



**Citation: Bai v. Registrar, *Real Estate and Business Brokers Act, 2002*, 2021 ONLAT REBBA 13216**

**Date: 2021-10-21  
File Number: 13216/REBBA**

Appeal from the Notice of Proposal by the Registrar, *Real Estate and Business Brokers Act, 2002* to Revoke Registration

Between:

**Lili Bai**

**Appellant**

-and-

**Registrar, *Real Estate and Business Brokers Act, 2002***

**Respondent**

**CONSENT ORDER**

**ADJUDICATOR:**

**Lori Marzinotto, Vice Chair**

**APPEARANCES:**

For the Appellant:

Gary Caplan, Counsel

Harry Perlis, Counsel

For the Respondent:

Shane Smith, Counsel

Michael Collis, Counsel

## BACKGROUND

- [1] The appellant appealed the respondent's Notice of Proposal to Revoke Registration ("NOP"), dated March 4, 2021.
- [2] A case conference was held on April 22, 2021 and a six-day hearing was scheduled to commence in October 2021.
- [3] Prior to the commencement of the hearing of the appeal, the parties advised the Tribunal that they settled all of the outstanding issues in this matter, have prepared minutes of settlement and have requested that the terms of settlement be incorporated into a consent order disposing of this proceeding.
- [4] Executed minutes of settlement (attached as Schedule "A" to this Order) were provided to the Tribunal.

## ORDER AND DIRECTION

Accordingly, on the consent of the parties, and in accordance with terms and provisions of the minutes of settlement:

- [5] I direct that, pursuant to subsection 14(5) of the *Real Estate and Business Brokers Act, 2002*, the Registrar not carry out the Notice of Proposal to revoke the Appellant's registration but that it suspend the registration of the Appellant for a term of twenty-eight (28) weeks from the date of the issuance of this Order.
- [6] I order that the following conditions attach to the registration of the Appellant for a period of five years from the date of this Order:
  - a. the Appellant will not be able or eligible to apply to be designated as a broker of record for a brokerage; and
  - b. the Appellant will not:
    - i. accept any gifts with a value of over \$200 from; or
    - ii. enter into any money lending/borrowing relationship or arrangement with any customer or client (current or former) or in relation to a real estate transaction without first advising and receiving approval from her Broker of Record to do so.
- [7] I order the Appellant to provide the Registrar with written confirmation from her Broker of Record acknowledging the above conditions, and that the Appellant provide the Registrar with further written confirmations as needed in the event the identity of the Appellant's Broker of Record changes during

the period when the conditions are in place.

- [8] I order that the Appellant pay, as restitution, the sum of \$17,000 to the Client, with such payment to be made via bank transfer into the Client's account. This payment is to be made within ten (10) days of the issuance of this Order.
- [9] I further order that the Appellant successfully complete the Real Estate Council of Ontario's *Compliance and Ethics in Real Estate* (Parts 1 and 2) prior to the end of the suspension period, failing which the suspension will be extended until this requirement is met.
- [10] The proceedings in this matter are concluded and disposed of without a hearing on the basis of the terms set out above.

**LICENCE APPEAL TRIBUNAL**



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**Lori Marzinotto, Vice Chair**

**Released: October 21, 2021**

**In a Matter Before the Licence Appeal Tribunal**

BETWEEN

**Lili Bai**

Appellant

- and -

**Registrar, Real Estate and Business Brokers Act, 2002**

Respondent

**MINUTES OF SETTLEMENT**

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**WHEREAS** the Respondent issued a Notice of Proposal dated March 4, 2021, to revoke the registration of the Appellant as a broker;

**AND WHEREAS** the Appellant filed a Notice of Appeal to request a hearing before the Licence Appeal Tribunal ("**Tribunal**") to contest the Notice of Proposal;

**AND WHEREAS** the parties engaged in discussions aimed at attempting to resolve the matter without a hearing;

**NOW THEREFORE** the parties agree this matter be resolved in accordance with the agreed upon terms set out below, and by way of an Order issued by the Tribunal incorporating such terms:

1. The Appellant acknowledges that she engaged in the following actions which amounted to professional misconduct:

- a. Arranging for a Client to provide her with gifts of cash;
  - b. Arranging for the Client to purchase mobile phones for her own use; and
  - c. Making misrepresentations about what occurred in her dealings with the Client in response to inquiries from the Real Estate Council of Ontario.
2. The Appellant's registration with the Real Estate Council of Ontario will be suspended by Order of the Tribunal for a period of twenty-eight (28) weeks, with such suspension to begin on the date the Tribunal issues its Order.
3. The Appellant is required to successfully complete the Real Estate Council of Ontario's *Compliance and Ethics in Real Estate (Parts 1 and 2)* prior to the end of the suspension period, failing which the suspension will be extended until this requirement is met.
4. The Appellant will pay, as restitution, the sum of \$17,000 to the Client with such payment to be made via bank transfer into the Client's account (with the relevant account information to be provided to the Appellant by the Respondent). This payment will be made within ten (10) days from the date the Tribunal issues its Order.
5. The Appellant's registration under the Act will be subject to the following conditions for a period of five (5) years from the date the Tribunal issues its Order:
  - a. the Appellant will not be able or eligible to apply to be designated as a broker of record for a brokerage; and
  - b. the Appellant will not
    - i. accept any gifts with a value of over \$200; or
    - ii. enter into any money lending/borrowing relationship or arrangement from/with any customer or client (current or former) or in relation to a real estate transaction without first advising and receiving approval from her Broker of Record to do so.
6. Unless and until such time as she holds the role of Broker of Record, the Appellant will ensure that she does not identify herself as a Broker of Record in her communications or advertisements and will take the necessary steps to ensure she is not identified in such a

manner on Re/Max websites.

7. Subject to the agreement of the Tribunal, the Order of the Tribunal will be in the form attached hereto as Appendix A.
8. These Minutes of Settlement may be executed in counterparts and a faxed or scanned copy shall be considered valid and binding.

**EXECUTED BY:**

  
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**Lili Bai**  
Reg. No. 4757137

Date: Oct. 13, 2021

  
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**Joseph Richer**  
Registrar  
*Real Estate and Business Brokers Act, 2002*

Date: Oct. 13/2021