



Real Estate Council of Ontario

**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 -

ALDO TINO UDOVICIC

DISCIPLINE DECISION AND REASONS FOR DECISION

The Panel held a videoconference on February 20, 2025, to discuss the written submissions by all Parties with respect to Penalty and Costs. The Panel decided as follows:

ORDER:

Fine of \$4,000.00 payable to RECO within 120 days of RECO sending this decision.

Successful completion by the Registrant of the Real Estate Institute of Canada “Ethics and Business Practice” course and providing RECO with confirmation of successful completion within 180 days of RECO sending this decision.

COSTS AND EXPENSES:

WRITTEN REASONS:

REASONS FOR DECISION ON PENALTY

INTRODUCTION

The Discipline Committee (“Panel”) met on February 20, 2025, to hear oral submissions from the parties on the issue of penalty resulting from the discipline hearing held on May

14, 2024. The Panel's Reasons for Decision from that hearing were released on October 25, 2024.

Mr. Udovicic ("Registrant") attended the February 20, 2025, hearing and he was represented by his lawyer, Martin Zatovkanuk.

Mr. Dipak Parmar appeared as the Prosecutor on behalf of the Registrar.

The Panel consisted of Russell Pearsall, Mark Spraggett, Carey Smith, with Douglas Cunningham appearing as Independent Legal Counsel for the Panel.

Section 21(4) of the *Real Estate and Business Brokers Act, 2002*, identifies the various orders that the Panel can make with respect to sanctions/penalty.

Submissions on behalf of the Registrar by RECO's Prosecutor

Alluding to the May 2024 discipline hearing, the Prosecutor stated that there had been no reason for Mr. Udovicic to have tampered with the video surveillance system at the property ("Property") under review.

In its Reasons for Decision, the Panel found that it was not unreasonable or impractical for Mr. Udovicic and his buyer client to have removed themselves from the Property to have their conversation in private about the Property and its contents. Unfortunately, instead of adopting that approach, the Registrant disconnected one camera at the Property and repositioned another.

Referring to the RECO decision in *RECO v. Suzette Thompson*, the Prosecutor stressed the nature and gravity of the breaches of the Code which the Panel had confirmed, as well as the direct role played by the Registrant in the breaches. He also asserted that the nature of the breaches had been in the "mid-range of seriousness".

The Registrant's role in the breaches was also characterized by the Prosecutor as *negligent* in that Mr. Udovicic failed to appreciate the importance of the surveillance system for the seller.

Mr. Udovicic admitted at the discipline hearing to having dealt with surveillance systems previously, with no indication that he had interfered with such systems.

As for the seller in this case, the Prosecutor, without any supporting evidence, submitted that the conduct of the Registrant at the Property had left a "bitter afterthought" in the seller's mind. Given that the seller had a right to protect the Property, the deterrence required in this case was both specific and general. Indeed, it was argued that the penalty should ordinarily be greater for an offending realtor than the cost of doing business, and it should act to deter other registrants from engaging in similar conduct.

The Prosecutor emphasized that penalty decisions are published and monitored by members of the profession. Appropriate penalties help maintain the collective reputation of the profession. The public is also entitled to have confidence that breaches of the Code of Ethics will be addressed and that registrants will be held accountable for their conduct.

In claiming that this case falls in the "mid-range" as far as breaches of the Code of Ethics are concerned, the Prosecutor cited a number of administrative law decisions to support the Registrar's request for a fine of between \$6,000 and \$8,500.

Apart from the Suzette Thompson case, which is a RECO Appeals Committee decision from May 2012, the decision in RECO v. Glenn Simpson (Discipline Committee, December 5, 2019) was noted. The penalty imposed in the Simpson case, based on different allegations than the present case, was \$17,000 plus an order that the registrant complete two educational courses.

