



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
Kelly Da Costa	Cambridge, ON	February 21, 2018	- Past conduct - False statements	Refuse to register	Registration refused

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
Aimhome Realty Inc.	Registered	Toronto, ON	- Failing to prepare trust reconciliation statements - Failing to make an accurate written record identifying every deposit and disbursement from the trust account - Failing to deposit trust funds into the brokerage's trust account within five business days - Two counts of failing to register a brokerage branch office	January 8, 2018	Guilty. Fined \$15,500.
Ying Xue, also known as Sophie Xue	Registered	Toronto, ON	Five counts of failing to ensure that the brokerage complied with the Act and/or the Regulations (as broker of record of Aimhome Realty Inc.)	January 8, 2018	Guilty. Received suspended sentence.
Edward Mayer, also known as Tedd Mayer	Registered	Ottawa, ON	Furnishing false information in an application for registration under the Act	January 10, 2018	Guilty. Fined \$3,500.

Sutharsan Nadarajah	Registered	Markham, ON	<p>(A) Three 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</p> <p>(B) One count of furnishing false information in an application for registration under the Act</p>	February 2, 2018	<p>Guilty. Fined \$15,000 for (A) and \$5,000 for (B). This conviction is currently under appeal.</p>
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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
Vaibhav Vidyadhar Palse	Toronto, ON	January 3, 2018	Fined \$7,500.	Conscientious and Competent Service, Duty to Client, Presentation of Offer, Unprofessional Conduct, Misrepresentation (negligence)
Wai Kwan	Toronto, ON	January 15, 2018	Fined \$5,000 and ordered to complete one course.	Duty to Client
Padam Kumar Bir	Toronto, ON	January 17, 2018	Fined \$6,000.	Duty to Client, Conscientious and Competent Service, Disclosure - Role, Presentation of Offers, Unprofessional Conduct, Misrepresentation (negligence)
Jianqiu Lin	Markham, ON	January 18, 2018	Fined \$15,000 and ordered to complete one course.	Duty to Client, Conscientious and Competent Service, Services from Others / Outside professional advice, Discovery of Facts
Christopher Brown	Ottawa, ON	February 21, 2018	Fined \$7,500.	Dealing with Registrants / Third Parties, Unprofessional Conduct
Keith Tuan Phan	Mississauga, ON	February 23, 2018	Fined \$5,000 and ordered to complete one course.	Unprofessional Conduct

Greg Manbeck	Toronto, ON	February 28, 2018	Fined \$12,000.	Conscientious and Competent Service, Presentation of Offers, Misrepresentation (negligence)
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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: Unsuccessful Buyer's Representative
Respondent : Seller's Representative
Date of Release: January 22, 2018

Summary:

- A buyer's sales representative submitted an offer, but was not advised in writing that the listing brokerage had also submitted an offer.
- The offer submitted by the listing brokerage was accepted.
- The seller's representative stated they were not aware they had an obligation to disclose if a registrant from the same brokerage (other than the listing representative) submitted an offer for the property.

Agreement:

- The seller's representative provided a written apology to the buyer's representative.

Complainant: Seller's Representative
Respondent: Buyer's Representative
Date of Release: February 12, 2018

Summary:

- The buyer's representative missed a showing appointment without notifying the listing brokerage.

Agreement:

- The buyer's representative apologized to the sellers, via the seller's representative.

Complainant: Buyer
Respondent: Buyer's Representative
Date of Release: February 22, 2018

Summary:

- The buyer's representative promised the buyer a commission rebate, but later refused to pay it.

Agreement:

- The buyer's representative paid the commission rebate as agreed.