



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
Parvinder Singh	Brampton, ON	August 3, 2017	- Financial Responsibility - Past Conduct - Breach of Conditions	Revoke	Conditions placed on registration
Michael Stolberg	Markham, ON	August 3, 2017	- Past Conduct	Revoke	<p>On November 18th, 2015, the Registrar issued a Notice of Proposal to Revoke the registration of Michael Stolberg as a salesperson under the Real Estate and Business Brokers Act, REBBA 2002.</p> <p>On April 19, 2016, a hearing was held before the Licence Appeal Tribunal (the "Tribunal"). The Tribunal released its Reasons for Decision and Order on May 5th, 2016, granting registration to Michael Stolberg subject to eight conditions of registration.</p> <p>The Registrar appealed the Tribunal's decision to the Superior Court of Justice, Divisional Court. On October 12th, 2017, the Divisional Court granted the Registrar's appeal, set aside the decision of the Tribunal, and remitted the matter to the Tribunal for another hearing to be determined by a different panel member.</p> <p>The matter is awaiting a rehearing before the Tribunal.</p>

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
Timothy S Wilson	Terminated.	Lisle, ON	Breaching a restitution order made under the Act.	Convicted and sentenced: August 1, 2017	Guilty. Fined \$500, placed on probation for one year and ordered to pay the restitution of \$5,000 before the end of the probationary period.

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
Michael Loewith	Toronto, ON	August 10, 2017	Fined \$5,000.	Duty to Client, Conscientious and Competent Service
Shaojun Xiao (also known as Mark Xiao)	Markham, ON	August 15, 2017	Fined \$6,000.	Conscientious and Competent Service, Written and Legible Agreements, Forms, 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: Seller
Respondent: Salesperson
Date of Release: August 3, 2017

Summary:

- The salesperson approached the seller and indicated that they had heard the property was listed exclusively for sale.
- The seller was upset about this information leak and asked that the salesperson contact the listing brokerage.

Agreement:

- The salesperson apologized for approaching the seller directly and agreed to be more careful prospecting potential properties.

Complainant: Buyer's Representative
Respondent: Seller's Representative
Date of Release: August 16, 2017

Summary:

- The seller's representative made an insulting remark to the buyer's representative during an offer presentation

Agreement:

- The seller's representative provided a written apology.

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

Summary:

- The buyer's representative failed to show up for a scheduled appointment.

Agreement:

- The buyer's representative apologized and compensated the seller for their inconvenience.