



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 -**

**NICHOLAS JAMES-BOCK (also known as NICO JAMES-BOCK)**

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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 3, 37, 38 and 39 of the *REBBA 2002* Code of Ethics.

**ORDER:** Fine of \$5,000.00 payable to RECO on or before May 8, 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. Nicholas James-Bock also known as Nico James-Bock ("James-Bock") is and was at all relevant times registered as a Broker under the Act. James-Bock was employed by Brokerage A; a brokerage under the Act. James-Bock is currently registered with Brokerage B.

2. On or about February 23, 2016, James-Bock was retained to list a residential property located at 1-A Street, City A (the "Property") for sale on behalf of his clients Seller A and Seller B (the "Seller-Clients").
3. On or about February 29, 2016, Representative A submitted an offer to purchase the Property on behalf of her client. Prior to submitting her clients' offer, Representative A contacted James-Bock to enquire about the number of offers currently registered on the Property. James-Bock informed Representative A that there was one other offer registered.
4. Representative A informed her client that there was one other offer registered on the Property and that they should offer above the asking price and remove the home inspection clause. Representative A's client accepted her advice and put forward their best offer. The said offer consisted of the following:
  - a. Purchase Price: \$870,000.00
  - b. Deposit: \$40,000.00
  - c. Closing Date: May 13, 2016
5. Pursuant to the MLS® Listing for the Property, the asking price was \$869,900.00.
6. On or about June 30, 2016, RECO received a complaint from Representative A's buyer client. The substance of the complaint was that RECO assist in determining the actual number of offers that had been registered on the Property.
7. On or about July 13, 2016, James-Bock informed RECO that only one offer was received on the Property. At no time during the offer presentation did any other offers exist.
8. James-Bock provided information to Representative A regarding the number of offers that were registered on the property; however, just prior to the offer presentation, failed to clearly specify in writing that only one offer had been physically received and, therefore, only one would be presented, thereby breaching sections 3, 37, 38 and 39 of the Code of Ethics.

#### AGREED PENALTY

NICHOLAS JAMES-BOCK also known as NICO JAMES-BOCK, the Respondent, be ordered to pay a penalty of \$5,000.00 on or before May 8, 2018.

By initials below, I, NICHOLAS JAMES-BOCK also known as NICO JAMES-BOCK, 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, NICHOLAS JAMES-BOCK also known as NICO JAMES-BOCK, 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, NICHOLAS JAMES-BOCK also known as NICO JAMES-BOCK, acknowledge that I exercised 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, 37, 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. NICHOLAS JAMES-BOCK also known as NICO JAMES-BOCK is Ordered a Fine of \$5,000.00 payable to RECO on or before May 8, 2018.

*[Released: November 24, 2017]*