

## RECO's Complaints Process

### If you want to file a complaint

#### ABOUT THE COMPLAINTS PROCESS

*Throughout this overview, the term "real estate professional" will be used when referring to registered brokerages, brokers and salespersons.*

The Real Estate Council of Ontario (RECO) established the complaints process to ensure fair and flexible handling of complaints about the conduct of real estate professionals and those holding themselves out as such.

With few exceptions, anyone trading in real estate in Ontario must be registered with RECO. Real estate professionals in Ontario are accountable for their conduct and competence. Our complaints process provides a way to bring concerns to our attention about those trading in real estate.

#### **Q: What types of complaints can RECO address?**

RECO addresses inquiries, concerns and complaints about the conduct of real estate professionals, or those holding themselves out as such, involved in any real estate transaction. RECO enforces the *Real Estate and Business Brokers Act, 2002* (REBBA 2002), which promotes, among other things, transparency, honesty, integrity and fairness in real estate transactions. Real estate professionals must provide competent and conscientious service.

#### **Q: Are there limitations to what RECO can do under the law?**

Under REBBA 2002, RECO's authority is focused on regulating the conduct of those required to be registered as real estate professionals. We **do not** have the authority to:

- Address what a buyer or seller says or does.
- Award compensation or damages to complainants; that is, RECO cannot force the real estate professional to pay you money. We also cannot cancel a contract you have signed. Such concerns should be directed to the brokerage's manager. These are matters you may wish to discuss with a lawyer.

**RECO recommends that you NOT delay seeking independent legal advice**, to avoid overlooking or missing a limitation period.

#### **Q: How long will the complaints process take?**

There is no fixed time period for the complaints process; because every complaint is unique, some complaints require significant investigation and complaint volumes can vary. The steps taken to review and investigate your complaint will vary depending on the nature of the complaint and the information available to RECO. It is RECO's intention to deal with all complaints in a timely and thorough manner.





Real Estate Council of Ontario

## I WANT TO FILE A COMPLAINT

***Q: Do you have a complaint about a real estate professional or someone holding themselves out as such?***

With few exceptions, anyone trading in real estate in Ontario must be registered with RECO. Real estate professionals in Ontario are accountable for their conduct and competence. Our complaints process provides a way for you to bring your concerns to our attention about those trading in real estate.

***Q: Why is it important to file my complaint?***

RECO can take action only if concerns are brought to our attention. Real estate professionals in Ontario must follow the law, which includes a Code of Ethics.

As the regulator of real estate professionals, RECO relies on the information and feedback provided by consumers and other real estate professionals to identify and address violations of these rules.

Reporting your complaints and concerns helps RECO protect the public and improve education and practice guidelines for real estate professionals.

***Q: What can I expect after I file a complaint?***

RECO's complaints process provides a fair and flexible way to address concerns from both consumers and real estate professionals.

When you file a complaint, here's what RECO will do:

- Review your complaint and documentation and acknowledge receipt of your complaint;
- Determine whether RECO has the authority to deal with the matter and advise you if we do not;
- Notify the subject(s) of your complaint and their brokerage of the details of the complaint and provide accompanying material. They will be requested to respond to the allegations made in your complaint and provide their own supporting information and documents;
- Make further inquiries and investigate to collect the facts to determine if the real estate professional's conduct met the expected standard;
- We may request additional information from you, including contact information for any parties involved who may be of assistance in the course of our inquiries and investigation. It is important to provide the names and contact information for people who may have information about the complaint;
- If we find there has been inappropriate conduct, we will take action to protect the public and deter future misconduct;
- We will let you know RECO's decision on your complaint.





***Q: Will the complaint I file be shared with the general public?***

Depending on the outcome of the complaint, details may be posted to RECO's website. If there is a conviction, the decision will be posted on RECO's website. The names, addresses or other contact information of those providing information will not be shared with the general public.

***Q: How do I file a complaint?***

There are two ways to file your complaint:

- Online:
  - Go to [www.reco.on.ca](http://www.reco.on.ca)
  - Click on **Complaints and Enforcement** in the top menu bar
  - Click on **File a Complaint** and fill out the electronic form
  - Attach any supporting documentation
  - Click the **Submit** button when you have completed the form.
- Paper:
  - Contact RECO and request a complaint form be faxed or mailed to you
  - Complete and sign the form
  - Attach any supporting documentation and names and contact information of people who might have information about the complaint
  - Send the completed form and documentation to RECO via fax, mail or courier to:

Office of the Registrar  
Real Estate Council of Ontario  
3300 Bloor Street West  
West Tower, Suite 1200  
Toronto, ON M8X 2X2  
Fax: 416-207-4820

**RECO will not begin looking into your complaint without a completed Complaint Form.**

## **POSSIBLE OUTCOMES**

***Q: What are the possible outcomes?***

RECO evaluates each complaint individually and based on the specific circumstances will determine a course of action.

When processing a complaint, RECO considers whether the real estate professional involved has a history of misconduct, which may escalate the chosen course of action and potential outcome.





