



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 -

ERIC ROBERT

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 3 and 39 of the *REBBA 2002* Code of Ethics.

ORDER: Fine of \$4,000.00 payable to RECO on or before April 30, 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. Eric Robert (“Robert”) is registered as a salesperson under the Real Estate and Business Brokers Act, 2002 (the “Act”). Robert is employed at Brokerage A, a brokerage under the Act.

2. Representative A and Representative B are both registered as brokers under the Act and are employed at Brokerage B, a brokerage registered under the Act.
3. On or about June 18, 2018, the Representatives A and B, listed a residential property located at 1-A Street, City A (“Property”) for sale on MLS®.
4. On or about June 19, 2018, Robert, representing Buyer A and Buyer B (the “Buyers”), entered into an agreement to purchase (“APS”) the Property.
5. As a condition to the APS, the Buyers were entitled to visit the Property two (2) times prior to the closing date. As such, Robert confirmed a viewing appointment for July 30, 2018 between 9:00 p.m. to 10:00 p.m.
6. On July 30, 2018, Robert attended with his Buyers and the HVAC technician for the scheduled viewing at the Property. While the visitation, Robert left the Property and his Buyers and HVAC technician were left alone to continue with the scheduled visitation.

SUMMARY OF AGREEMENTS

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

1. Robert facilitated unauthorized access by allowing his Buyers and HVAC technician access to the Property that he was not present at to supervise, contrary to sections 3 and 39 of the Code of Ethics.

It is agreed that Robert 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 within the course of a trade in real estate fairly, honestly and with integrity.

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

ERIC ROBERT, the Respondent, be ordered to pay a penalty of \$4,000.00 on or before April 30, 2020.

By initials below, I, ERIC ROBERT, 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, ERIC ROBERT, 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, ERIC ROBERT, 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 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. ERIC ROBERT is Ordered a Fine of \$4,000.00 payable to RECO on or before April 30, 2020.

[Released: December 5, 2019]