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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 -**

**FAYE ALLOTT**

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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:

**FINDINGS:** In violation of Sections 38 and 39 of the *REBBA 2002* Code of Ethics.

**ORDER:** Fine of \$7,700.00 payable to RECO not later than 120 days after the date of the Decision of the Discipline Committee on this matter.

Successful completion of RECO MCE Compliance and Ethics in Real Estate, Part 1, course, and provide RECO with confirmation of successful completion not later than 90 days after the date of the Decision of the Discipline Committee on this matter; and, to provide proof of completion to RECO within 60 days of completion of the course.

Successful completion of RECO MCE Compliance and Ethics in Real Estate, Part 2, course, and provide RECO with confirmation of successful completion not later than 90 days after the date of the Decision of the Discipline Committee on this matter; and, 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**

It is agreed as follows:

1. Allott, is registered as a salesperson under the *Real Estate and Business Brokers Act*.
2. At all relevant times, Allott was employed at Brokerage A.
3. At all relevant times, Allott was the listing representative for Seller A, the owner of a property located at 1-A Street #2, City A ("Property").
4. On or about July 28, 2022, Allott uploaded a listing for the Property on the Multiple Listing Service ("MLS Listing"). The listing price of the Property was \$589,900.00. Property taxes for 2022 was stated as \$2,611.00.
5. At all relevant times, Representative A was the buyer representative and was employed at Brokerage B, registered as Brokerage B.
6. On or about August 9, 2022, Buyer A ("Complainant") and Buyer B made an offer to purchase the Property (the "Offer"). The Offer was sent to Allott by their representative, Representative A. The Offer had a purchase price of \$589,900.00, deposit of \$5,000.00 and the completion date set as October 7, 2022.
7. The Offer was accepted by the Seller at or about 4:11 p.m. on August 11, 2022.
8. On or about October 6, 2022, the day before the scheduled completion date of the transaction, the Complainant was advised by their lawyer that the property tax levied for 2022 was \$5,147.40, nearly double the \$2,611.00 amount indicated in the MLS Listing.
9. The Complainant also discovered that the property taxes levied for the Property in 2020 and 2021 were \$5,156.57 and \$5,071.23, respectively.
10. The Complainant relied on the property tax information represented by Allott in the MLS listing.

**SUMMARY OF AGREEMENTS**

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

- A. As a seller's representative, Allott failed to ascertain the accurate property taxes for the property and provided false and misleading property tax information on the MLS Listing, contrary to sections 38 and 39 of the Code of Ethics.

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

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:**

To pay a fine of **\$7,700.00** not later than 120 days after the date of the Decision of the Discipline Committee on this matter.

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

<b>Course Title (Provider)</b>	<b>Completion date</b>
RECO MCE Compliance and Ethics in Real Estate, Part 1	Not later than 90 days after the date of the Decision of the Discipline Committee on this matter.
RECO MCE Compliance and Ethics in Real Estate, Part 2	Not later than 90 days after the date of the Decision of the Discipline Committee on this matter.

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 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 (*REBBA 2002*) concluded that the Respondent breached Sections 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. FAYE ALLOTT is Ordered a Fine of \$7,700.00 payable to RECO due not later than 120 days after the date of the Decision of the Discipline Committee on this matter.
2. FAYE ALLOTT is Ordered to successfully complete RECO MCE Compliance and Ethics in Real Estate, Part 1, course, not later than 90 days after the date of the Decision of the Discipline Committee on this matter; and, to provide proof of completion to RECO within 60 days of completion of the course.
3. FAYE ALLOTT is Ordered to successfully complete RECO MCE Compliance and Ethics in Real Estate, Part 2, course, not later than 90 days after the date of the Decision of the Discipline Committee on this matter; and, to provide proof of completion to RECO within 60 days of completion of the course.

***[Released: September 6, 2023]***