



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 -

SAMIRA SHAHBAZIAN

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 Section 2 in reference to Section 25(1), and Sections 3, 38 and 39 of the *REBBA 2002* Code of Ethics.

ORDER: Fine of \$7,500.00 payable to RECO on or before December 31, 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. Shahbazian is registered to trade in real estate under the Act, and was employed at all material times by Brokerage A, a brokerage registered under the Act.
2. Shahbazian represented both the seller and buyer of a property located at 1-A Street, City A (the "Property"), on behalf of Brokerage A.

3. An offer presentation meeting was scheduled at the Property, for 10:00 a.m. on May 27, 2016.
4. On or about May 27, 2016, two registrants attended at the Property and presented offers on behalf of their clients. After presenting their respective offers, both registrants exited the Property while Shahbazian remained.
5. On May 27, 2016, after the two offers were presented by the attending registrants, Individual A an unrepresented gentleman, attended at the Property.
6. On or about May 27, 2016, Individual A entered into a Buyers Representation Agreement (“BRA”), with Shahbazian acting as Brokerage A’s representative.
7. On or about May 27, 2016, Shahbazian proceeded to show Individual A the Property. This showing led to an immediate offer to purchase the Property.
8. On or about May 27, 2016, Individual’s offer was accepted by the seller.
9. On or about May 27, 2016, Shahbazian failed to disclose a commission reduction agreement to all persons who had registered an offer on the Property, thereby breaching section 2 in reference to section 25(1), and sections 3, 38 and 39 of the Code of Ethics under the Act (the “Code of Ethics”).

AGREED PENALTY

SAMIRA SHAHBAZIAN, the Respondent, be ordered to pay a penalty of \$7,500.00 on or before December 31, 2019.

By initials below, I, SAMIRA SHAHBAZIAN, 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, SAMIRA SHAHBAZIAN, 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, SAMIRA SHAHBAZIAN, 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 Section 2 in reference to Section 25(1), and Sections 3, 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. SAMIRA SHAHBAZIAN is Ordered a Fine of \$7,500.00 payable to RECO on or before December 31, 2019.

[Released: May 28, 2018]