Other decisions cited were RECO v. Birdevinder Singh Rajput (Discipline Committee, December 15, 2022), where a \$17,500 fine had been imposed; Re Rose, 2023 CBSRE 22 (BC Financial Services Authority, Consent Order, July 18, 2023), where a \$20,000 fine was imposed, along with \$2,500 in expenses payable to the Tribunal; and Registrar and Wayne M. Winch (Appeal Decision and Reasons for Decision, Appeals Committee, July 14, 2016) to emphasize the need for Discipline Panels to ensure that penalties promote public confidence in the regulatory system and that registrants will be held accountable.

The Prosecutor concluded his submissions by requesting, once again, that the Registrant pay a fine of \$6,000 to \$8,500 and be required to complete the Ethics and Business Practice course within 90 days of the Panel's release of its decision on penalty.

Submissions of the Registrant Mr. Udovicic by his counsel Martin Zatovkanuk

Mr. Zatovkanuk emphasized that his client has been a realtor since 1989 with a clean record. Further, it was clear on the evidence that there had been no malicious intent or permanent harm caused by his client's actions. The intrusion and inconvenience relating to the security cameras had been both temporary and minimal. Finally, no financial damage or harm had been caused by Mr. Udovicic to the seller.

As far as RECO decisions are concerned, the situation involving Mr. Udovicic was described as a *novel* one that had occurred in circumstances where RECO had not provided any previous guidance on surveillance systems to its members. As such, it was submitted that this case fell into a "grey area" where the Panel itself could now provide guidance to all realtors.

Mr. Zatovkanuk added that his client had a reasonable and honest belief that he needed to protect the confidentiality of his communications with his client while they were inspecting the Property.

On a different note, the Registrant had expressed remorse for his actions, and he had admitted his transgressions at the outset of the hearing in May 2024. In the result, any penalty imposed by the Panel should reflect the minor, non-malicious conduct of the Registrant in this case.

Mr. Zatovkanuk maintained that a “reprimand or warning” by the Panel to his client was an appropriate penalty and that it would be more than sufficient to achieve specific and general deterrence.

Alternatively, if the Panel were to conclude that a fine was warranted, it should be nominal in value, and reflective of the Registrant’s long and clean record as a realtor. It was asserted that the objective in imposing any penalty should be to correct conduct and not to punish.

Mr. Zatovkanuk also claimed that the absence of any precedent decisions dealing with the same subject matter (i.e. interference with video and audio surveillance equipment) should be taken into account by the Panel to the benefit of Mr. Udovicic.

The Registrant’s position was that *all* of the cases cited by RECO were distinguishable from the facts of the instant case.

Equally important, Mr. Udovicic’s actions were described as isolated and brief, with no property damage having been caused, and no lasting impact having been visited upon the seller. Accordingly, the penalty should reflect those mitigating factors.

Mr. Zatovkanuk maintained that RECO and the Panel itself could offer clear guidance to realtors on the issue of surveillance equipment during property visits.

For its part, the Panel believes that RECO should, in its own discretion, determine whether that issue warrants clarification and guidance.

As for itself, the Panel has concluded that its mandate here is to determine an appropriate penalty based on specific findings of liability from Mr. Udovicic's disciplinary hearing.

Mr. Zatovhanuk noted that the discipline hearing had been shortened significantly by his client agreeing to the factual allegations in the Allegation Statement at the outset of the hearing. As noted below, the Panel agrees with that submission.

On the issue of proportionality of penalty, the Registrant relied on the Supreme Court of Canada decision in *Re Cartaway Resources Corp.*, [2004] 1 S.C.R. 672 cited in the Registrar's Book of Authorities. Relying on the principle of proportionality, it was submitted that a "reprimand" in this case would be appropriate given Mr. Udovicic's breaches of the Code of Ethics, which were described as minor and temporary in nature.

The Registrant's position was that any penalty should reflect fairness, proportionality and the unique circumstances of his case. Given that there was no malicious intent on his part and no permanent harm to the seller, a reprimand was an adequate penalty.

