

**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 -**

**JACQUELINE MOK**

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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 Section 39 of the *REBBA 2002* Code of Ethics.

**ORDER:** Fine of \$ 1,500.00 payable to RECO not later than four (4) months after the date of the Decision of the Discipline committee.

Successful completion of the RECO MCE: Introduction to TRESA course, not later than four (4) months after the date of the Decision of the Discipline Committee 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, Jacqueline Mok (“Mok”) was registered as a salesperson under the *Real Estate and Business Brokers Act, 2002* (“Act”), and who is currently registered under the *Trust in Real Estate Services Act, 2002*.
2. At all relevant times, Mok was employed at Brokerage A (“Brokerage A”).
3. Individual A and Individual B (the “Complainants”) were the owners/landlords of the subject property located at 1-A Street, City A (the “Property”).
4. On or about August 24, 2023, the Property was listed for lease by Brokerage B (“Landlord Brokerage”). Representative A (“Landlord Representative”) was the agent representing the Listing.
5. On September 8, 2023, Mok had a scheduled viewing for the Property between 1:00 p.m. – 1:30 p.m.
6. On September 8, 2023, at the scheduled showing time, Mok attended with their tenant-clients and performed an inspection on the appliance(s) at the Property. Mok operated the washer and dryer, an “all-in-one” machine but did not confirm the cycle was completed prior to completing the showing. No consent was sought from the Complainants (owner) and/or their Landlord Representative to operate the appliance.
7. On or about September 10, 2023, the Landlord’s Representative sent a text message to Mok asking if she had used the washer and dryer. Mok replied to the Landlord’s Representative confirming they did at the showing with their tenant-clients.
8. Mok advises that they operated the washer/dryer machine as they were providing conscientious service to their tenant-clients.
9. Mok acknowledges that they did not obtain the consent of the Landlord and/or the Landlord’s Representative prior to operating the washer and dryer.

## **SUMMARY OF AGREEMENTS**

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

- A. Mok failed to use good judgment when performing an inspection of, and by operating, an appliance at the Property without obtaining the consent of the property owner and/or the listing representative, contrary to section 39 of the Code of Ethics.

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

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 fine of **\$1,500.00** not later than four months after the date of the Decision of the Discipline Committee.

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

<b>Course Title (Provider)</b>	<b>Completion date</b>
MCE Introduction to TRESA	not later than four months 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 Section 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. JACQUELINE MOK is Ordered a Fine of \$1,500.00 payable to RECO not later than four (4) months after the date of the Decision of the Discipline Committee.
2. JACQUELINE MOK is Ordered to successfully complete RECO 'MCE Introduction to TRESA' course, not later than four (4) months 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: January 23, 2025]*