



Real Estate Council Of Ontario

Regulatory Digest



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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).

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.

NAME	LOCATION	DATE	REASON	TYPE	RESULT
Massoud Mark Ghalyaee	Richmond Hill, ON	June 28, 2017	-Compliance with Order of Discipline Committee -Past Conduct	Suspension	Temporary suspension; now registered
Mohammed Hazmee Hameed	Toronto, ON	June 27, 2017	-Financial Responsibility -Past Conduct	Revoke	Revocation
Homelife/Realty Options Inc.	Pickering, ON	June 27, 2017	-Financial responsibility -Past conduct	Revoke	Revocation

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
Gerhard E Beuth	Registered	Toronto, ON	Being a party to the offence of trading in real estate without registration.	Convicted and sentenced: June 12, 2017	Guilty. Received a suspended sentence and was placed on probation for six months.
Anmol Singh Walia O/A Anmol Walia	Registered	Toronto, ON	Trading in real estate while unregistered under the Act.	Convicted and sentenced: June 27, 2017, 2017	Guilty. Fined \$3,500.
Justin Dahl	Terminated	Toronto, ON	Trading in real estate while unregistered under the Act.	Convicted and sentenced: June 12, 2017	Guilty. Fined \$3,000.

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
Arthur Tkaczyk	London, ON	June 6, 2017	Fined \$2,500.	Duty to Client, Conscientious and Competent Service, Disclosure - Offers
Dawn Kendrick	St. Catharines, ON	June 6, 2017	Fined \$1,000 and ordered to complete one course.	Duty to Client, Conscientious and Competent Service
Palaniappan Manian Palaniappan (aka Balan Manian)	Don Mills, ON	June 7, 2017	Fined \$2,500.	Conscientious and Competent Service, Unprofessional Conduct
Koon Wah Yip	Toronto, ON	June 19, 2017	Fined \$3,000 and ordered to complete six courses.	Duty to Client, Conscientious and Competent Service, Incorrect Information in Listing

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: Seller
Respondent: Broker of Record
Date of Release: June 8, 2017

Summary:

- The Seller signed an exclusive listing agreement with the Brokerage, yet the listing was subsequently distributed to various online websites.

Agreement

- The Brokerage cancelled the listing and endeavoured to remove any personal information from the online distribution channels. The Brokerage further installed a policy to address the future removal of online MLS and exclusive listings.

Complainant: Salesperson
Respondent: Listing Salesperson
Date of Release: June 9, 2017

Summary:

- The Salesperson booked an appointment to show a property a day in advance. The party travelled quite a distance for the viewing and learned upon arrival that the property had sold.
- The property had sold the night before and the Listing Salesperson failed to notify any upcoming appointments about the change in status.

Agreement:

- The Listing Salesperson issued a formal apology letter that the Salesperson accepted as a resolution to their concerns.

Complainant: Seller
Respondent: Salesperson
Date of Release: June 12, 2017

Summary:

- The Seller noticed that the Salesperson was advertising in a false and misleading manner by not identifying themselves as a registrant or using their correct name.

Agreement:

- The Salesperson has corrected the advertisements by adding the correct designations and Brokerage information. They have registered their correct trading name with RECO and have agreed to complete the RECO MCE Advertising Compliance course.

Complainant: Buyer
Respondent: Salesperson
Date of Release: June 29, 2017

Summary:

- The Buyer claimed that the Salesperson failed to honour a rebate promise.
- The Salesperson denied that any promise was made as there was no written agreement reflecting the terms.
- Though the rebate promise was not in writing, the Salesperson's website contains a promotion where rebates are given to buyers towards their moving expenses.

Agreement:

- The Salesperson paid the Buyer the rebate as promised.