There were no reply submissions from the Prosecutor, nor were there any questions from the Panel.

Findings of the Panel

Having considered the submissions of the parties, and having reviewed the case law presented by the Prosecutor, the Panel has determined that the following penalty is appropriate in this case: The Registrant shall pay a \$4,000.00 fine payable within 120 days of the Panel's release of this decision, and Mr. Udovicic shall successfully complete the Ethics and Business Practice Course within 180 days of the release of the Panel's decision.

Apart from the RECO v. Suzette Thompson case, which summarizes the factors to be considered by disciplinary committees in determining an appropriate penalty, the Panel was not persuaded that the cases cited by the Prosecutor were applicable to the circumstances of this case. Indeed, there are novel circumstances in the sense that RECO has no previous decision in which a registrant has breached the Code of Ethics by interfering with a surveillance system at a property during an inspection.

However, novelty does not provide an excuse for an offending registrant, nor does it constitute, in and of itself, a mitigating factor in favour of a registrant. It may simply mean that the ways in which the Code of Ethics can be breached remain open and various, such that Panels will continue to see new forms of conduct in the future that merit censure and sanction.

The general issue of physically interfering with the rights of a property owner is not new in RECO disciplinary decisions. There are many cases where realtors have acted in a way that infringes on or interferes with the property rights of an owner. The line of cases where realtors have improperly provided lock box codes to their clients to permit them to visit or inspect a property on their own—visits which should not have taken place—is but one example.

At all times, the property rights, including security and privacy interests, of owners must be respected by realtors and their clients. Inasmuch as unauthorized visits to properties are forbidden, interfering with the security rights of owners during authorized visits is also inappropriate.

When realtors are visiting a property with their clients, they must not interfere with the contents of the property or any equipment that has been installed. That prohibition would include surveillance systems whose very purpose is to protect the property from damage, theft, or other interference.

In this case, there is no doubt that Mr. Udovicic abused the trust (i.e. privacy and security rights) of the seller by temporarily disconnecting and repositioning security cameras.

Although the Prosecutor characterized the Registrant's actions as negligent, the Panel disagrees. This was not a case of carelessness or inadvertence as it related to the surveillance system. Mr. Udovicic's actions were deliberate in that he made an informed decision to manipulate and temporarily disable two security cameras, which reduced the effectiveness of the surveillance system, thus interfering with the rights of the seller.

Realtors should recognize that a seller's home is not the space or preserve of a visiting realtor or his or her clients.

That being said, the Panel agrees with the submissions of the Registrant that the interference he caused was temporary and (physically) minimal, but nevertheless inappropriate.

Mitigating factors in favour of Mr. Udovicic include his admission at the outset of the discipline hearing that he tampered with the surveillance equipment. Further, the Registrant co-operated with the Prosecutor to shorten the hearing by turning RECO's Allegation Statement into an Agreed Statement of Fact on key issues.

As the Panel noted in its Reasons for Decision released in October 2024, there was no need for RECO to have issued prior guidance or warnings to realtors not to interfere with surveillance equipment at a property. Common sense alone would have dictated a policy and practice of non-interference on the part of any realtor, including the Registrant.

Order to be issued forthwith

The Panel hereby orders that the Registrant, Aldo Tino Udovicic, shall:

1. Pay a \$4,000 fine to RECO within 120 days of the Panel's release of this decision; and
2. Successfully complete the Ethics and Business Practice Course and provide RECO with written proof of such successful completion within 180 days of the Panel's release of this decision.

[Released: March 26, 2025]



Real Estate Council of Ontario

**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 -

ALDO TINO UDOVICIC

DISCIPLINE DECISION AND REASONS FOR DECISION

APPEARANCES:

For the Registrant:

Martin Zatovkanuk, counsel

For the Real Estate Council of Ontario:

Dipak Parmar, paralegal

Heard in Toronto on:

May 14, 2024

FINDINGS:

In violation of Sections 3 and 39 of the Code of Ethics.

