrary to section 36(9) of the Code of Ethics.

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

**Advertising**

**36. (8)** A registrant shall not include anything in an advertisement that could reasonably be used to identify specific real estate unless the owner of the real estate has consented in writing. O. Reg. 580/05, s. 36 (8).

**(9)** A registrant shall not include anything in an advertisement that could reasonably be used to determine any of the contents of an agreement that deals with the conveyance of an interest in real estate, including any provision of the agreement relating to the price, unless the parties to the agreement have consented in writing. O. Reg. 580/05, s. 36 (9).

## **AGREED PENALTY**

CLEMENT LIN (a.k.a. KEVIN LIN), the Respondent, be ordered to pay a penalty of \$10,000.00 on or before August 21, 2020.

By initials below, I, CLEMENT LIN (a.k.a. KEVIN LIN), 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, CLEMENT LIN (a.k.a. KEVIN LIN), 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, CLEMENT LIN (a.k.a. KEVIN LIN), 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 Sections 36(8) and 36(9) 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. CLEMENT LIN (a.k.a. KEVIN LIN) is Ordered a Fine of \$10,000.00 payable to RECO on or before August 21, 2020.

*[Released: September 25, 2019]*