



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 -

COURTNEY GRAHAM

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, 4, 24(1) and 38 of the *REBBA 2002* Code of Ethics.

ORDER: Fine of \$12,000.00 payable to RECO on or before September 11, 2019.

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. Courtney Graham ("Graham") is and was at all relevant times, registered as a Salesperson.
2. Graham, at all relevant times, was employed by Brokerage A.
3. Graham, at all relevant times, acted as a listing Salesperson for a property municipally known as 1-A Street, City A (the "Property").

4. Representative B and was at all relevant times, a registrant employed by Brokerage B.
5. The Complainant was at all relevant times, a client of Brokerage B, represented by Representative B.
6. On March 17, 2017, at or about 7:02 p.m., Representative B spoke to Graham and confirmed that he would be sending her an offer on behalf of the Complainant.
7. Graham informed Representative B that his offer would be in competition with others and asked that he have the offer in her hands by 7:30 p.m.
8. On March 17, 2017, at or about 7:31 p.m. to 7:35 p.m., the Complainant submitted an offer (the "Complainant's Offer") to purchase the Property.
9. The Complainant's Offer was received in addition to others, thereby creating a multiple offer situation.
10. The Complainant's Offer had a purchase price of \$872,000.00, with no conditions and a \$50,000.00 deposit. The Complainant's Offer was unsuccessful.
11. The offer leading to the sale of the Property had a purchase price of \$777,200.00, with a \$25,000.00 deposit.
12. The purchase price of the accepted offer was \$94,800.00 less than the Complainant's Offer. In addition, the deposit was \$25,000.00 less than the Complainant's Offer.
13. The offer leading to the sale of the Property was signed and accepted on March 17, 2017, at 8:10 p.m.
14. The seller confirmed that the Complainant's Offer was not presented to her on March 17, 2017, before she accepted the offer leading to the sale of the Property. The seller further confirmed that if the Complainant's Offer had been presented to her, she would have accepted it.

SUMMARY OF AGREEMENTS

It is agreed that:

1. Graham did not present the Complainant's Offer to the seller on March 17, 2017, before she accepted the offer leading to the sale of the Property, contrary to sections 3, 4, 24(1) and 38 of the Code.

AGREED PENALTY

COURTNEY GRAHAM, the Respondent, be ordered to pay a penalty of \$12,000.00 on or before September 11, 2019.

By initials below, I, COURTNEY GRAHAM, 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, COURTNEY GRAHAM, 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, COURTNEY GRAHAM, 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 3, 4, 24(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. COURTNEY GRAHAM is Ordered a Fine of \$12,000.00 payable to RECO on or before September 11, 2019.

[Released: October 2, 2018]