ORDER:

The Panel directs that any request by a party to make oral submissions must be made to the Manager within ten (10) days of RECO's release of this decision, failing which the parties shall submit written submissions on the issue of penalty and/or costs, as provided below.

In the event that no request to make oral submissions on penalty and/or costs is made to the Manager within ten (10) days of the release of this decision, the following schedule for the delivery of written submissions shall apply: Counsel for the Registrar, *REBBA 2002*, is to deliver written submissions to the Panel and to the Registrant on the issue of penalty and/or costs within thirty (30) days of the date on which this decision is released to the parties.

The Registrant shall deliver to the Panel and to Counsel for the Registrar, *REBBA 2002*, its written submissions on penalty and costs in response to the Registrar's submissions within fifteen (15) days of the date on which

the Registrar's submissions on penalty and costs are delivered to the Registrant.

Counsel for the Registrar shall deliver to the Panel and to the Registrant any reply submissions to the written submission of the Registrant within five (5) days of the date on which the Registrant's submissions on penalty and costs are delivered to the Registrar.

WRITTEN REASONS:

REASONS FOR DECISION

INTRODUCTION

This Hearing took place on May 14, 2024, in the presence of the Registrant Aldo Tino Udovicic (the "Registrant" and/or "Udovicic"), Martin Zatovkanuk, counsel for Udovicic. Dipak Parmar, paralegal for the Real Estate Council of Ontario. The Panel was comprised of Russell Pearsall, Mark Spraggett and Carey Smith. Douglas Cunningham was present as independent legal counsel to the Discipline Panel.

ALLEGATIONS BY THE REGISTRAR, REBBA 2002

In its Allegation Statement the Registrar, *REBBA 2002* alleged that Aldo Udovicic had acted unprofessionally when:

1. At all relevant times, Udovicic was employed at Brokerage A.
2. At all relevant times, Registrant A was registered as a salesperson and employed at Brokerage B.
3. At all relevant times, Broker A was registered as a broker and employed at Brokerage B.

4. The sellers were the owners of the property located at 1-A Street, City A, Ontario (“Property”) and were represented by Brokerage B with Registrant A and Broker A acting as co-listing representatives.
5. The buyers were represented by Udovicic on behalf of Brokerage A.
6. On March 1, 2023, Registrant A and Broker A listed the Property on the local multiple listing service.
7. On April 13, 2023, the Sellers and Buyers entered into an agreement of purchase and sale (“APS”) for the Property. The APS stated that the closing date was June 28, 2023, and that the buyers would be able to visit the Property two times prior to that closing date.
8. Udovicic scheduled a viewing appointment (“Appointment”) for the Property for June 3, 2023, from 11:00 a.m. to 12:00 p.m. The Appointment instructions provided to Udovicic by Brokerage B stated the following: *“Interior and exterior surveillance system with audio in place”*.
9. During the Appointment, Udovicic interfered with two of the security cameras in the Property, without the Sellers’ consent, as follows:
 - A. Unplugging one of the cameras for the duration of the Appointment; and
 - B. Repositioning one of the cameras such that it would not capture the viewing area designated by the Sellers.
10. After reviewing the surveillance footage, the Sellers filed a complaint with RECO.
11. Udovicic admitted to RECO that he interfered with the security cameras as stated above.

The Registrar, *REBBA 2002* alleged that Aldo Udovicic had breached the following sections of the Code of Ethics:

Fairness, honesty, etc.

3. A registrant shall treat every person the registrant deals within 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.

The Parties agreed as follows:

Udovicic, who had been expressly advised of the existence of a surveillance system at the Property, interfered with the system during a viewing appointment by unplugging one of the security cameras and repositioning another, without the consent of the owners of the Property.

