



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 -

MEAGHAN ELIZABETH DALLEY

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 4, 5 and 21 of the *REBBA 2002* Code of Ethics.

ORDER: Fine of \$1,500.00 payable to RECO on or before March 15, 2018.

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. Meaghan Elizabeth Dalley, also known as Meaghan Dalley (“Dalley”), is and was at all relevant times registered under the Act as a Salesperson, employed within the meaning of the Act by the Brokerage, Brokerage A.
2. On or about December 5, 2015, Dalley on behalf of her client, Buyer A, submitted an offer (the “Offer”) on a property located at 1-A Street, City A (the “Property”).

3. One of the features on the MLS® Listing was that the Property included a Central Air Unit under the “HVAC Features”. The Central Air Unit was not included in the Offer nor was a property inspection completed.
4. Prior to the closing date of January 14, 2016, Dalley had scheduled approximately 3 showings for this Property.
5. The completion date for the Property was January 14, 2016.
6. On or about February 1, 2016, Dalley was contacted by her buyer client regarding the non-existence of the Central Air Unit. Although there was a Central Air Unit listed on the MLS® Listing, it was never verified by Dalley during the showings that she had scheduled on behalf of her client nor did Dalley include the existence of the Central Air Unit as a part of the agreement of purchase and sale.
7. By failing to confirm the details and/or material facts of the MLS® Listing during the showings at the Property, Dalley is in breach of sections 4, 5, and 21 of the Code of Ethics.

AGREED PENALTY

MEAGHAN ELIZABETH DALLEY, the Respondent, be ordered to pay a penalty of \$1,500.00 on or before March 15, 2018.

By initials below, I, MEAGHAN ELIZABETH DALLEY, 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, MEAGHAN ELIZABETH DALLEY, 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, MEAGHAN ELIZABETH DALLEY, 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 4, 5 and 21 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. MEAGHAN ELIZABETH DALLEY is Ordered a Fine of \$1,500.00 payable to RECO on or before March 15, 2018.

[Released: September 28, 2017]