



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 -

QINGSU ZHANG registered as SUE ZHANG

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 September 16, 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. Qingsu Zhang registered as Sue Zhang (“Zhang”) is registered as a salesperson under the Real Estate and Business Brokers Act, 2002. Zhang is employed at Brokerage A and represented the buyer clients.
2. Seller A (the “Complainant”) was the Seller of the Property located at 1-A Street, City A (the “Property”).
3. Zhang scheduled a showing on September 13, 2019, between 4:00 p.m. and 5:00 p.m.
4. On or about September 13, 2019, at 4:03 p.m., Zhang’s clients accessed the lockbox and entered the Property without Zhang’s presence.
5. After viewing the Property, at 4:14 p.m., the clients walked out of the Property and left the key in the lockbox. A surveillance camera installed at the Property captured the entry and exit of Zhang’s clients to the Property.
6. Zhang confirmed in her written response to the complaint that she gave the lockbox code to her clients and that she was not personally present for the showing.

SUMMARY OF AGREEMENTS

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

7. Zhang facilitated unauthorized access by providing a lockbox code and allowing her clients to enter the Property unaccompanied and/or without her supervision, contrary to sections 3, and 39 of the Code of Ethics.

It is agreed that Zhang 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

QINGSU ZHANG registered as SUE ZHANG, the Respondent, be ordered to pay a penalty of \$4,000.00 on or before September 16, 2020.

By initials below, I, QINGSU ZHANG registered as SUE ZHANG, 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, QINGSU ZHANG registered as SUE ZHANG, 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, QINGSU ZHANG registered as SUE ZHANG, 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. QINGSU ZHANG registered as SUE ZHANG is Ordered a Fine of \$4,000.00 payable to RECO on or before September 16, 2020.

[Released: April 24, 2020]