

**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 -**

**LUCAS CAMERON COLALILLO (registered as LUCAS COLALILLO)**

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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 Sections 5 and 38 of the *REBBA 2002* Code of Ethics.

**ORDER:** Fine of \$ 10,000.00 payable to RECO not later than 10 months after the date of the Decision of the Discipline Committee in this matter, with at least \$2,000.00 of the total fine amounts to be paid on or before 30 days after the date of the Decision.

Successful completion of the RECO CE: Introduction to TRESA on or before October 31, 2024, 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, Lucas Colalillo ("**Colalillo**") was employed as a salesperson with Brokerage A. Colalillo is currently employed with Brokerage B.
2. In 2019, Colalillo acted for a seller client (the "**Seller**") in respect of the listing of a property for sale located at 1-A Street, City A (the "**Property**").
3. The Property was listed for sale on or about October 10, 2019.
4. The real estate board MLS listing for the Property stated: "*Driveway/Parking: Gravel/Mutual/Shared, Private Single Wide, Right-of-Way*".
5. Colalillo relied on what he was told by the Seller as the basis for the statements that there was a mutual driveway/right of way and did not take any other steps to verify the accuracy of the information.
6. An Agreement of Purchase and Sale for the Property was entered into on October 11, 2019.
7. The sale of Property completed on November 25, 2019.
8. In 2022, the buyer of the Property learned that there was, in fact, no right-of-way or shared drive. The lack of a right-of-way and/or a shared driveway came to light as a result of the neighbouring property being redeveloped.
9. The redevelopment was/is going to eliminate the "driveway" portion that was used by the buyer and, as a result, there will be no access to the space that was being used for parking.

## **SUMMARY OF AGREEMENTS**

### **It is agreed that Colalillo failed to comply with the Code of Ethics as follows:**

- A. As the seller agent, Colalillo failed to take reasonable steps to determine accurate facts regarding the Property in respect of the driveway and parking attributes, and then posted incorrect information in the listing information, contrary to sections 5 and 38 of the *Code of Ethics*.

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

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 fine in the total amount of **\$10,000.00** not later than 10 months after the date of the Decision of the Discipline Committee in this matter, **with at least \$2,000** of the total fine amount to be paid on or before 30 days after the date of the Decision; and
- b) To successfully complete the following course by the identified completion date and provide proof of completion to RECO within 30 days of completion of the courses:

<b>Course Title (Provider)</b>	<b>Completion Date</b>
<b>Introduction to TRESA (RECO)</b>	<b>On or before October 31, 2024</b>

**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 hereby 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. LUCAS CAMERON COLALILLO (registered as LUCAS COLALILLO) is Ordered a Fine of \$10,000.00 payable to RECO not later than 10 months after the date of the Decision of the Discipline Committee in this matter, with at least \$2,000.00 of the total fine amount to be paid on or before 30 days after the date of the Decision.
2. LUCAS CAMERON COLALILLO (registered as LUCAS COLALILLO) is Ordered to successfully complete RECO CE Introduction to TRESA course, on or before

October 31, 2024, and to provide proof of completion to RECO within 30 days of completion of the course.

*[Released: September 25, 2024]*