



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 -

WEI LI o/a JOYCE LI

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, 37(1), 38 and 39 of the *REBBA 2002* Code of Ethics.

ORDER: Fine of \$17,500.00 payable to RECO on or before November 8, 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

It is alleged as follows:

1. Li is currently employed with Brokerage. During the period in question, Li was employed by Brokerage A, brokerages registered under the Act.

2. During the relevant period, Li was acting on behalf of Brokerage A in assisting Buyer A to purchase a property in City A.
3. Representative A is employed as salesperson with Brokerage C, a brokerage registered under the Act. During the relevant period, Representative A represented Brokerage C in listing a property located at 1-A Street, City A ("Property"). The sellers of the Property were Seller A and Seller B ("Sellers").
4. On or about April 11, 2017, Li prepared an offer on behalf of Buyer A to purchase the Property. The offer was accepted the same day, becoming an Agreement of Purchase and Sale ("APS"). The transaction was scheduled to close on August 10, 2017.
5. Buyer A was not present at the time that the APS was signed, which was actually signed by Buyer A's daughter, Individual A.
6. At no point did Individual A possess a valid written Power of Attorney concerning Property ("POA") for Buyer A. Further, Li signed as witness to the buyers' signature on the APS, without reference to a POA.
7. The buyers failed to close the APS.
8. The Sellers commenced a civil claim, naming numerous Defendants, including but not limited to Brokerage A and Li, on December 4, 2017, for the deposit and recovery of damages arising from the aborted closing. Brokerage A and Li filed a defence and cross-claim on January 2, 2018.

Li breached the following sections of the Code:

1. Li failed to treat everyone in the transaction fairly, honestly or with integrity when she failed in her duty to ensure that Individual A had the proper POA and/or other documentation to sign on Buyer A's behalf. Li failed to protect Buyer A's best interests by failing to make sure the proper documentation was in place.
2. Li failed in her duty to not knowingly make an inaccurate representation in respect of a trade in real estate when she signed as a witness to the buyer on the APS without reference to a POA.

3. Li further failed to use her best efforts to prevent error, misrepresentation, fraud or any unethical practice in respect of a trade in real estate when she witnessed a signature on the APS of an individual who was not the person named as the buyer in the document without reference to a POA. This particular conduct was an act, or omission that, having regard to all of the circumstances, would reasonably be regarded as disgraceful, dishonourable, unprofessional or unbecoming a registrant.
4. In respect of the conduct outlined in paragraphs 1 to 3 above, the totality of Li's conduct is a violation of Sections 3, 4, 37, 38 and 39 of the Code.

Fairness, Honesty, Etc.

3. A registrant shall treat every person the registrant deals with in the course of a trade in real estate fairly, honestly and with integrity.

Best Interests

4. A registrant shall promote and protect the best interests of the registrant's clients.

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.

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

WEI LI (o/a JOYCE LI), the Respondent, be ordered to pay a penalty of \$17,500.00 on or before November 8, 2019.

By initials below, I, WEI LI (o/a JOYCE LI), 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, WEI LI (o/a JOYCE LI), 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]

Further, by initials below, I, WEI LI (o/a JOYCE LI), agree that I will attend at the discipline hearing of Representative B, as a witness, with or without a summons from RECO. I understand that the allegations concerning Representative B arise out of the herein matter.

[Respondent's Initials]

By initials below, I, WEI LI (o/a JOYCE LI), 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, 37(1), 38 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. WEI LI (o/a JOYCE LI) is Ordered a Fine of \$17,500.00 payable to RECO on or before November 8, 2019.

[Released: November 27, 2018]