

**IN THE MATTER OF**  
The Registrar, *Trust in Real Estate Services Act, 2002*, S.O. 2002, c.30,  
Schedule C and Regulations thereto, as amended (“Act”)

- and -

The Registration of Koon Wah Yip as a Salesperson under the Act

**NOTICE OF PROPOSAL TO REFUSE REGISTRATION**

**WHEREAS** Koon Wah Yip (“Yip”) has applied to be registered as a Salesperson under the Act;

**AND WHEREAS** Section 13 of the Act provides that the Registrar may refuse a registration if in the Registrar’s opinion the Applicant is not entitled to registration under Section 10 of the Act;

**AND WHEREAS** in the Registrar’s opinion Yip is not entitled to registration under Sections 10 and 17 of the Act and the Registrar proposes to refuse the application of Yip for the reasons set herein;

**AND WHEREAS** Section 14 of the Act provides that where the Registrar proposes to refuse the registration, the Registrar shall serve notice of the proposal on the Applicant;

**A. REASONS**

1. Yip is not entitled to registration because Yip does not meet the eligibility requirements to reapply for registration as set out in Section 17 of the Act;
2. Yip is not entitled to registration pursuant to Section 10(1)(a)(ii) of the Act because in the Registrar’s opinion Yip’s past conduct affords reasonable grounds for belief that Yip will not carry on business in accordance with law and with integrity and honesty.

3. Yip is not entitled to registration pursuant to Section 10(1)(g) of the Act because in the Registrar's opinion, granting the registration would be contrary to the public interest.

## **B. PARTICULARS**

IT IS ALLEGED AS FOLLOWS:

### **Background**

4. Yip was first registered as a salesperson in May 2012.
5. In March 2017, Yip was found to have breached sections 3, 4, 5, and 37(1) of the Code of Ethics under the *Real Estate and Business Brokers Act, 2002* (REBBA) by failing to notify agents of a pre-emptive offer, lacking written instructions for early offer review, and not updating the MLS listing.
6. The Discipline Committee fined Yip \$3,000 and ordered Yip to complete six (6) OREA Real Estate College (OREC) courses within 24 months.
7. Yip paid the fine eight (8) months late and did not complete all the required courses.
8. In August 2019, Yip received a written warning from RECO for failing to verify whether the seller had obtained permits or legally registered a property as a duplex. The property was, in fact, designated as a single-family dwelling. RECO required Yip to complete a Compliance Workshop.
9. Yip failed to attend the Compliance Workshop.
10. On December 5, 2019, Yip was found guilty under the *Provincial Offences Act* for falsifying a document in relation to a trade, specifically for creating a false lease to circumvent the mortgage approval process in violation of Section 34 of REBBA.
11. The court ordered Yip to pay a fine of \$10,000 within one (1) year and was given two (2) years' probation. The fine was paid late on April 26, 2021.
12. The court noted that Yip's actions contributed to instability in the mortgage market, showed a lack of transparency regarding Yip's financial situation, and demonstrated that prior disciplinary actions had failed to deter further misconduct.

13. On November 4, 2020, RECO issued a Notice of Proposal to revoke Yip's registration. Yip did not appeal the Notice of Proposal and a Final Notice was issued on December 15, 2020, and Yip's registration was revoked.
14. Yip submitted an application for registration, which was received by RECO on May 15, 2024. Prior to submitting the application, Yip wrote to RECO inquiring about proceeding with the registration application and received information that the requirements under Section 17 of the Act must be satisfied, which include providing additional information as evidence, or evidence of a change in material circumstances.

#### **Section 17 – Not Entitled to Reapply**

15. Yip did not disclose to RECO when applying for the Education Equivalency Assessment (“**EEA**”) that they had been ordered by the Discipline Committee to complete six (6) pre-registration courses.
16. Yip did not complete the six (6) pre-registration courses as ordered by the Discipline Committee on May 17, 2017.
17. Yip has not provided any evidence to support a claim that there has been a change in material circumstances.

