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**IN THE MATTER OF A DISCIPLINE HEARING HELD PURSUANT TO THE  
REAL ESTATE AND BUSINESS BROKERS ACT, 2002, S.O. 2002, c. 30, Sch. C**

**BETWEEN:**

**REAL ESTATE COUNCIL OF ONTARIO**

**- AND -**

**FARIBA HAKIMI (registered as FRAN HAKIMI)**

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**DISCIPLINE DECISION AND REASONS FOR DECISION**

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Subject to Rule 4.02 of the Discipline and Appeals Committee Rules of Practice (*REBBA 2002*), I, the Chair of the Discipline Committee (*REBBA 2002*) have reviewed and considered the Agreed Statement of Facts and Penalty together with the Waiver of Hearing submitted by the Parties to this proceeding and provide the following Order:

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**FINDINGS:** In violation of Sections 3 and 39 of the *REBBA 2002* Code of Ethics.

**ORDER:** Fine of \$ 6,500.00 payable to RECO with \$3,000.00 of the total due not later than 120 days after the date of the Decision of the Discipline Committee on this matter and the remaining \$3,500.00 payable not later than 240 days after the date of the Decision of the Discipline Committee in this matter.

Successful completion of the RECO CE: Introduction to TRESA not later than 90 days after the date of the Decision of the Discipline Committee on this matter and provide proof of completion to RECO within 60 days of completion of the course.

**WRITTEN REASONS:** *attached*

  
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Lucy Aita  
Chair, Discipline Committee (*REBBA 2002*)

## REASONS FOR DECISION

### INTRODUCTION

This matter proceeded on the basis of an Agreed Statement of Facts and Penalty and Waiver of Hearing, pursuant to Rule 4.02 of the Rules of Practice (*REBBA 2002*).

The Agreed Statement of Facts and Penalty read:

#### **AGREED STATEMENT OF FACTS AND PENALTY**

It is agreed as follows:

1. At all relevant times, Hakimi was registered as a broker under the *Real Estate and Business Brokers Act, 2002* (“**Act**”).
2. At all relevant times, Hakimi was employed at the brokerage Sutton Group - Admiral Realty Inc. (“**Admiral Realty**”).
3. At all relevant times, Hakimi represented Hakan Kan Ozhan (*the “Client”*) who was looking to lease a rental unit.
4. At all relevant times, Damir Strik (*the “Complainant”*) was a broker employed at RE/MAX Realty Specialists Inc. who represented the owner and landlord of the basement unit of 21 Kersdale Avenue, Toronto, Ontario (*the “Property”*).
5. The Property was a bungalow divided into two rental units, the upper level was tenanted and occupied, while the basement unit was vacant.
6. On or around April 26, 2023, the Complainant listed for lease the basement unit of the two-unit Property on the local board listing service.
7. On or around July 11, 2023, Hakimi booked a showing to view the basement unit of the Property with the Client for July 12, 2023, at 6:00 p.m.
8. On or about July 11, 2023, Hakimi forwarded to the Client, the Complainant’s confirmation email authorizing the appointment. The confirmation email included the access code for the electronic lockbox installed at the Property.
9. On or around July 12, 2023, at 6:00 p.m., Hakimi and the Client attended the authorized appointment and viewed the Property.

10. The following day on or about 7:00 p.m. on July 13, 2023, the Client revisited the Property without Hakimi and attempted to enter the Property while unaccompanied by using the access code received from Hakimi for the electronic lockbox installed at the Property.
11. The landlord discovered the Client while they were attempting to enter the Property and prevented the Client from entering unaccompanied. The landlord showed the Client the Property and then reported the attempted unauthorized and unaccompanied access by the Client to the Complainant.
12. After learning that the Client had attended the property without them, Hakimi ceased relations with the Client and no longer assisted them in finding rental accommodations.

### **SUMMARY OF AGREEMENTS**

**It is agreed that Hakimi failed to comply with the Code of Ethics (O. Reg. 580/05) as follows:**

- A. Hakimi facilitated unauthorized and/or unsupervised access to the Property when they gave the lockbox access code to an unregistered person, contrary to sections 3 and 39 of the Code of Ethics.

**It is agreed that Hakimi failed to comply with the following sections of the Code of Ethics (O. Reg. 580/05):**

Fairness, honesty, etc.

3. A registrant shall treat every person the registrant deals with in the course of a trade in real estate fairly, honestly and with integrity.

Unprofessional conduct, etc.

39. A registrant shall not, in the course of trading in real estate, engage in any act or omission that, having regard to all of the circumstances, would reasonably be regarded as disgraceful, dishonourable, unprofessional or unbecoming a registrant.

## AGREED PENALTY

**The Respondent understands and agrees to the following penalty:**

To pay a total fine of **\$6,500.00** with **\$3,000.00** of the total payable not later than **120** days after the date of the Decision of the Discipline Committee on this matter, and the remaining **\$3,500.00** payable not later than **240** days after the date of the Decision of the Discipline Committee in this matter.

To successfully complete the following courses or programs by the identified completion date:

<b>Course Title (Provider)</b>	<b>Completion date</b>
CE Introduction to TRESA	Not later than <b>90</b> days after the date of the Decision of the Discipline Committee.

To provide proof of completion to RECO within **60** days of completion of the courses.

**Respondent acknowledgements:**

1. I acknowledge that I have read and understand the penalty outlined herein and agree to the said terms and/or conditions.
2. I acknowledge my right to seek legal counsel in this matter before signing this agreement.
3. I agree, understand, acknowledge and consent to waiving my right to a hearing before the Discipline Committee.

**Waiver of hearing before the Discipline Committee:**

4. The parties consent to disposing of the matter without a hearing before the Discipline Committee and agree to the terms set out herein.
5. The parties request an Order from the Chair of the Discipline Committee that includes this Agreement of Facts and Penalty as a final settlement of this matter.

By signature below the Parties agree, acknowledge, understand and consent to the final settlement of this matter by way of this Agreed Statement of Facts and Penalty.

*[The Agreed Statement was duly signed by the Parties.]*

### **DECISION OF THE CHAIR**

Having reviewed and considered the Agreed Statement of Facts, the Chair of the Discipline Committee (*REBBA 2002*) concluded that the Respondent breached Sections 3 and 39 of the *REBBA 2002* Code of Ethics. The Chair of the Discipline Committee (*REBBA 2002*) is also in agreement with the joint submission of the Parties as to penalty and accordingly makes the following order:

1. FARIBA HAKIMI registered as FRAN HAKIMI is Ordered a total Fine of **\$6,500.00**, payable to RECO, with **\$3,000.00** of the total payable not later than **120** days after the date of the Decision of the Discipline Committee on this matter, and the remaining **\$3,500.00** payable not later than **240** days after the date of the Decision of the Discipline Committee in this matter.
2. FARIBA HAKIMI registered as FRAN HAKIMI is Ordered to successfully complete RECO CE Introduction to TRESA course, not later than 90 days after the date of the Decision of the Discipline Committee, and to provide proof of completion to RECO within 60 days of completion of the course.

*[Released: May 2, 2025]*