



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 -

MUBARAK AHMAD

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, 38 and 39 of the *REBBA 2002* Code of Ethics.

ORDER: Fine of \$4,000.00 payable to RECO on or before May 29, 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. Mubarak Ahmad (“Ahmad”) is registered as a Salesperson under the *Real Estate and Business Brokers Act, 2002* (the “Act”). Ahmad was employed by Brokerage A.
2. At all relevant times, Representative A, the (“Complainant”), was listed as the Seller’s Agent for their property located at 1-A Street, City A (“Property”). Representative A is employed by Brokerage B.
3. On or about February 23, 2019, Representative A had received a phone call from her Seller-Client. The Seller was upset that she was home sleeping with her son when Ahmad and approximately 10 men entered her home around the noon hour.
4. Ahmad did not have a booking scheduled to view the Property and used his authorization from the Real Estate Board to enter the lock-box.

SUMMARY OF AGREEMENTS

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

1. Ahmad facilitated unauthorized access to the Property, contrary to Sections 3, 38 and 39 of the Code of Ethics.

It is agreed that Ahmad 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.

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

MUBARAK AHMAD, the Respondent, be ordered to pay a penalty of \$4,000.00 on or before May 29, 2020.

By initials below, I, MUBARAK AHMAD, 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, MUBARAK AHMAD, 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, MUBARAK AHMAD, 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, 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. MUBARAK AHMAD is Ordered a Fine of \$4,000.00 payable to RECO on or before May 29, 2020.

[Released: March 25, 2020]