



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 -

DI SUN

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

ORDER: Fine of \$3,500.00 payable to RECO on or before November 21, 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. Sun is registered as a salesperson to trade in real estate under the Act. At the relevant times, Sun was employed by Brokerage A.
2. Representative A is registered as a salesperson to trade in real estate under the Act. At the relevant times, Representative A was employed by the Brokerage B.

Representative A is also the listing salesperson of a condominium located at 1-A Street ("Property").

3. Representative B is registered as a salesperson to trade in real estate under the Act. At the relevant times, Representative B was also employed by Brokerage B. Representative B was also the listing salesperson on the Property with Representative A.
4. On or about April 23, 2016, Sun booked an appointment between 12:00 p.m. and 1:00 p.m. to show the Property to her buyer client.
5. On or about April 23, 2016, around 12:30 p.m., Representative B was parking his car in the visitor parking and noticed an individual trying to open the lockbox which was housed on the railing at the entrance of the ramp to the underground parking. When Representative B approached the lockbox, he noticed that it was unlocked and the key was missing.
6. Representative B confronted the individual and learned that she was not a salesperson. The individual was interested in seeing the Property. Further, she refused to identify her salesperson. Representative B proceeded to take a photo of the individual on his phone.
7. On April 23, 2016, Representative A on behalf of Representative B, filed a complaint with the Real Estate Council of Ontario.
8. On or about June 1, 2016, Sun provided a response to RECO stating:

“Before the appointment time I texted message the property address and the showing time to my customer. A few hours later I returned a call to the listing agent and was asked if I gave the lockbox code to my customer. A few days later I checked the message I texted my customer and found out that I made a mistake. I forgot to delete the lockbox code from the message, because I just copied and pasted the confirmation and texted it out.” [SIC]
9. Sun permitted unsupervised access to the Property without the consent of the Seller, Representative B and/or Representative A, thereby breaching Sections 3, 5 and 39 of the Code of Ethics.
10. Sun put the Seller's home potentially at risk by allowing a non-registrant unrestricted access to the home without supervision by a registrant, thereby breaching Sections 3, 5 and 39 of the Code of Ethics.
11. Sun put her buyer client at risk of liability, injury and/or loss by allowing an unsupervised visit to the Property, thereby breaching Sections 3, 5 and 39 of the Code of Ethics.

12. Such further and other particulars as may be disclosed at or in anticipation of a hearing in this matter.

AGREED PENALTY

DI SUN, the Respondent, be ordered to pay a penalty of \$3,500.00 on or before November 21, 2018.

By initials below, I, DI SUN, 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, DI SUN, 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, DI SUN, 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, 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. DI SUN is Ordered a Fine of \$3,500.00 payable to RECO on or before November 21, 2018.

[Released: November 24, 2017]