EVIDENCE OF THE PARTIES

1. Allegation Statement dated October 27, 2023
2. Notice of Hearing dated March 28, 2024
3. RECO Book of Documents dated November 7, 2023
4. Allegation Statement – Agreement to Particulars only

WITNESSES FOR THE REGISTRANT

1. Aldo Udovicic

OPENING REMARKS FOR THE REGISTRAR, REBBA 2002

The Prosecutor submitted that the facts of the case were simple. The Property is in City A, Ontario and two pre-closing visits were permitted under the APS. There was video

and audio equipment at the Property whose existence was disclosed to the Registrant's brokerage before the visit to the Property.

The Registrant admitted to unplugging one camera and repositioning another camera at the Property during a visit with his buyer clients. Thus, there was an admission that there was interference with the cameras.

The Panel was advised that two witnesses would be called by the prosecution to testify.

RECO alleged that there had been a breach of Sections 3 and 39 in the Code of Ethics by the Registrant based on his conduct during the visit to the Property.

OPENING REMARKS FOR THE REGISTRANT

The Registrant asserted that no guidance was previously provided by RECO on what to do in the same or similar circumstances of this case. The interference here by the Registrant to the two cameras was minimal. There is no dispute that the camera turned off was turned back on and that the other camera was repositioned correctly by the Registrant. Confidentiality between the Registrant and his buyer clients was essential in this case. The Registrant believed that he had a duty to maintain confidentiality in his conversations at the Property with his clients.

PROCEDURAL ISSUES RAISED BY THE ADMISSIONS OF THE REGISTRANT

Given the clear admissions by the Registrant concerning the video surveillance equipment at the Property, and the uncomplicated nature of the facts underlying RECO's allegations, independent legal counsel ("ILC") raised the issue of the evidence to be provided by RECO's two witnesses. It was confirmed that RECO's witnesses were simply going to confirm facts that were already the subject of the Registrant's admissions; as a result, it was suggested to the Panel that perhaps the parties could

proceed by using all or part of the Allegation Statement as an Agreed Statement of Facts.

After discussion between the Panel and counsel for the parties, the particulars in the Allegation Statement (without any admission of liability by the Registrant) were “re-purposed” as an Agreed Statement of Facts (and marked as Exhibit 4), with the Registrant proceeding as a witness on his own behalf.

Registrant’s testimony in chief

The Registrant stated that that he and two buyers and their children visited the Property to see what was needed in terms of painting, minor repairs, etc. Further, since the sellers were also interested in selling personal property and the buyers were interested in purchasing certain items, the buyers wanted to determine whether an acceptable price could be negotiated.

The nature of the Registrant’s discussions with the buyers at the Property involved identifying the personal property in which the buyers had an interest and what the buyers might offer for it.

The Registrant testified initially that he unplugged a camera in the Master bedroom, and that he repositioned a second camera on the main floor (by turning it around). He also had a discussion with the buyers while they were in the home during the visit. There were other cameras in the home which the Registrant did not touch.

Why were only two cameras repositioned or turned off temporarily? According to the Registrant, they were in areas where realtor-client discussions were taking place and no agreement re: sale of personal items had been reached between the buyers and the sellers at that point. The Registrant conceded that what he did involving the video equipment was wrong, but he honestly believed he was protecting his clients’ interests at the time.

Further, as a practising realtor, he had never received any memos, warnings, etc. concerning security systems, cameras, etc. from RECO. In fact, he has never seen any such material distributed by RECO over the years.

No cameras were broken or rendered unusable at the Property by the Registrant. Apart from selected items, he had no other discussions with his clients concerning anything else that the sellers might want to sell.

Cross-examination of the Registrant by RECO's Prosecutor

The Registrant has been registered as a realtor since 1989. He is currently a broker and was a broker at the time of the Property visit. He is aware of the complaint filed with RECO that led to this hearing.

What did he do with the cameras? Did he not unplug the camera in the kitchen (instead of the camera in the Master bedroom as he had testified)? The Registrant agreed that such might have been the case. He also conceded it was possible that he simply turned the camera in the bedroom around while he and his clients were present.

