



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.

Contact us at:

3300 Bloor Street West
West Tower, Suite 1200
Toronto, ON M8X 2X2

Tel: 416-207-4800

Toll Free: 1-800-245-6910

Fax: 416-207-4820

www.reco.on.ca
regulatorydigest@reco.on.ca

Twitter: @RECOhelps
YouTube: RECOhelps

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
John Van Dyk	Chatham-Kent	September 26, 2017	<ul style="list-style-type: none">- Financial Responsibility- Past Conduct- False Statements	Revoke	Mr. Van Dyk withdrew his Notice of Appeal. His registration was revoked.

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
John Van Dyk	Terminated	Windsor, ON	Trading in real estate without having benefit of registration and holding himself out as a brokerage when not registered.	Convicted and sentenced: September 22, 2017	Guilty. Fined \$7,000 and placed on probation for two years.

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
Aruni Senadiera	Toronto, ON	September 1, 2017	Fined \$10,000.	Conscientious and Competent Service, Misrepresentation (negligence), Unprofessional Conduct
Haoqing Zhang (also known as Hank Zhang)	Thornhill, ON	September 5, 2017	Fined \$3,500 and ordered to complete one course.	Duty to Client, Conscientious and Competent Service, Misrepresentation (negligence), Unprofessional Conduct
Rhodora Colmenar Xerez-Burgos	Thornhill, ON	September 6, 2017	Fined \$12,500 and ordered to complete one course.	Duty to Client, Conscientious and Competent Service, Record Keeping / Business Records, Financial Responsibility, Misrepresentation (negligence), Unprofessional Conduct
Victoria McDougall (also known as Vicki McDougall)	Carleton Place, ON	September 11, 2017	Fined \$7,500 and ordered to complete one course.	Duty to Client, Conscientious and Competent Service, Delivery of Deposits and Documents
Century 21 Explorer Realty Inc.	Carleton Place, ON	September 11, 2017	Fined \$7,500	Duty to Client, Delivery of Deposits and Documents, Duty to Ensure Compliance - Brokerage
Eric Yee Lai Wong	Markham, ON	September 12, 2017	Fined \$40,000 and ordered to complete one course.	Representation Agreement, Duty to Client, Conscientious and Competent Service, Financial Responsibility, Misrepresentation

				(negligence), Unprofessional Conduct
Michael Kolenc	Vaughan, ON	September 15, 2017	Fined \$2,000.	Conscientious and Competent Service
Vesna Kolenc	Vaughan, ON	September 15, 2017	Fined \$4,000.	Duty to Client, Conscientious and Competent Service
Mohammad Hesam-Zadeh	Markham, ON	September 27, 2017	Fined \$2,500.	Duty to Client, Conscientious and Competent Service, Unprofessional Conduct
Meaghan Elizabeth Dalley	Peterborough, ON	September 28, 2017	Fined \$1,500.	Duty to Client, Conscientious and Competent Service, Discovery of Facts

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:	September 25, 2017

Summary:

- The salesperson promised to pay the buyer a rebate upon successful completion of the transaction.
- The salesperson failed to follow through with the promise and the rebate was not paid.

Agreement:

- The salesperson agreed to pay the rebate amount.