#### **Section 10(1)(a)(ii) – Past Conduct and Lack of Honesty and Integrity**

18. The history of conduct includes a warning issued by RECO in 2019, requiring attendance at a Compliance Workshop, which Yip did not attend.
19. The history of conduct includes a penalty issued by the Discipline Committee against Yip, ordering the completion of specified courses and the payment of fines. These courses have not been completed.
20. When applying for the EEA, Yip failed to bring to RECO's attention the outstanding courses as ordered by the Discipline Committee.

#### **Section 10(1)(g) - Public Interest**

21. It is not in the public interest to register Yip due to a history of repeated misconduct, including failing to comply with disciplinary orders, serious *Provincial Offences Act* violations (such as

falsifying documents to circumvent mortgage processes), and a lack of rehabilitation. Despite previous disciplinary actions, including fines and required coursework, Yip failed to meet obligations, demonstrating a disregard for industry standards.

22. The Provincial Offences Court findings, in Yip's proceedings, indicated that Yip's actions contributed to instability in the mortgage market and highlighted a failure to correct their behaviour.
23. Given the severity of past violations and lack of evidence showing meaningful change, granting Yip's registration would be contrary to the public interest.

### **C. RIGHT TO A HEARING**

Take notice that Section 14 of the Act provides that an applicant is entitled to a hearing by the Licence Appeal Tribunal (the "Tribunal") in respect of a proposal by the Registrar to refuse registration if WITHIN 15 DAYS after service of this notice (deemed to be on the third day after mailing by registered mail) that the Registrar proposes to refuse the registration, the Applicant mails or delivers notice in writing that a hearing is required to the following parties:

The Registrar  
Licence Appeal Tribunal  
15 Grosvenor Street, Ground Floor  
Toronto, Ontario M7A 2G6

**AND TO:** The Registrar  
Real Estate Council of Ontario  
1400-3300 Bloor St. W, West Tower  
Toronto, ON M8X 2X2

Section 14(4) of the Act provides that where the Applicant does not require a hearing by the Tribunal, the Registrar may carry out the proposal. Any person who, while not registered, trades in real estate is, subject to exceptions enumerated in the Act, in contravention of the Act and is liable to prosecution.

Section 14(5) of the Act provides that where an applicant requires a hearing by the Tribunal, the Tribunal shall appoint a time for and hold the hearing and may by order direct the Registrar to carry out the Registrar's proposal, or may substitute its opinion for that of the Registrar and the Tribunal may attach conditions to its order or to a registration.

If an applicant requires a hearing regarding this proposal and further wishes to be represented by a lawyer or agent at the hearing, it is strongly advised that the applicant make these arrangements

as soon as possible. The Registrar reserves the right to oppose any request by the applicant for an adjournment of the hearing in order for the applicant to make such arrangements.

#### **D. NOTICE OF MOTION FOR COSTS**

If a hearing is requested as described in Section C and, at any time during the course of proceedings arising from this request, the Registrar believes the applicant has acted unreasonably, frivolously, vexatiously or in bad faith, the Registrar will make a request for an award of costs from the Tribunal, such costs to be paid by the applicant.

#### **E. APPLICATION OF THE STATUTORY POWERS PROCEDURE ACT**

The *Statutory Powers Procedure Act, R.S.O. 1990*, Chapter S.22 as amended (“SPPA”) applies to the Tribunal. Section 8 of the SPPA provides as follows:

8. Where the good character, propriety of conduct or competence of a party is an issue in a proceeding, the party is entitled to be furnished prior to the hearing with reasonable information of any allegations with respect thereto.

If a hearing is held as required by the Applicant, the Registrar states that the good character, propriety of conduct or competence of the applicant shall be an issue in the hearing and the Registrar has provided herein reasonable information of allegations with respect thereto.

#### **F. FURTHER PARTICULARS/SUPPLEMENTAL NOTICE**

The applicant may be sent further or other particulars in respect of any matter herein or in respect of any other matter including further grounds for refusal of registration.

November 29, 2024

Date

Joseph Richer, Registrar  
*Trust in Real Estate Services Act, 2002*