



# Real Estate Council Of Ontario

Regulatory Digest



Issue 22: November 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 LAT decisions in November 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
Steven Ronald Burrows	Registered	Toronto, ON	(A) Two counts of furnishing false information in an application for registration.  (B) Two counts of failing to notify the Registrar, in writing, within five days, of a change to the information previously reported in an application for registration under the Act.	November 20, 2017	(A) Guilty. Fined \$2,000 for one count and given a suspended sentence on the other count.  (B) Guilty. Fined \$2,000 for one count and given a suspended sentence on the other count.
Inga Rydzevskaya	Registered	Richmond Hill, ON	Furnishing false information in an application for registration under the Act.	November 20, 2017	Guilty. Fined \$5,000.

## 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="#">Afshin Noohi</a>	Richmond Hill, ON	November 9, 2017	Fined \$3,000.	Conscientious and Competent Service
<a href="#">Andrew Sobczak</a>	Victoria Harbour, ON	November 10, 2017	Fined \$15,000 and ordered to complete one course.	Duty to Client, Conscientious and Competent Service, Presentation of Offers, Duty to Ensure Compliance - Broker of Record, Misrepresentation (negligence), Unprofessional Conduct
<a href="#">Vesna Kolenc</a>	Vaughan, ON	November 13, 2017	Fined \$6,000.	Financial Responsibility, Unprofessional Conduct
<a href="#">Arlene Lindsay</a>	Toronto, ON	November 15, 2017	Fined \$5,000.	Duty to Client, Conscientious and Competent Service
<a href="#">Jerry Bin Ou</a>	Richmond Hill, ON	November 17, 2017	Fined \$3,500.	Financial Responsibility, Misrepresentation (negligence), Unprofessional Conduct
<a href="#">Di Sun</a>	Richmond Hill, ON	November 24, 2017	Fined \$3,500.	Conscientious and Competent Service, Unprofessional Conduct
<a href="#">Nicholas James-Bock (also known as Nico James-Bock)</a>	Toronto, ON	November 24, 2017	Fined \$5,000.	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:** Tenant's Representative  
**Respondent:** Listing Brokerage  
**Date of Release:** November 10, 2017

### Summary:

- The Broker of Record for the listing brokerage failed to return the tenant representative's calls.

### Agreement:

- The Broker of Record apologized to the tenant's representative.

**Complainant:** Buyer's Representative  
**Respondent:** Seller's Representative  
**Date of Release:** November 15, 2017

### Summary:

- The buyer's representative had an appointment to view the subject property. Upon arrival the seller's representative cancelled the appointment.
- The buyer's representative was upset they were not given advance notice.
- The appointment had been confirmed in error by the brokerage administration staff.

### Agreement

- The seller's representative apologized to the buyer's representative.