### Outcomes at-a-glance

No Action		Revocation	
If the complaint is not supported by evidence or falls outside of RECO's authority	In certain circumstances, RECO may attempt to resolve the matter or impose the following: <ul style="list-style-type: none"> <li>• Warning</li> <li>• Course</li> <li>• Requirement</li> </ul>	RECO may escalate matters to pursue the following: <ul style="list-style-type: none"> <li>• Discipline hearing</li> <li>• Provincial Court prosecution</li> </ul>	In situations where RECO believes the salesperson, broker or brokerage is no longer entitled to registration, RECO can seek <ul style="list-style-type: none"> <li>• Suspension, or</li> <li>• Revocation</li> </ul>



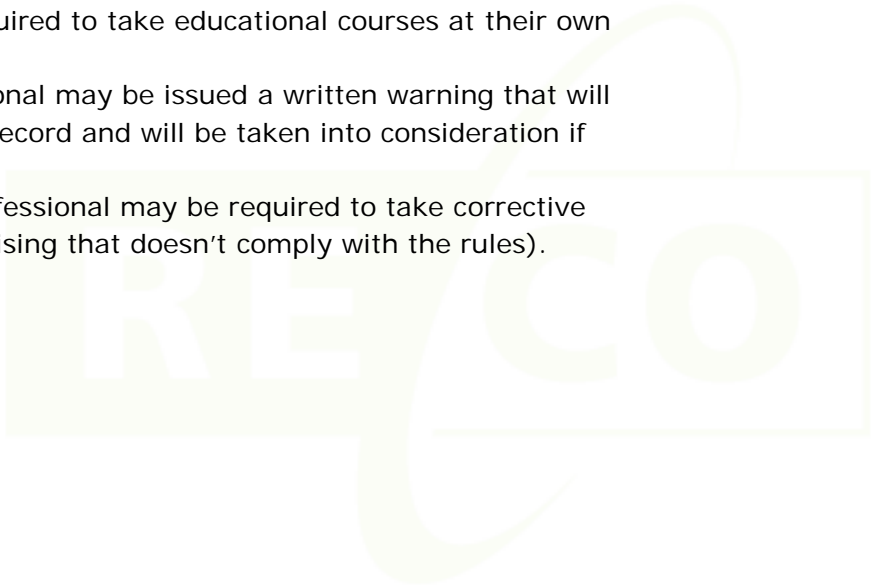
#### No action

No action will be taken if the allegations contained in the complaint are not supported by the evidence and information obtained by RECO. This can also happen if the complaint falls outside of RECO's legal jurisdiction; that is, we don't have the authority to deal with it.

#### Administrative action

The following actions may be taken without a formal hearing:

- **Resolution:** Where appropriate, RECO may attempt to resolve a complaint by facilitating dialogue between the complainant and the real estate professional to address issues that may have come from miscommunication or a misunderstanding. Through the RECO dispute resolution process, the complainant and the real estate professional may agree on an appropriate solution.
- **Courses:** Where the evidence suggests gaps in the knowledge of the real estate professional, he or she may be required to take educational courses at their own expense.
- **Warning:** The real estate professional may be issued a written warning that will permanently remain on his or her record and will be taken into consideration if future complaints are received.
- **Requirement:** The real estate professional may be required to take corrective action (for example, correct advertising that doesn't comply with the rules).





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### Discipline or court action

For cases requiring more than administrative action, the following may be considered:

- **Discipline Hearing:** The complaint may be referred to a Discipline Committee for a hearing. If it's determined that a real estate professional failed to comply with the Code of Ethics, they may be ordered to take educational courses, pay a fine of up to \$25,000 and/or pay costs.
- **Provincial Court Prosecution:** People who breach sections of REBBA 2002 (other than the Code of Ethics) may be prosecuted in the Ontario Court of Justice system. Individuals convicted in Court of offences are subject to fines of up to \$50,000 and/or prison terms of up to two years. Corporations are subject to fines of up to \$250,000.

### Suspension or revocation of registration

In situations where RECO believes the real estate professional is no longer entitled to registration, the following actions may be taken:

- **Proposal:** RECO can issue a proposal to suspend, revoke, refuse to renew, or apply mandatory conditions to the real estate professional's registration. This is the most severe action RECO takes and is reserved for the most serious circumstances. Real estate professionals who receive a notice of proposal have 15 days, from the date the proposal is served, to file a notice of appeal with the Licence Appeal Tribunal for a hearing. If no appeal is received, the proposal will be carried out.
- **Suspension:** If a proposal to revoke has been issued, RECO may also immediately suspend a registration if it is believed to be in the public interest. Suspended real estate professionals must immediately stop trading in real estate and return their registration certificate to RECO. Suspensions are also ordered for non-payment of an insurance premium.

If you have questions or concerns about the complaints process, please contact the Office of the Registrar.

Office of the Registrar  
Real Estate Council of Ontario  
3300 Bloor Street West  
West Tower, Suite 1200  
Toronto, ON M8X 2X2  
Tel: 416-207-4800  
Toll free: 1-888-296-8755  
Fax: 416-207-8851  
Email: [complaints@reco.on.ca](mailto:complaints@reco.on.ca)

