



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 -

SARAH ASHLEY CONBOY trading as SARAH CONBOY

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 37(1) and 38 of the *REBBA 2002* Code of Ethics.

ORDER: Fine of \$5,500.00 payable to RECO not later than 180 days from the date of the Decision of the Discipline Committee.

Successful completion of the “Real Estate Institute of Canada (REIC) 2600 Ethics and Business Practice” course and provide RECO with confirmation of successful completion not later than 180 days from the date of the Decision of the Discipline Committee.

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. Sarah Ashley Conboy, trading as Sarah Conboy, (“Conboy”) is registered as a salesperson under the Real Estate and Business Brokers Act, 2002. Conboy is employed at the Brokerage A.
2. Seller A (the “Seller”) was the owner of a home at 1-A Street, City A (the “Property”). The Seller retained the services of Brokerage A to list the Property for sale, with Conboy acting as the listing representative. Conboy was in a relationship with Seller A.
3. Buyer A and Buyer B (the “Buyers”) were consumers interested in purchasing the Property.
4. The Buyers were represented by Brokerage B, with salesperson Representative A acting as the Buyer’s representative.
5. The Buyers made a conditional offer to purchase the Property which was accepted by the Seller on or about January 19, 2018.
6. One of the conditions of the Agreement of Purchase and Sale was that the Seller would provide a completed Seller Property Information Statement (“SPIS”).
7. On or about March 13, 2018, Conboy provided the Seller’s completed SPIS to Representative A. Question 9(c) on the SPIS asks if the Seller is aware of any damage due to fire. Question 9(d) asks the Seller whether any repairs were carried out to correct any issues noted in 9(c). The Seller stated “No” to both questions.
8. However, on or about May 24, 2016, both Conboy and the Seller were present in the Property when a fire occurred in the home, causing damage to the Property. Repair work was subsequently performed as a result of the fire.

SUMMARY OF AGREEMENTS

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

9. Conboy provided a SPIS to the Buyer's representative which stated that there had been no fire in the Property and that no repairs were carried out to correct issues relating to a fire, when she was aware of a fire and the resulting repair work on the Property, contrary to sections 37(1) and 38 of the Code of Ethics.

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

Inaccurate representations

37. (1) A registrant shall not knowingly make an inaccurate representation in respect of a trade in real estate.

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

SARAH ASHLEY CONBOY (trading as SARAH CONBOY), the Respondent, be ordered to pay a penalty of \$5,500.00 not later than 180 days after the date of the Decision of the Discipline Committee on this matter.

In addition to the above penalty, the Respondent must enroll in the Ethics and Business Practice course, provided by the Real Estate Institute of Canada (REIC), and provide proof of successful completion of the course not later than 180 days after the date of the Decision of the Discipline Committee on this matter.

[Respondent's Initials]

By initials below, I, SARAH ASHLEY CONBOY (trading as SARAH CONBOY), 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, SARAH ASHLEY CONBOY (trading as SARAH CONBOY), 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, SARAH ASHLEY CONBOY (trading as SARAH CONBOY), 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 37(1) 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. SARAH ASHLEY CONBOY (trading as SARAH CONBOY) is Ordered a Fine of \$5,500.00 payable to RECO not later than 180 days from the date of the Decision of the Discipline Committee.

2. SARAH ASHLEY CONBOY (trading as SARAH CONBOY) is Ordered to successfully complete REIC 2600 Ethics and Business Practice course not later than 180 days from the date of the Decision of the Discipline Committee.

[Released: December 10, 2019]