



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 -

RAJESHWARI SAHARAN (a.k.a. RAJ SAHARAN)

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 April 15, 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

1. Rajeshwari Saharan also known as Raj Saharan ("Saharan") is registered as a salesperson under the Real Estate and Business Brokers Act, 2002. Saharan is employed at Brokerage A.

2. At all relevant times, Seller A and Seller B, the (“Complainants”) in this matter were the owners of the property (“the Property”) located at 1-A Street, City A.
3. Saharan had requested a viewing of the Property to be scheduled on October 18, 2018, between the hours of 12:00 p.m. – 1:00 p.m.
4. On October 18, 2018, during the scheduled viewing time, the Sellers witnessed on their Property’s surveillance camera that Saharan was not present with her clients at the scheduled viewing. Saharan’s clients used the lock-box that was at the Property to obtain the key to let themselves in.

SUMMARY OF AGREEMENTS

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

5. Saharan facilitated unauthorized access by allowing her Client(s) access to the Property that she was not present at to supervise, contrary to Sections 3 and 39 of the Code of Ethics.

It is agreed that Saharan 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.

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

RAJESHWARI SAHARAN (a.k.a. RAJ SAHARAN), the Respondent, be ordered to pay a penalty of \$4,000.00 on or before April 15, 2020.

By initials below, I, RAJESHWARI SAHARAN (a.k.a. RAJ SAHARAN), 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, RAJESHWARI SAHARAN (a.k.a. RAJ SAHARAN), 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, RAJESHWARI SAHARAN (a.k.a. RAJ SAHARAN), 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. RAJESHWARI SAHARAN (a.k.a. RAJ SAHARAN) is Ordered a Fine of \$4,000.00 payable to RECO on or before April 15, 2020.

[Released: March 31, 2020]