Why did the Registrant not have discussions with his clients *away from* the property or in a private setting? The Registrant testified that he had never dealt with this kind of situation previously.

He stated that he was unaware until he got to the Property that there were going to be cameras present. He claimed that his administrative assistant at the office had not provided him with information on surveillance issues and video equipment before he visited the Property.

Submissions by the Prosecutor on findings

The Registrant should not have touched the security cameras in any way. Consumers are installing cameras at their properties to protect their real property and personal belongings. If one is unsure whether one can look at something or handle something at a property, permission should be obtained from the listing brokerage.

All realtors should be aware of cameras and remember that the broad purpose of REBBA and TRESA is to protect the public.

Section 3: every person must be treated fairly, honestly, and with integrity. RECO asserted that this rule was breached by the Registrant's conduct.

Section 39: This rule was also breached.

Submissions by the Registrant on findings

No case law had been submitted by RECO on issues relating to video surveillance equipment. As a result, no guidance had been provided by RECO previously on such equipment, especially in situations where there are competing client interests.

Section 3 in the Code of Ethic: The Registrant submitted that "Every person" would necessarily include the Registrant's own clients.

The Registrant asserted that, in the circumstances at the Property, he was dealing with competing parties and interests— those of the sellers and the buyers.

To manage those competing interests, he did the least intrusive thing to maintain realtor-client confidentiality. He did not want his clients' information on what they might pay for personal property disclosed to the sellers. As a result, he unplugged one camera and repositioned another at the Property for a limited time.

Section 39: The Registrant submitted that the key words in this provision are “having regard to all the circumstances” and “would reasonably be regarded as disgraceful, dishonourable, unprofessional or unbecoming a registrant”.

The first two words – disgraceful and dishonourable – do not apply here. As for “unprofessional”, it was argued that RECO had previously provided no guidance for the circumstances of this case.

The Registrant stated that, while he and his clients were visiting the Property, he had used careful judgment to ensure minimal intrusion. As for any allegation that his conduct had been “Unbecoming a registrant”, the Registrant submitted that such conduct would have to be reprehensible conduct, and that characterization certainly does not apply to the circumstances of this case.

It was suggested that, in the future, RECO should give guidance to realtors concerning surveillance systems at properties.

In the final analysis, the Panel was told that the Registrant had to disable the cameras in order to have confidential communications with his clients. Further, in this proceeding, RECO was relying on “catch all” provisions in the Code of Ethics. In his view, the Registrant had affected a careful balancing of interests in the circumstances, such that there was only minor inconvenience to the sellers.

RECO offered no reply submissions.

Panel questions concerning the submissions of the parties

The Panel had a number of questions for the Registrant. Those questions, along with the Registrant’s responses, can be summarized as follows:

- When the Registrant was trying to protect the interests of his clients, what were the interests of the sellers in that process? Where was the fairness to the sellers in turning off (or re-positioning) a camera? The Registrant advised that, in the ordinary course of a property inspection or visit, the sellers are not present. But, given the video surveillance equipment, it was not comfortable for his buyer clients to have cameras operating while he was having discussions with them. The Registrant emphasized that the cameras were in plain view, and it took little effort to disable them temporarily. The Registrant has visited/inspected other properties where video surveillance has been present, but he did not disable the equipment in those instances. However, in this case, the parties to the transaction were also negotiating the sale of personal property and the Registrant had never had a deal involving that kind of situation.
- The Registrant's counsel stated that one would ordinarily assume that a camera's purpose was not to enable the sellers to spy on a realtor and his buyer clients. However, if spying happened to be the purpose, it would have been improper conduct by the sellers. Nevertheless, it was conceded that the standard purpose of surveillance cameras is to protect the sellers from squatters, burglars, etc.

