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**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 -**

**LIN LI TIAN (registered as LYNDON TIAN)**

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

**ORDER:** Fine of \$ 7,500.00 payable to RECO within 90 days of the release of the Discipline Decision.

Successful completion of the RECO MCE Compliance and Ethics in Real Estate course, Parts 1 and 2 within six (6) months from the release of the Discipline Decision.

To 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**

1. Lin Li Tian, registered as Lyndon Tian (“Tian”) who is registered as a salesperson under the Real Estate and Business Brokers Act, 2002 (“Act”); Tian was employed at Brokerage A. Tian was the real estate agent for the potential buyers in the incident outlined below.
2. On or about May 24, 2022, RECO received a complaint from the listing real estate agent for a property alleging that potential buyers had accessed and viewed their client’s property in Tian’s absence by utilizing the lockbox to gain entry to the property. The lockbox requires specific instructions, along with the code, to open it.
3. The listing real estate agent states that on May 23, 2022, a call was received from the sellers of the subject property alleging that they witnessed on the surveillance camera located in front entrance only the buyers enter the Property and not Tian. The listing real estate agent contacted Tian to advise of same and states that they came to learn from Tian that they had released the instructions to their buyers – the lockbox was electronic and required specific instructions, along with the code, to open it.
4. On or about June 21, 2022, in response to RECO’s inquires about the allegation, Tian advised that his clients must have seen him write down the lockbox code on a piece of paper and remembered it.
5. Tian claimed to be on his way to the viewing appointment for the property but that his clients got there first, accessed the property themselves, and did a quick tour. He claims his clients then advised that they were finished viewing the property, were leaving, and that he no longer needed to attend.

## **SUMMARY OF AGREEMENTS**

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

- A. Tian facilitated and/or permitted unauthorized access to the Property by releasing the lockbox code and instructions to their buyers and failing to be in attendance, contrary to sections 3, 38 and 39 of the Code of Ethics.

### **It is agreed that Tian 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.

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**

**A) The Respondent understands and agrees to the following penalty:**

To pay a fine of **\$7,500.00** within 90 days after the release of the Discipline Decision.

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

<b>Course Title (Provider)</b>	<b>Completion date</b>
MCE Ethics and Compliance Parts 1 & 2	6 months from the release of the Discipline Decision

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 3, 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. LIN LI TIAN (registered as LYNDON TIAN) is Ordered a Fine of \$7,500.00 payable to RECO within 90 days after the release of the Discipline Decision.
2. LIN LI TIAN (registered as LYNDON TIAN) is Ordered to successfully complete RECO MCE Compliance and Ethics in Real Estate course, Parts 1 & 2, within six (6) months of the release of the Discipline Decision.
3. To provide proof of completion to RECO within 60 days of completion of the courses.

*[Released: June 22, 2023]*