



Real Estate Council of Ontario

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**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 -**

**HAOQING ZHANG (o/a HANK ZHANG)**

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**DISCIPLINE DECISION AND REASONS FOR DECISION**

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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:

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**FINDINGS:** In violation of Sections 2, 3, 4, 5, 38 and 39 of the *REBBA 2002* Code of Ethics.

**ORDER:** Fine of \$3,500.00 payable to RECO on or before January 7, 2019.

Successful completion of the Real Estate Institute of Canada "REIC 2600: Ethics and Business Practice" course and provide RECO with confirmation of successful completion on or before January 7, 2019.

**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. Haoqing Zhang (o/a Hank Zhang) (“Zhang”) is registered as a salesperson under the Act. At all relevant times, Zhang was registered with Brokerage A.
2. Registrant A is registered as a broker under the Act. At all relevant times, Registrant A was registered with Brokerage A.
3. On or about February 12, 2015, Individual A’s name was legally changed. Individual A has never met either Registrant A or Zhang.
4. Individual B is the sister of Individual A, and an acquaintance and/or former client of Registrant A and/or Zhang.

#### **RENTAL APPLICATION**

5. On or about February 5, 2015, a rental application (the “Rental Application”) was completed in the name of Individual A. The Rental Application, which had been signed by “Individual B as agent,” included some of Individual A’s personal information, including her residential address, date of birth and social insurance number.
6. The Rental Application also provided that Individual A:

“consents to the collection, use and disclosure of the Applicant’s personal information by the Landlord and/or agent of the Landlord, from time to time, for the purpose of determining the creditworthiness of the Application for the leasing, selling or financing of the premises or the real property, or making such offer use of the personal information as the Landlord and/or agent of the Landlord deems appropriate.”
7. The Rental Application, however, was false.
8. The Rental Application was provided to Zhang, who in turn provided it to Brokerage A’s operations manager who was responsible for conducting and obtaining consumer reports on behalf of Brokerage A.
9. On or about February 5, 2015, a consumer report was prepared by Business A with respect to Individual A and provided to Brokerage A, (“Consumer Report”). The Consumer Report was then given to Individual B.
10. On or about March 4, 2015, and after Zhang collected even more personal information on Individual A and her Spouse, Zhang proceeded to send an email in which he disclosed this information to Individual B.
11. At no time did Individual A consent to the collection, use or disclosure of her personal information. In fact, she was completely unaware of the Rental Application, the Consumer Report, or that the Consumer Report and the information Zhang had additionally gathered were provided to Individual B.

## **BUSINESS A**

12. On or about January 14, 2016, Individual A ordered a copy of her consumer report from Business A. Individual A requested a copy of her consumer report because she became suspicious when Individual B referenced a Business A report, and included a substantial amount of personal information about Individual A, in a responding motion record filed with the Courts.
13. When she received her Consumer Report from Business A, Individual A discovered that Brokerage A had received the Consumer Report in February of 2015.

## **SUMMARY OF AGREEMENTS**

It is agreed that:

14. By failing to make appropriate inquiries with respect to the authenticity of the Rental Application, Zhang breached sections 3, 38, and 39 of the Code.
15. By providing Individual B with both Individual A and her spouse's personal information on March 4, 2015, without their knowledge or consent, Zhang breached sections 2, 3, 38, and 39 of the Code.
16. By exposing Individual B to litigation with respect to the breach of Individual A and her Spouse's privacy, Zhang breached sections 3, 4, 5, 38, and 39 of the Code.

## **AGREED PENALTY**

HAOQING ZHANG o/a HANK ZHANG, the Respondent, be ordered to pay a penalty of \$3,500.00 on or before January 7, 2019.

In addition to the above penalty, Zhang must enroll in the Ethics and Business Practice Course provided by the Real Estate Institute of Canada (REIC), and provide proof of successful completion of the course on or before January 7, 2019.

By initials below, I, HAOQING ZHANG o/a HANK ZHANG, 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, HAOQING ZHANG o/a HANK ZHANG, 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, HAOQING ZHANG o/a HANK ZHANG, 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 2, 3, 4, 5, 38 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. HAOQING ZHANG o/a HANK ZHANG is Ordered a Fine of \$3,500.00 payable to RECO on or before January 7, 2019.
2. HAOQING ZHANG o/a HANK ZHANG is Ordered to successfully complete the Real Estate Institute of Canada "REIC 2600: Ethics and Business Practice"

course and provide RECO with confirmation of successful completion on or before January 7, 2019.

*[Released: September 5, 2017]*