CODE OF ETHICS

The Registrant is governed by the Real Estate and Business Brokers Act, 2002, S.O. 2002, c.30, Schedule C ("REBBA 2002").

This Discipline Committee is established to hear and determine these issues, in accordance with the prescribed Regulations. The Discipline Committee must determine if the Registrant has failed to comply with the Code of Ethics established by the Minister in accordance with Section 21 of the REBBA 2002.

Section 50 of the REBBA 2002 provides that the Minister may make Regulations establishing a Code of Ethics for the purposes of subsection 21(1).

Ontario Regulation 580/05 is the Code of Ethics pursuant to the REBBA 2002 and is the Code of Ethics that governs these proceedings.

Findings by the Panel

Given the evidence from the hearing, including the admissions of the Registrant, the Panel finds that he realized after the fact that his conduct had been improper. The Registrant had no business tampering with the security system even if it simply involving turning off one camera and re-positioning another temporarily. In short, it was a bad judgment call on the part of the Registrant, one that interfered unfairly with the legitimate expectations and interests of the sellers in the security of the Property.

The Panel finds that it was not impossible or impractical for the Registrant to ask his buyer clients to step outside to have a discussion, confidential or otherwise, about the real estate or the personal property they might be interested in buying from the sellers.

Leaving the house and walking a safe distance from outside surveillance cameras could have easily been done, with no need to alter or tamper with the equipment. That was the simplest and safest alternative in the circumstances, a practical measure that would have served the interests of the buyers without disturbing the interests of the sellers.

For its part, RECO cannot be faulted for not distributing memos, notices, or other communications to its membership for matters that should be governed by the exercise of common sense by registrants.

The temporary disconnection or alteration of the video surveillance equipment by the Registrant resulted in unfairness to the sellers and, in all the circumstances, it reflected unprofessional conduct on his part.

The Panel has concluded that sections 3 and 39 in the Code cited by RECO were breached by the Registrant.

While the conduct of the Registrant did not result in any damage or permanent alteration to the video equipment, and one might consider the physical interference to have been minimal, it was nevertheless significant from the perspective of the sellers' interests.

The sellers obviously made a financial investment to install the video surveillance equipment to protect the integrity of their personal living space. As such, they were entitled to the full and uninterrupted operation of that equipment without compromise, even during a short property visit by the Registrant and his clients.

SUBMISSIONS REGARDING PENALTY

Oral Submissions on the issue of penalty and/or cost:

If one or both of the parties would prefer to make oral submissions to the Panel on the issue of penalty and/or costs, the Manager of Discipline & Appeals Hearings should be contacted and advised of that preference.

The Panel directs that any request by a party to make oral submissions must be made to the Manager within ten (10) days of RECO's release of this decision, failing which the parties shall submit written submissions on the issue of penalty and/or costs, as provided below.

Upon receipt of a request for a party to make oral submissions, a mutually convenient date will be scheduled for the Parties to make those submissions.

Written Submissions on the issue of penalty and/or cost

In the event that no request to make oral submissions on penalty and/or costs is made to the Manager within ten (10) days of the release of this decision, the following schedule for the delivery of written submissions shall apply: Counsel for the Registrar, *REBBA 2002*, is to deliver written submissions to the Panel and to the Registrant on the issue of penalty and/or costs within thirty (30) days of the date on which this decision is released to the parties.

The Registrant shall deliver to the Panel and to Counsel for the Registrar, *REBBA 2002*, its written submissions on penalty and costs in response to the Registrar's submissions within fifteen (15) days of the date on which the Registrar's submissions on penalty and costs are delivered to the Registrant.

Counsel for the Registrar shall deliver to the Panel and to the Registrant any reply submissions to the written submission of the Registrant within five (5) days of the date on which the Registrant's submissions on penalty and costs are delivered to the Registrar.

Any inquiries relating to the delivery of the above-mentioned documents should be directed to the Manager, Discipline and Appeals Hearings.

[Released: October 25, 2024]