



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 -

TAHA SHABBIR ABDUL HUSSEIN WALIJEE a.k.a. TAHA WALIJEE

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 39 of the *REBBA 2002* Code of Ethics.

ORDER: Fine of \$5,000.00 payable to RECO on or before December 5, 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. At the relevant times, Walijee was employed by Brokerage A.
2. Seller A and Seller B (the "Sellers") are the Sellers of a property located at 1-A Street, City A ("the Property").

3. Registrant A is registered as a salesperson to trade in real estate under the Act. At all relevant times, Registrant A was employed by Brokerage B. Registrant A listed the Property for the Sellers.
4. On March 19, 2018, Walijee booked an appointment between 7:30 p.m. and 7:45 p.m. for a showing of the Property.
5. On March 19, 2018, at approximately 11:30 a.m., Walijee tried to enter the Property in advance of his scheduled showing without obtaining consent and/or approval from the Sellers or Registrant A, which is a violation of Section 39 of the Code of Ethics. The Sellers refused Walijee access to the Property.
6. On March 19, 2018, at approximately 11:55 a.m., Registrant A received a call from his office that Walijee tried to enter the Property.
7. Registrant A spoke with the Sellers who confirmed that Walijee's explanation for trying to enter the Property was because this was his general practice to view homes before the scheduled showings with his buyer clients.
8. On March 19, 2018, at approximately 12:07 p.m., Registrant A paged Walijee. Walijee called Registrant A at approximately 12:10 p.m. According to Registrant A, Walijee explained that "this is normally what he does" and that "he views the home for his clients before the showing".
9. On March 19, 2018, the Sellers cancelled the showing scheduled by Walijee for 7:30 p.m. as they did not trust him.
10. On March 20, 2018, Registrant A filed a complaint with the Real Estate Council of Ontario.
11. On April 26, 2018, Walijee provided a response to the complaint. The response stated the following:

"I realize that I should not have attended the property at the time I did, and as soon as the Seller said she would not grant me access without a confirmed showing, I accepted this, thanked her and immediately left the property." [SIC]

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

TAHA SHABBIR ABDUL HUSSEIN WALIJEE a.k.a. TAHA WALIJEE, the Respondent, be ordered to pay a penalty of \$5,000.00 on or before December 5, 2019.

By initials below, I, TAHA SHABBIR ABDUL HUSSEIN WALIJEE a.k.a. TAHA WALIJEE, 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, TAHA SHABBIR ABDUL HUSSEIN WALIJEE a.k.a. TAHA WALIJEE, 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, TAHA SHABBIR ABDUL HUSSEIN WALIJEE a.k.a. TAHA WALIJEE, acknowledge that I exercised my right to be represented by Counsel 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. TAHA SHABBIR ABDUL HUSSEIN WALIJEE a.k.a. TAHA WALIJEE is Ordered a Fine of \$5,000.00 payable to RECO on or before December 5, 2019.

[Released: January 18, 2019]