

**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 -

SYED HOSSEIN GHAMSARI (registered as SAM GHAMSARI)

DISCIPLINE DECISION AND REASONS FOR DECISION

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:

FINDINGS: In violation of Sections 5 and 38 of the *REBBA 2002* Code of Ethics.

ORDER: Fine of \$ 6,000.00 payable to RECO not later than 365 days after the date of the Decision of the Discipline Committee on this matter, with at least \$2,000.00 being payable within 60 days after the date of the Decision of the Discipline Committee on this matter.

Successful completion of the RECO CE: Introduction to TRESA not later than 60 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:

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, Ghamsari was employed at Brokerage A.
2. At all relevant times, Representative A ("Representative A") was employed at the Brokerage B ("Brokerage B").
3. The sellers were the owners of the property located at 1-A Street, City A, ("Property"). The sellers were represented by Ghamsari on behalf of Brokerage A.
4. The buyers were represented by Representative A behalf of Brokerage B.
5. On February 25, 2023, the sellers entered into a Seller Representation Agreement with Brokerage A, with Ghamsari as the representative.
6. On February 25, 2023, the seller signed a listing data form indicating taxes were \$4,200.00 for 2023. Ghamsari relied on the information provided by the seller.
7. Ghamsari did not make efforts to obtain the Property tax certificate from the Town A.
8. Ghamsari listed the property on the local real estate board service ("MLS® Listing"). The MLS® Listing indicated that the Property taxes were \$4,200.00 for the 2023 tax year.
9. On April 24, 2023, the buyers submitted an Agreement of Purchase and Sale ("APS") to purchase the Property for \$1,303,000.00. The APS specified a completion date of May 26, 2024.
10. On April 24, 2023, the Sellers accepted the APS.
11. The buyers learned that the taxes for 2023 were \$5,384.03
12. The incorrect property tax amount added unanticipated expenses for the buyers.

SUMMARY OF AGREEMENTS

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

- A. Ghamsari failed to take reasonable steps to ascertain the correct property tax amount on behalf of his seller client for the Property, contrary to section 5 of the Code of Ethics.
- B. Ghamsari provided incorrect and misleading information in the MLS® Listing, contrary to section 38 (in respect of error and misrepresentation only, not fraud) of the Code of Ethics.

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

Conscientious and competent service, etc.

5. A registrant shall provide conscientious service to the registrant's clients and customers and shall demonstrate reasonable knowledge, skill, judgment and competence in providing those services.

Error, misrepresentation, fraud, etc.

38. A registrant shall use the registrant's best efforts to prevent error, misrepresentation, fraud or any unethical practice in respect of a trade in real estate.

AGREED PENALTY

The Respondent understands and agrees to the following penalty:

- a) To pay a total fine of **\$6,000.00** not later than 365 days after the date of the Decision of the Discipline Committee on this matter, with at least \$2,000.00 being payable within 60 days after the date of the Decision of the Discipline Committee on this matter;
- b) To successfully complete the following courses or programs by the identified completion date:

Course Title (Provider)	Completion date
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Introduction to TRESA	Not later than 60 days after the date of the Decision of the Discipline Committee on this matter.
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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 5 and 38 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. SEYED HOSSEIN GHAMSARI (registered as SAM GHAMSARI) is Ordered a Fine of \$6,000.00 payable to RECO not later than 365 days after the date of the Decision of the Discipline Committee on this matter, with at least \$2,000.00 being payable within 60 days after the date of the Decision of the Discipline Committee on this matter.
2. SEYED HOSSEIN GHAMSARI (registered as SAM GHAMSARI) is Ordered to successfully complete RECO CE Introduction to TRESA course, not later than 60 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.

[Released: June 12, 2024]