



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 -**

**MELISSA JOAN PERRY**

---

**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 \$4,500.00 payable to RECO not later than 180 days from the date of the Decision of the Discipline Committee.

Successful completion of the Breakview Training “Sensitivity Training” course and provide RECO with confirmation of successful completion not later than 365 days from the date of the Decision of the Discipline Committee.

**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. Melissa Joan Perry ("Perry") is and was, at the relevant time, registered as a salesperson under the *Real Estate and Business Brokers Act, 2002* and employed by Brokerage A.
2. Representative A is and was, at all relevant times, registered as a salesperson under the Act and employed by Brokerage B.
3. Seller A ("Seller") was the owner of a residential property at 1-A Street, City A ("Property") and was represented by Representative A and Brokerage B.
4. In or around May 2019, Representative A listed the Property for sale on the MLS® for \$938,000.00. The listing information included a notation "Occup: Vacant" indicating that no one was living at the Property.
5. Perry viewed the Property on May 9, 2019 and May 26, 2019 and was aware of the lockbox code. These viewings were done with permission of the Seller.
6. On June 10, 2019 at around 7:00 p.m., without a confirmed showing appointment, Perry entered the Property with her client, using a key retrieved from a lockbox. Perry did not have permission of the Seller to view the Property.
7. The Seller viewed Perry's entry into the Property through a surveillance camera system and was concerned as no appointments had been booked for that day.
8. The Seller attended the Property and found that Perry and her client were still inside the Property.

### **SUMMARY OF AGREEMENTS**

**It is agreed that Melissa Joan Perry failed to comply with the Code of Ethics as follows:**

9. Entered the Property using the key retrieved from the lockbox without a confirmed showing appointment, contrary to sections 3 and 39 of the Code of Ethics.

**It is agreed that Melissa Joan Perry 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**

MELISSA JOAN PERRY, the Respondent, be ordered to pay a penalty of \$4,500.00 not later than 180 days after the date of the Decision of the Discipline Committee on this matter.

In addition to the above penalty, Respondent must enrol in the Sensitivity Training course provided by Breakview Training and provide proof of successful completion of the course not later than 365 days after the date of the Decision of the Discipline Committee on this matter.

By initials below, I, MELISSA JOAN PERRY, 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, MELISSA JOAN PERRY, 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, MELISSA JOAN PERRY, 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 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. MELISSA JOAN PERRY is Ordered a Fine of \$4,500.00 payable to RECO not later than 180 days from the date of the Decision of the Discipline Committee.
2. MELISSA JOAN PERRY is Ordered to successfully complete the Breakview Training “Sensitivity Training” course and provide RECO with confirmation of successful completion not later than 365 days from the date of the Decision of the Discipline Committee.

*[Released: May 6, 2020]*