



# Real Estate Council Of Ontario

Regulatory Digest



Issue 23: December 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.

NAME	LOCATION	DATE	REASON	TYPE	RESULT
<a href="#">Peter Racco</a>	Mississauga, ON	December 18, 2017	<ul style="list-style-type: none"><li>- No new or other evidence</li><li>- No material change in circumstances</li><li>- Past conduct</li><li>- False statements</li></ul>	Proposal to Refuse	Register with Conditions

# 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
Temitope Olowolafe, also known as Isaac Olowolafe Jr.	Registered	Toronto, ON	Three counts of failing ensure that the brokerage complied with the Act (as broker of record for Dream Maker Realty Inc.)	December 11, 2017	Guilty. Placed on probation for two years and ordered to pay a fine of \$22,000.
Dream Maker Realty Inc.	Registered	Toronto, ON	<ul style="list-style-type: none"> <li>- Failing to prepare trust reconciliation statements for a trust account maintained under the Act</li> <li>- Failing to make a written record of the receipt of money that came into the hands of the brokerage in trust for another person in connection with its business</li> <li>- Failing to deposit money that came into the brokerage's hands in trust for other persons</li> </ul>	December 11, 2017	Guilty. Placed on probation for two years and ordered to pay a fine of \$22,000.

Jason Woolcock	Registered	Windsor, ON	Failing to ensure that the brokerage complied with the Act (as Broker of Record for JPWin Realty Inc.)	December 15, 2017	Guilty. Received suspended sentence. Placed on probation for one year and ordered to complete 40 hours of community service.
JPWin Realty Inc.	Registered	Windsor, ON	Failing to deposit money that came into the brokerage's hands in trust for other persons	December 15, 2017	Guilty. Fined \$10,000.

## 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="#">Marta Castelhana</a>	Mississauga, ON	December 1, 2017	Fined \$10,000 and ordered to complete one course	Conscientious and Competent Service, Misrepresentation (negligence), Unprofessional Conduct, Representation (commission)
<a href="#">John Powell</a>	Toronto, ON	December 5, 2017	Fined \$15,000	Duty to Client, Disclosure - Offers, Misrepresentation (negligence), Unprofessional Conduct, Competing /Multiple Offers
<a href="#">Sanjiv Gupta</a>	Mississauga, ON	December 12, 2017	Fined \$13,500	Duty to Client, Conscientious and Competent Service, Discovery of Facts, Misrepresentation (negligence), Unprofessional Conduct, Delivery of Deposits and Documents

## 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.

<b>Complainant:</b>	<b>Buyer</b>
<b>Respondent:</b>	<b>Seller's Representative.</b>
<b>Date of Release:</b>	<b>December 11, 2017</b>

### Summary:

- The seller's representative promised to fix the glass in the front door after completion of the transaction. After two years the door had not yet been fixed.

### Agreement:

- The seller's representative fulfilled the promise and fixed the broken glass.