



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 -**

**WAYNE EDWARD SHANTZ**

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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 4, 5, and 39 of the *REBBA 2002* Code of Ethics.

**ORDER:** Fine of \$2,500.00 payable to RECO on or before April 13, 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. Wayne Edward Shantz (“Shantz”) is registered to trade in real estate as a salesperson under the Act and is employed by Brokerage A; a brokerage under the Act.
2. Shantz represented the buyers of a property located at 1-A Street, City A (the “Property”).

3. On or about March 30, 2017, Shantz' buyer clients contacted him requesting a viewing of the Property. The Property was vacant.
4. On or about March 30, 2017, Shantz obtained unauthorized access to the Property using the Property's lock-box and proceeded to enter the Property with his buyer clients, contrary to sections 4, 5 and 39 of the Code of Ethics.
5. During the viewing of the Property, there were some issues identified which resulted in the Buyer's Lawyer sending a letter requesting compensation at closing from the Sellers. This is how the Sellers came to learn that Shantz attended the Property on or about March 30, 2017.

#### AGREED PENALTY

WAYNE EDWARD SHANTZ, the Respondent, be ordered to pay a penalty of \$2,500.00 on or before April 13, 2018.

By initials below, I, WAYNE EDWARD SHANTZ, 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, WAYNE EDWARD SHANTZ, 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, WAYNE EDWARD SHANTZ, 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 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. WAYNE EDWARD SHANTZ is Ordered a Fine of \$2,500.00 payable to RECO on or before April 13, 2018.

*[Released: October 19, 2017]*