



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 -

FAISAL FIAZ

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, 37(1) and 38 of the *REBBA 2002* Code of Ethics.

ORDER: Fine of \$5,000.00 payable to RECO on or before October 12, 2015.

Successful completion of the RECO Advertising Workshop and provide confirmation of successful completion on or before October 12, 2015.

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. Faisal Fiaz (“Fiaz”) is a Salesperson registered under the Act. At all material times, Fiaz was employed by Brokerage A, a brokerage registered under the Act.

2. The Complainant is a Salesperson registered with another brokerage.
3. In and around July 2013, Fiaz listed the following properties for sale on his website:
 - a. Property A;
 - b. Property B;
 - c. Property C;
 - d. Property D;
 - e. Property E;
 - f. Property F; and
 - g. Property G.
4. All the above properties were listed on Fiaz' website giving the appearance that the owners of those properties had contracted directly with Brokerage A to list them for sale, with Fiaz as the listing sales representative.
5. In fact, Brokerage A only held a listing agreement for Property A with Fiaz as the brokerage's representative.
6. The remaining listings were all held by other brokerages and while Fiaz had written permission to advertise some of those properties, he had only verbal permission on two of them. In no case was the listing brokerage identified on Fiaz' website.
7. On or about July 15, 2013, the Complainant filed a complaint regarding Fiaz' conduct in this matter. The Complainant alleged that his listings were among those advertised by Fiaz in a manner that incorrectly gave the impression that the listings were held by Brokerage A and Fiaz.

SUMMARY OF AGREEMENTS

It is agreed that Fiaz acted unprofessionally when he:

1. Posted several properties for sale on his website in a manner that gave the impression that he and/or his brokerage held the listing contracts for these properties, when in fact the listing contracts were held by other brokerages. The actual listing brokerages were in no way identified on the website advertisements of the properties. This conduct is in violation of sections 3, 37(1) and 38 of the Code of Ethics.
2. Posted several properties for sale on his website without first obtaining the written permission of the actual listing brokerage of its representative to do so. This conduct is in violation of section 3 of the Code of Ethics.

It is agreed that Fiaz breached 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.

Inaccurate representations

- 37(1) A registrant shall not knowingly make an inaccurate representation in respect of a trade in real estate.

Error, misrepresentation and fraud, etc.

38. A registrant shall use the registrant's best efforts to prevent error, misrepresentation, fraud or any unethical practice in respect of a trade in real estate.

AGREED PENALTY

FAISAL FIAZ, the Respondent, be ordered to pay a penalty of \$5,000.00 on or before October 12, 2015.

In addition to the above penalty, the Respondent must attend the RECO Advertising Workshop, to be held at a mutually convenient time, on or before October 12, 2015.

By initials below, I, **FAISAL FIAZ**, 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, **FAISAL FIAZ**, 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, **FAISAL FIAZ**, 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, 37.(1) and 38 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. Faisal Fiaz is Ordered a Fine of \$5,000.00 payable to RECO on or before October 12, 2015.
2. Faisal Fiaz is Ordered to successfully complete the RECO Advertising Workshop and provide confirmation of successful completion on or before October 12, 2015.

[Released: July 23, 2015]