



**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 -

HAMID AGHABAİK LAVASANI

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

ORDER: Fine of \$4,000.00 payable to RECO on or before July 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. Lavasani is, and was, at all relevant times, registered as a salesperson under the *Real Estate and Business Brokers Act, 2002* (“Act”), and employed by Brokerage A.
2. On or about March 29, 2017, Lavasani listed for sale (“Listing”) a residential property located at 1-A Street, City A (“Property”) on behalf of his seller clients.
3. The Listing described the Property on the Multiple Listing Service® (MLS®) as a “Fantastic 3 Bedroom Freehold Townhome Featuring A Finished 1 Bedroom Basement Apartment” and it would be a “Great Opportunity for Rental Income or In-Law Suite.” The Listing further included a disclaimer in the Brokerage Remarks section that “Sellers & Listing Agent Does Not Warrant Retro Fit Status of Basement.”
4. However, in City A, accessory apartments *i.e.* in-law suites, basement apartments and the like, were, at the relevant time, not permitted in townhouses. Therefore, the basement could not be legally rented or used as an in-law suite.
5. Lavasani acknowledged that he made an error in his description of the basement in the Listing and that better descriptors could have been used.

SUMMARY OF AGREEMENTS

It is agreed that Lavasani acted unprofessionally as follows:

6. Lavasani advertised inaccurate information about the basement in the Listing, contrary to sections 3, 4 and 38, with respect to error only, of the Code of Ethics under the Act (“Code of Ethics”).

AGREED PENALTY

HAMID AGHABAİK LAVASANI, the Respondent, be ordered to pay a penalty of \$4,000.00 on or before July 31, 2020.

By initials below, I, HAMID AGHABAİK LAVASANI, 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, HAMID AGHABAİK LAVASANI, 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, 4 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. HAMID AGHABAİK LAVASANI is Ordered a Fine of \$4,000.00 payable to RECO on or before July 31, 2020.

[Released: March 30, 2020]