



# Real Estate Council Of Ontario

Regulatory Digest



Issue 16: April-May 2017



RECO's legal library

*RECO's mission is excellence in the delivery of regulatory services that protect the public interest and enhance consumer confidence in the real estate profession.*

*RECO's vision is public trust and confidence in Ontario's real estate profession.*

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The Real Estate Council of Ontario (RECO) administers and enforces the *Real Estate and Business Brokers Act, 2002* (REBBA 2002) and its regulations on behalf of the Ontario government.

REBBA 2002 requires registered real estate professionals to conduct themselves and their businesses in a manner that protects consumers in real estate transactions. Failure to do so could lead to regulatory action. Further, with few exceptions, anyone who trades in real estate must be registered under REBBA 2002. Trading in real estate without the benefit of registration or an exemption could lead to prosecution under REBBA 2002.

RECO's enforcement of REBBA 2002 helps to ensure public trust and confidence in Ontario's real estate profession.

The ***Regulatory Digest*** is an online resource that summarizes RECO's regulatory actions involving:

- the Registrar issuing a Notice of Proposal to revoke, suspend, refuse to renew, or apply conditions to a registration;
- offences related to REBBA 2002 and its regulations resulting in prosecution in the Provincial Offences Courts;
- breaches of the Code of Ethics that are referred to a hearing in front of the Discipline Committee or Appeals Committee; and
- dispute resolution with an outcome agreeable to all parties.

Decisions are not published until the appeal period has expired or the appeal has been heard or abandoned. For the latest decisions, visit RECO's website ([www.reco.on.ca](http://www.reco.on.ca)).

# Licence Appeal Tribunal

A registrant may appeal a Registrar's proposal to the Licence Appeal Tribunal (LAT). LAT handles appeals under several statutes that deal with both licences and registrations. A registrant seeking an appeal must provide written notice within 15 days of the proposal.

*There were no License Appeal Tribunal decisions in April or May 2017.*

# Provincial Offences Act

Offences under REBBA 2002, other than violations of the Code of Ethics, may be prosecuted in the Ontario Provincial Offences Court. Individuals convicted of offences are subject to fines of up to \$50,000 and/or prison terms of up to two years less a day. Corporations are subject to fines of up to \$250,000. These fines are collected by the government. Convicted parties are also subject to a victim surcharge. The surcharge is collected by the Court for the Victims' Justice Fund.

NAME	REG. STATUS	LOCATION	CHARGE	DATE	RESULT
Amit Dhankhar	Registered	Toronto, ON	Failing to notify the Registrar, in writing, within 5 days of a change to information previously reported in an application for renewal of registration.	Convicted and sentenced: April 10, 2017	Guilty. Fined \$2,000.
Dennis Bruner	Registered	Toronto, ON	(A) Furnishing false information in an application for renewal.  (B) Failing to notify the Registrar, in writing within 5 days, of a change in the information previously reported in an application for renewal of registration.	Convicted and sentenced: May 15, 2017	Guilty. Fined \$2,500 for (A) and given suspended sentence for (B)
Homelife Best Choice Realty Inc.	Registered	Toronto, ON	Failing to disburse money that came into the brokerage's hands in trust for other persons only in accordance with the terms of the trust.	Convicted and sentenced: May 15, 2017	Guilty. Received suspended sentence.

Wenming Cheng	Registered	Toronto ON	Failing to ensure that the brokerage complied with the Act, as broker of record.	Convicted and sentenced: May 15, 2017	Guilty. Fined \$5,000.
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## Discipline Committee & Appeals Committee

Matters that involve alleged breaches of the Code of Ethics may be referred to the Discipline Committee for a hearing. Individuals found in violation may be ordered to take educational courses, pay a fine of up to \$25,000, and may be required to pay fixed or imposed costs.

Keywords are provided for each summary to help readers locate similar Discipline and Appeals decisions using the search feature available on RECO's website under "Complaints & Enforcement."

NAME	LOCATION	DATE	RESULT	KEYWORDS
<a href="#">Edward Christopher Metler, also known as Chris Metler</a>	Toronto, ON	April 4, 2017	Fined \$2,500.	Conscientious and Competent, Misrepresentation (negligence) Unprofessional Conduct
<a href="#">David Thanh Hue Huong</a>	Toronto, ON	April 13, 2017	Fined \$2,500.	Conscientious and Competent Service, Unprofessional Conduct
<a href="#">Supreet Kaur Tiwana, also known as Poppy Tiwana</a>	Mississauga, ON	April 28, 2017	Fined \$5,500 and ordered to complete one course.	Dealing with Registrants/Third Parties
<a href="#">Tamer Hosny Darwish</a>	Toronto, ON	May 4, 2017	Fined \$1,000.	Misrepresentation (negligence)
<a href="#">Emadeddin Shihadeh (also known as Emad Shihadeh)</a>	Toronto, ON	May 4, 2017	Fined \$2,500.	Conscientious and Competent Service, Duty to Client, Unprofessional Conduct, Misrepresentation (negligence)
<a href="#">Mazin Jaber</a>	Toronto, ON	May 23, 2017	Fined \$3,250.	Conscientious and Competent Service, Duty to Client, Unprofessional Conduct, Misrepresentation (negligence)

<a href="#">Sally Maglaris</a>	Richmond Hill, ON	May 25, 2017	Fined \$3,000.	Duty to Client, Conscientious and Competent Service
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## Resolved Complaints

Under certain circumstances, the Registrar may attempt to resolve a complaint between the parties. RECO does not have the authority to impose a resolution to monetary or contractual disputes, or to assess or award damages. Any exchange of money mentioned in the following summaries was agreed upon voluntarily by the complainant and respondent.

**Complainant:** Consumer  
**Respondent:** Salesperson  
**Date of Release:** April 7, 2017

### Summary:

- The consumer booked a showing to see a property with the salesperson.
- When they arrived, they found out that the property had already been sold.
- The salesperson forgot to call the consumer about the status of the property.

### Agreement

- The salesperson apologized for her oversight.

**Complainant:** Buyer  
**Respondent:** Buyer's Representative  
**Date of Release:** April 21, 2017

### Summary:

- The buyer wanted to cancel the Buyer Representation Agreement. Their representative refused to do so.

### Agreement:

- The Broker of Record agreed to cancel the agreement.

**Complainant:** Seller's Representative  
**Respondent:** Buyer's Representative  
**Date of Release:** April 21, 2017

### Summary:

- The seller's representative complained that the buyer's representative gave the lock box code to the buyer, who entered the house without him when the buyer's representative couldn't attend a showing due to a car accident.

### Agreement:

- The buyer's representative sent an apology letter to the seller.