



**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 -

RAHMATULLAH AHMADI (a.k.a. RAY AHMADI)

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 39 of the *REBBA 2002* Code of Ethics.

ORDER: Fine of \$8,000.00 payable to RECO on or before June 12, 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

It is agreed as follows:

1. At all material times, Ahmadi was employed at Brokerage A. Ahmadi acted as the listing salesperson for 1-A Street, City A ("Property").

2. At all material times, Representative B was employed at Brokerage B and acted as the cooperating salesperson.
3. Ahmadi, through his brokerage, Brokerage A, listed the Property on the multiple listing service ("MLS"). Among other things, the MLS stipulated, that the Property was a detached home and "W ravine + clear views". In addition, Ahmadi verbally claimed that there was four car parking.
4. Ahmadi showed the Property to Buyer A. At the time Ahmadi showed the Property to Buyer A he mentioned that there were four car parking. In addition, he emphasized a "Ravine plus clear views".
5. Subsequent to Buyer A's viewing of the Property with Ahmadi, she retained Representative B as the cooperating salesperson for the purpose of putting in an offer. On or about August 20, 2017, an offer on the Property was submitted by Buyer A as prepared by Representative B. The offer was accepted the same day by Ahmadi's seller clients.
6. After closing, it was discovered that the Property was not a single family detached, as Ahmadi stated in the MLS but a link home.
7. Further, due to further construction after closing, the Property lacked the amenities of a ravine and clear views, again as stipulated in the MLS prepared by Ahmadi. Also, after closing, a sidewalk was added, eliminating one parking space.

SUMMARY OF AGREEMENTS

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

8. Ahmadi placed false statements on the MLS listing for the Property and, specifically;
 - a. Stated that the Property was a single-family "detached" home when it was a link home;
 - b. He claimed that it was a ravine with clear views, in circumstances wherein he knew or ought to have known that further construction would render the phrase "ravine with clear views" false and misleading;
 - c. That there were "clear" views, when the development after the closing obstructed views.
9. Ahmadi also made claims that the Property had space for four car parking, when in fact a sidewalk was constructed after closing limiting the number of parking spaces on the Property.
10. The above misstatements or misinformation are contrary to section 39 of the Code of Ethics under the Act ("Code of Ethics").

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

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

RAHMATULLAH AHMADI (a.k.a. RAY AHMADI), the Respondent, be ordered to pay a penalty of \$8,000.00 on or before June 12, 2020.

By initials below, I, RAHMATULLAH AHMADI (a.k.a. RAY AHMADI), 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, RAHMATULLAH AHMADI (a.k.a. RAY AHMADI), 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, RAHMATULLAH AHMADI (a.k.a. RAY AHMADI), 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 Section 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. RAHMATULLAH AHMADI (a.k.a. RAY AHMADI) is Ordered a Fine of \$8,000.00 payable to RECO on or before June 12, 2020.

[Released: September 20, 2019]