



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 -

MUXIA HAO (also known as KATHY HAO)

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 December 31, 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

It is agreed as follows:

1. Muxia (“Hao”) (also known as Kathy Hao), is registered as a broker under the Real Estate and Business Brokers Act, 2002. At all relevant times, Hao was employed at Brokerage A, a brokerage under the Act.

2. Representative A is a salesperson who is employed by Brokerage B. Representative A was the Salesperson representing the Seller(s) in the sale of their property located at 1-A Street, City A ("Property").
3. On or about March 13, 2019, Hao contacted Brokerage B and scheduled a viewing appointment for the Property. She requested a time between 4:00 p.m. to 5:00 p.m. on the same day.
4. Booking instructions called for notice to the Sellers as they had a dog residing at the Property.
5. Representative A contacted the Seller to advise of the appointment as they would need to cage their dog. The appointment time was confirmed by the Seller and relayed to Hao through her Brokerage.
6. The Seller decided to walk the dog in the neighbourhood during the scheduled appointment time.
7. At the time of the scheduled appointment, the Seller witnessed a man access the key in the lockbox and enter the Property, while unaccompanied.
8. The Seller approached the unaccompanied man who had accessed the Property and inquired who he was. The man advised that he was the husband of Hao. The man further stated that Hao had texted him the lockbox number as she was running late for the appointment.
9. Shortly after the appointment, and when confronted by Representative A, Hao indicated that she had seen the property previously and was contemplating an offer to purchase with her husband.

SUMMARY OF AGREEMENTS

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

1. Hao facilitated unauthorized access by allowing her husband to access the Property unaccompanied and without her direct supervision, contrary to Sections 3 and 39 of the Code of Ethics.

It is agreed that Hao 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 with in 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

MUXIA HAO (also known as KATHY HAO), the Respondent, be ordered to pay a penalty of \$4,000.00 on or before December 31, 2020.

By initials below, I, MUXIA HAO (also known as KATHY HAO), 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, MUXIA HAO (also known as KATHY HAO), 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, MUXIA HAO (also known as KATHY HAO), 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. MUXIA HAO (also known as KATHY HAO, is Ordered a Fine of \$4,000.00 payable to RECO on or before December 31, 2020.

[Released: April 15, 2020]