



# Real Estate Council Of Ontario

Regulatory Digest



Issue 18: July 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 Licence Appeal Tribunal decisions in July 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
Homelife Diamonds Realty Inc.	Registered	Brampton, ON	Failing to prepare trust account reconciliation statements for a real estate trust account.	Convicted and sentenced: July 7, 2017	Guilty. Fined \$4,000.
Inderveer Chawla	Registered	Brampton, ON	Failing to ensure that the brokerage complied with the Act and the regulations when the brokerage failed to prepare trust account reconciliation statements.	Convicted and sentenced: July 11, 2017	Guilty. Fined \$4,000.
Webster Jocelyn	Registered	Mississauga, ON	Failing to deliver a copy of an agreement that deals with the conveyance of an interest in real estate at the earliest practicable opportunity to his employer brokerage.	Convicted and sentenced: July 25, 2017	Guilty. Fined \$2,000.

## 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
<a href="#">Jenny Xiaolin Lin</a>	Markham, ON	July 5, 2017	Fined \$2,500	Conscientious and Competent Service, Misrepresentation (negligence), Unprofessional Conduct
<a href="#">Cheryl Price (also known as Diane Price)</a>	Hamilton, ON	July 6, 2017	Fined \$3,500	Duty to Client
<a href="#">David Lachance</a>	London, ON	July 13, 2017	Fined \$6,000	Dealing with Registrants/Third Parties
<a href="#">Ellahe Rezai</a>	Newmarket, ON	July 18, 2017	Fined \$3,000	Conscientious and Competent Service
<a href="#">Joshua John Wannamaker, (also known as Josh Wannamaker)</a>	Newmarket, ON	July 24, 2017	Fined \$7,000	Conscientious and Competent Service, Duty to Client, Misrepresentation (negligence), Unprofessional Conduct
<a href="#">Guo You Lin (also known as David Lin)</a>	Markham, ON	July 26, 2017	Fined \$2,500	Conscientious and Competent Service, Misrepresentation (negligence), Unprofessional Conduct

# 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:** Buyer  
**Respondent:** Buyer's Representative  
**Date of Release:** July 19, 2017

## Summary:

- The salesperson ordered a septic inspection to be performed on a property and agreed to pay for the costs of the inspection.
- The inspection failed and the buyer was then invoiced to pay for the cost of the inspection.

## Agreement:

- The buyer's representative paid the invoice in full.

**Complainant:** Buyer  
**Respondent:** Seller's Representative  
**Date of Release:** July 25, 2017

## Summary:

- The seller's representative indicated on the listing that water was included in the monthly condominium fees.
- This was a statement that was confirmed to be incorrect.

## Agreement:

- The seller's representative compensated the buyer with an agreed upon amount.

**Complainant:** Buyer's Salesperson  
**Respondent:** Seller's Salesperson  
**Date of Release:** July 28, 2017

## Summary:

- The seller's representative failed to notify the buyer's representative that there was a competing offer on the subject property.

## Agreement:

- The seller's representative apologized for their actions. The buyer's representative was satisfied with this outcome as the seller's representative will understand how to act correctly in the future.