RECO

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File #2023060795 & 2023040801

IN THE MATTER OF A DISCIPLINE PROCEEDING 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 -

VICTOR NUNO DOMINGUES (registered as VICTOR DOMINGUES)

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, 38, 39 and 40 of the *REBBA 2002* Code of Ethics.
ORDER:	Fine of $8,500.00 payable to RECO, on or before: March 12, 2027 Successful completion of the *"REIC Ethics 2600"* course on or before March 12, 2027, and to provide proof of completion to RECO within 60 days of completion of the courses.
WRITTEN REASONS:	*attached*

Lucy Aita
Chair, Discipline Committee (*REBBA 2002*)

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
It is agreed as follows:

1. At all relevant times, Victor Nuno Domingues (registered as Victor Domingues) **"Domingues"** was registered as a *Trust in Real Estate Services Act, 2002* ("**Act**").

2. At all relevant times, Domingues was employed as the broker of record at the brokerage The City Real Estate Group (the "**Buyers' Brokerage**").

3. At all relevant times, Seller A and Seller B (collectively the "**Sellers**") were the sellers of the subject property located at Street A, Town A, Ontario (the "Property").

4. At all relevant times, Representative A ("**Sellers' Representative**") was a salesperson with Brokerage A (the "**Sellers' Brokerage**").

5. On or about May 3, 2023, the Sellers entered into a seller representation agreement with the Sellers' Brokerage, with Representative A as the sellers' primary representative.

6. On or about May 5, 2023, the Sellers' Representative listed the Property onto the local real estate board listing service for $759,900.

7. On or about May 6, 2023, Domingues submitted an offer on their own behalf for the Property for $725,000 (the "First Offer"). The First Offer was conditional on obtaining financing.

8. On or about May 6, 2023, the Sellers' Representative sent out a message via Brokerbay to all interested parties that an offer had been registered on the Property and that offers would be presented to the Sellers on May 8, 2023.

9. On or about May 8, 2023, Domingues submitted an improved offer for the Property for $760,000 (the "Improved Offer"). The Improved Offer was also conditional on obtaining financing.

10. On or about May 8, 2023, the Sellers accepted Domingues' Improved Offer. The parties agreed to a completion date of June 8, 2023, and agreed to allow Domingues to visit the Property three (3) further times before the closing date.
11. On or about May 11, 2023, the completion date was amended to June 1, 2023.
12. Domingues requested his first buyer visit for May 13, 2023, at 1:00 p.m., which the Sellers approved.
13. Domingues requested a second buyer visit for May 20, 2023, at 1:00 p.m., which was also approved by the Sellers.
14. On or about May 25, 2023, the Sellers discovered unauthorized changes at the property, including the addition of patio furniture, a barbeque setup and various landscaping and planting.
15. On or about May 29, 2023, Domingues requested access to the Property for the third visit. The Sellers' Representative responded to Domingues' request and advised that the Sellers declined to allow a third revisit.
16. Following receipt of the message from the Sellers' Representative, Domingues communicated in an aggressive and unprofessional manner towards the Sellers' Representative.
17. On or about May 30, 2023, Domingues continued communicating in an unprofessional manner, including contacting the Sellers directly, demanding access to the property and stating the transaction would not close if the visit was not granted.
18. The Sellers ultimately allowed Domingues to return to the Property for the third visit due to Domingues's threat to terminate the deal.
19. On or about June 1, 2023, the sale of the Property was completed.
20. The Sellers are elderly persons with health issues. Domingues's unprofessional conduct caused them significant stress.

SUMMARY OF AGREEMENTS

It is agreed that Domingues failed to comply with the Code of Ethics (O. Reg. 580/05) as follows:

1. Domingues made unauthorized changes to the Property and acted unprofessionally during the course of the trade by misusing buyer visits to conduct gardening and leave

personal belongings on the Property, demonstrating a lack of honesty and integrity in their dealings with the Sellers, contrary to Sections 3, 38 and 39 of O. Reg. 580/05 Code of Ethics.

2. Domingues, during the course of a trade in real estate, communicated with the Sellers and their representative in a manner that was unprofessional contrary to sections 39 and 40 of O. Reg. 580/05 Code of Ethics.

It is agreed that Domingues failed to comply with the following sections of the Code of Ethics (O. Reg. 580/05):

Fairness, honesty, etc.

3. A registrant shall treat every person the registrant deals with in the course of a trade in real estate fairly, honestly and with integrity.

Error, misrepresentation, fraud, etc.

38. A registrant shall use the registrant's best efforts to prevent error, misrepresentation, fraud or any unethical practice in respect of a trade in real estate.

Unprofessional conduct, etc.

39. A registrant shall not, in the course of trading in real estate, engage in any act or omission that, having regard to all of the circumstances, would reasonably be regarded as disgraceful, dishonourable, unprofessional or unbecoming a registrant.

Abuse and harassment

40. A registrant shall not abuse or harass any person in the course of trading in real estate.

AGREED PENALTY

The Respondent understands and agrees to the following penalty:

To pay a fine of **$8,500.00** on or before **March 12, 2027**.

To successfully complete the following courses or programs by the identified completion date:

Course Title (Provider)	**Completion date**
REIC Ethics 2600	on or before March 12, 2027

To provide proof of completion to RECO within 60 days of completion of the courses.

Respondent acknowledgements:

1. I acknowledge that I have read and understand the penalty outlined herein and agree to the said terms and/or conditions.
2. I acknowledge my right to seek legal counsel in this matter before signing this agreement.
3. I agree, understand, acknowledge and consent to waiving my right to a hearing before the Discipline Committee.

Waiver of hearing before the Discipline Committee:

4. The parties consent to disposing of the matter without a hearing before the Discipline Committee and agree to the terms set out herein.
5. The parties request an Order from the Chair of the Discipline Committee that includes this Agreement of Facts and Penalty as a final settlement of this matter.

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, 38, 39 and 40 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. DOMINGUES, Victor Nuno, registered as DOMINGUES, Victor, is ordered to pay a fine in the amount of $8,500.00, payable to RECO, on or before March 12, 2027.

2. DOMINGUES Victor Nuno, registered as DOMINGUES, Victor, is ordered to successfully complete the *"REIC Ethics 2600"* course on or before March 12, 2027, and to provide proof of completion to RECO within 60 days of completion of the courses.

Released: October 19, 2026