
**IN THE MATTER OF A DISCIPLINE PROCEEDING HELD PURSUANT TO THE
*TRUST IN REAL ESTATE SERVICES ACT, 2022***

BETWEEN:

REAL ESTATE COUNCIL OF ONTARIO

- AND -

ROBERT FRANCIS

DISCIPLINE DECISION AND REASONS FOR DECISION

Subject to Rule 4.02 of the Discipline and Appeals Committee Rules of Practice (*TRESA 2002*), I, the Chair of the Discipline Committee (*TRESA 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(a)(b), 9(1)(2) and 37 of the *TRESA 2002* Code of Ethics.

In violation of Sections 22.1(1)(a)(b)(c) of the General Regulation.

ORDER: Fine of \$7,500.00 payable to RECO not later than 180 days after the date of the Decision of the Discipline Committee on this matter: December 9, 2026

Successful completion of the “*RECO CE Introduction to TRESA*” course and provide proof of completion to RECO not later than six (6) months after the date of the Decision of the Discipline Committee on this matter, and to provide proof of completion to RECO by the identified completion date.

WRITTEN REASONS: *attached*

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 (*TRESA 2002*).

The Agreed Statement of Facts and Penalty read:

AGREED STATEMENT OF FACTS AND PENALTY

It is agreed as follows:

1. Francis is and was, at all relevant times, registered to trade in real estate under the Trust in Real Estate Services Act, 2002, and employed at the brokerage RE/MAX Hallmark Realty Ltd. (the "Brokerage")
2. Seller A (the "Seller") was the seller of a residential property at 1 A Street (the "Property").
3. The Seller retained the Brokerage with Francis as listing representative to represent him to list the Property for sale.
4. Buyer A and Buyer B (the "Buyers") were the buyers of the Property.
5. On or about April 16, 2025, the Seller entered into a representation agreement with the Brokerage, and the Property was subsequently placed on the local multiple listing service.
6. Prior to listing the Property for sale, Francis and the Seller had a text message conversation wherein the Seller estimated the 2024 taxes for the Property to be around \$9,000.00 but was unsure respecting the exact amount.
7. The listing information stated that the property taxes for the Property for 2025 were \$8,133.00, which was an unconfirmed amount based on what the Seller told Francis.
8. Francis had acknowledged to the Seller that the tax amounts should be verified prior to entering into an APS, but this was not done.
9. Further, the listing included no statement or disclaimer to inform the public that the tax amount might be inaccurate or was an estimate.
10. The accurate taxes for the Property were \$14,403.06 for 2025 and \$15,868.00 for 2024.

11. On May 1, 2025, the Buyers and Seller entered into an agreement of purchase and sale for the Property for \$2.230M.
12. The Buyers only became aware of the taxes a few days before the transaction was scheduled to close (June 23, 2025).
13. The transaction completed, and the buyers complained to RECO about being misled about the taxes.
14. Francis accepted responsibility, at an early stage of the complaints process, for the incorrect property tax information included in the listing and endeavoured to be more diligent when obtaining and advertising such information.

SUMMARY OF AGREEMENTS

It is agreed that Francis failed to comply with the Act and/or Regulations as follows:

- A. Francis included and advertised incorrect tax information about the Property on the local multiple listing service, contrary to section 37 of the Act.
- B. Francis failed to follow through with his advice to the Seller about verifying the property tax information prior to the Buyers and Seller entering into an APS for the Property, contrary to section 22.1(1) of the General Regulation O. Reg. 567/05.
- C. Francis included an arbitrary amount for the taxes for the Property and included no statement or disclaimer in the property information to alert buyers that the taxes were likely inaccurate, or based on an estimate, contrary to sections 5 and 9 of the Code of Ethics O. Reg. 365/22.

It is agreed that Francis failed to comply with the following sections of the Act:

False advertising

37. No registrant shall make false, misleading or deceptive statements in any advertisement, circular, pamphlet or material published by any means relating to trading in real estate.

It is agreed that Francis failed to comply with the following sections of the General Regulation:

Material facts

22.1 (1) A broker or salesperson who represents a client in respect of the acquisition or disposition of a particular interest in real estate shall,

- a. take reasonable steps to determine the material facts relating to the acquisition or disposition;
- b. disclose the material facts to the client as soon as possible after the determination; and
- c. advise the client to consider whether the material facts affect their decision to acquire or dispose of the interest.

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

Misrepresentation, etc.

5. In carrying on business, a registrant,
 - (a) shall make best efforts to ensure that any representations are accurate and are not misleading; and
 - (b) shall not engage in or be a party to misrepresentation or any unethical practice.

Conscientious and competent service, etc.

9. (1) A registrant shall provide conscientious, courteous and responsive Service to clients and demonstrate reasonable knowledge, skill, judgment and competence in providing such service.

(2) Subject to section 10, in carrying on business, a registrant shall demonstrate reasonable knowledge, skill, judgment and competence in providing opinions, advice, assistance or information to any person.

AGREED PENALTY

The Respondent, Francis, understands and agrees to the following penalty:

To pay a fine of **\$7,500.00** not later than **180 days** after the date of the Decision of the Discipline Committee on this matter.

To successfully complete the following courses or programs, and to provide proof of completion to RECO, by the identified completion date:

Course Title (Provider)	Completion date
RECO CE Introduction to TRESA	Not later than six (6) months after the date of the Decision of the Discipline Committee on this matter.

Respondent acknowledgements:

1. I, **Robert Francis**, acknowledge that I have read and understand the penalty outlined herein and agree to the said terms and/or conditions.
2. I, **Robert Francis**, acknowledge my right to seek legal counsel in this matter before signing this agreement.
3. I, **Robert Francis**, 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 Parties duly signed the Agreed Statement.]

DECISION OF THE CHAIR

Having reviewed and considered the Agreed Statement of Facts, the Chair of the Discipline Committee (TRESA 2002) concluded that the Respondent breached Sections 5(a)(b), 9(1)(2) and 37 of the TRESA 2002 Code of Ethics, and 22.1(1)(a)(b)(c) of the General Regulation.

The Chair of the Discipline Committee (TRESA 2002) is also in agreement with the joint submission of the Parties as to penalty and accordingly makes the following order:

1. FRANCIS, Robert is ordered to pay a fine in the amount of \$7,500.00, payable to RECO, not later than 180 days after the date of the Decision of the Discipline Committee on this matter.

2. FRANCIS, Robert is ordered to successfully complete the “*RECO CE Introduction to TRESA*” course not later than six (6) months after the date of the Decision of the Discipline Committee on this matter, and to provide proof of completion to RECO by the identified completion date.

Released: June 12, 2026