



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 -

ELLAHE REZAI

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 5 of the *REBBA 2002* Code of Ethics.

ORDER: Fine of \$3,000.00 payable to RECO on or before October 6, 2017.

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. Ellahe Rezai ("Rezai") is a registered Broker under the Act, employed with Brokerage A and was so registered at all material times.

2. On April 25, 2016, Ellahe Rezai had an appointment to view a Property located at 1-ATrail in City A (the "Property".) The scheduled appointment time was 1:00 to 2:00 p.m.
3. At approximately 1:38 p.m., that afternoon, a silver pick-up truck was observed parking in the driveway of the Property. A male exited the vehicle and waited briefly on the door-step before entering the Property alone. Approximately five minutes later he was observed leaving the Property, also unaccompanied.
4. Registrant A, who is a Broker under the Act, represented the Seller on this listing on behalf of Brokerage B. Registrant A had affixed a lock-box to the front door of the Property to facilitate showings.
5. One of the owners of the Property and her adult son observed these events, while sitting in their vehicle, waiting for the showing to end. A photo was taken of the pick-up truck while it was still in the driveway, the photo shows it to be the only vehicle parked outside the Property.
6. Ellahe Rezai's conduct in this matter is in violation of sections 3 and 5 of the Code of Ethics, such that she provided her client with a lock-box code and then allowed him to visit the Property unaccompanied by herself, or another registrant. Ellahe Rezai failed to treat everyone in this transaction fairly, with honesty and with integrity, which is contrary to the Code of Ethics. Further, Ellahe Rezai's conduct failed to demonstrate conscientious service to her client, and further failed to demonstrate reasonable knowledge, skill, judgment and competence in providing those services.
7. Such further and other particulars as may be disclosed by or on behalf of Ellahe Rezai at or in anticipation of a hearing in this matter.

AGREED PENALTY

ELLAHE REZAI, the Respondent, be ordered to pay a penalty of \$3,000.00 on or before October 6, 2017.

By initials below, I, ELLAHE REZAI, 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, ELLAHE REZAI, 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, ELLAHE REZAI, 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 5 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. ELLAHE REZAI is Ordered a Fine of \$3,000.00 payable to RECO on or before October 6, 2017.

[Released: July 18, 2017]