
**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 -

TSZ-HIN THOMAS CHONG (registered as THOMAS CHONG)

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 3, 4, 5, 38 and 39 of the *REBBA 2002* Code of Ethics.

ORDER: Fine of \$22,000.00 payable to RECO not later than March 16, 2026 (6 months after the date of the Decision of the Discipline Committee in this matter).

Successful completion of “REIC: 2600 Ethics in Business Practice” course and provide RECO with confirmation of successful completion within 6 months of the date of the Decision of the Discipline Committee in this matter, and provide proof of completion to RECO within 30 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, Chong was a salesperson with Brokerage A.
2. At all relevant times, Registrant A was a salesperson and then a broker with Brokerage A.
3. Chong acted for the Seller and Registrant A acted for the Buyer in respect of the sale of a commercial property located at 1-A Street in City A, Ontario (the "**Property**").
4. Despite both being employed with Brokerage A, neither Chong nor Registrant A made proper disclosure or obtained proper consent for multiple representation in respect of the sale of the Property.
5. Neither Chong nor Registrant A provided or filed any paperwork or documents with Brokerage A relating to the sale of the Property. In fact, Chong and Registrant A facilitated and managed the transaction outside of their brokerage.
6. The agreement of purchase and sale for the Property (the "**APS**") was fully executed on or about October 14, 2020.
7. The sale price listed in the APS – which was \$438,000 - was not the true sale price of the Property as the actual, previously agreed (and ultimately paid) price for the Property was \$872,000.
8. The reason for the discrepancy between the actual sale price and the price listed in the APS was that Registrant A advised his Buyer client to have the sale price in the APS be artificially low in order to reduce the taxes that would otherwise have been owed by the Seller from the sale of the Property.
9. Upon being presented with the APS, Chong contacted the representative of the Seller (which was a corporation) with respect to the apparent discrepancy and was advised that the APS was accurate. Chong proceeded, at the direction of the Seller, to execute the APS (with the false sale price) on the Seller's behalf in his capacity as a Director of Seller.

SUMMARY OF AGREEMENTS

It is agreed that Chong failed to comply with the Code of Ethics as follows:

- A. By trading in real estate outside of his brokerage, including by not filing paperwork through the brokerage, contrary to sections 4, 5, 38, and 39 of the *Code of Ethics*; and
- B. By allowing and assisting his Seller client to enter into an agreement which contained a false sale price, contrary to sections 3, 38, and 39 of the *Code of Ethics*.

It is agreed that Chong failed to comply with the following sections of the Code of Ethics:

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.

Best interests

4. A registrant shall promote and protect the best interests of the registrant's client.

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.

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:

- a) To pay a fine of **\$22,000.00** not later than 6 months after the date of the Decision of the Discipline Committee in this matter; and
- b) To successfully complete the following courses by the identified completion date and provide proof of completion to RECO within 30 days of completion of the courses:

Course Title and Provider	Completion Date
REIC 2600: Ethics in Business Practice	Within 6 Months of the date of the Decision of the Discipline Committee in this matter.

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, 4, 5, 38 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. CHONG, TSZ-HIN THOMAS, registered as CHONG, THOMAS, is ordered to pay a fine in the amount of \$22,000.00, payable to RECO, not later than 6 months after the date of the Decision of the Discipline Committee in this matter.

2. CHONG, TSZ-HIN THOMAS, registered as CHONG, THOMAS, is ordered to successfully complete the “REIC 2600: Ethics in Business Practice” course within 6 months of the date of the Decision of the Discipline Committee in this matter, and provide proof of completion to RECO within 30 days of completion of the course.

Released: September 15, 2025