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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 -**

**ANANTHIE ALEX (registered as ANNA ALEX)**

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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, 4, 5, 17, 37(1), 37(2), 38 and 39 of the *REBBA 2002* Code of Ethics.

**ORDER:** Fine of \$60,000.00 payable to RECO not later than July 1, 2025, with at least \$10,000.00 of the total fine amount to be paid on or before February 29, 2024, and with at least an additional \$20,000.00 of the total fine amount to be paid on or before December 31, 2024.

Successful completion of “REIC 2600 Ethics in Business Practice” course, on or before July 1, 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, Ananthie Alex (“**Alex**”) was a salesperson employed with Brokerage A.

#### **1-A Street (File No. 100000000)**

2. In 2019, Alex represented Individual A in relation to the purchase of a property located at 1-A Street, City A (“**A Street**”).
3. In purchasing the property, Individual A dealt primarily with an individual B.
4. Individual B was not a registrant however she referred clients to Alex.
5. A Street was presented to Individual A as a potential property for purchase by Individual A.
6. Although Alex was acting as the representative of Individual A, it was Individual B who met with and communicated, instructed, and advised Individual A about the trade.
7. On or about January 26, 2019, Individual A purportedly executed documents relating to a) representation by Brokerage A (and Alex) and b) an offer to purchase A Street.
8. Alex was not present when the documents were purportedly executed by Individual A.
9. Alex falsely signed as a witness to Individual A’s signature as part of the offer that was prepared for A Street.
10. A review of the trade records indicates that signature and/or initials of Individual A were falsified in respect of a number of documents related to the trade.
11. The purchase of A Street did not close and a release was negotiated pursuant to which Individual A gave up the deposit amount of \$15,000 to the Sellers.

#### **1-B Street (File No. 200000000)**

12. In 2019, Alex represented Buyer A and Buyer B (the “**Buyers**”) in relation to the purchase of a property located 1-B Street, City B (“**B Street**”).
13. In purchasing the property, the Buyers dealt primarily with an individual named Individual B.

14. Individual B was not a registrant but referred clients to Alex.
15. On or about April 30, 2019, the Buyers executed documents relating to a) representation by Brokerage A (and Alex) and b) an offer to purchase B Street.
16. These documents were presented to the Buyers by Individual B. Alex was not present when the documents were executed by the Buyers and did not advise, consult, or instruct the Buyers in the completion of the documents.
17. An Agreement of Purchase and Sale for B Street was entered into between the Buyers and the Sellers on or about May 1, 2019 (the “**B Street APS**”).
18. The Buyers only obtained a copy of the B Street APS after the transaction had closed.
19. A review of the trade documents indicates that the signatures and/or initials of the Buyers were falsified in several places in the B Street APS – including in respect of changes made to the sale price and deposit amount – and in the amendments and waivers relating to the B Street APS.

**1-C Street (File No. 300000000)**

20. In 2019, Alex represented Buyer C in relation to the purchase of a property located at 1-C Street, in City B, Ontario.
21. In purchasing the property, Buyer C dealt primarily with an individual named Individual B.
22. Individual B was not a registrant but referred clients to Alex.
23. On or about May 6, 2019, Buyer C executed documents relating to a) representation by Brokerage A (and Alex) and b) an offer to purchase 1-C Street.
24. These documents were presented to Buyer C by Individual B. Alex was not present and did not advise, consult, or instruct Buyer C in the completion of the documents and the making of the offer for the property.
25. Although Alex was acting as Buyer C’s representative, it was Individual B who met with Buyer C and communicated, instructed, and advised Buyer C about the execution of documents relating to the trade.

26. Buyer C's offer was accepted by the Seller that same day (the "1-C Street APS"). The Seller was also represented by Alex.
27. Buyer C was not properly advised about the multiple representation situation, nor did she consent to Alex/Brokerage A acting for both her and the Seller.
28. A review of the trade documents indicates that the signatures and/or initials of Buyer C were falsified in several places, including a buyer representation agreement and a waiver relating to the 3-C Street APS.

### SUMMARY OF AGREEMENTS

**It is alleged that Alex failed to comply with the Code of Ethics as follows:**

**Re: Individual A**

- A. In using and/or facilitating an unregistered individual (Individual B) to provide representation, services and/or advice to her Client Individual A, Alex acted contrary to sections 3, 4, 5, 37, and 38 of the Code of Ethics.
- B. In assisting and/or facilitating the trading in real estate by an unregistered individual (Individual B) in respect her Client Individual A, Alex acted contrary to sections 3, 4, 5, 37, and 38 of the Code of Ethics.
- C. In failing to deal directly with her Client Individual A in respect of a trade in real estate, Alex acted contrary to sections 3, 4, 5, and 38 of the Code of Ethics.
- D. In failing to properly represent and/or advise her Client Individual A, including failing to confirm matters and review documents relating to a trade in real estate (including signatures and initials), Alex acted contrary to sections 3, 4, 5, and 38 of the Code of Ethics.
- E. In falsely witnessing the execution of a document by her Client Individual A, Alex acted contrary to sections 3, 4, 5, 37, and 38 of the Code of Ethics.
- F. As a result of the actions set out in paragraphs A to E, Alex engaged in disgraceful, dishonourable, unprofessional and/or unbecoming conduct contrary to section 39 of the Code of Ethics.

**Re: Buyer A and Buyer B**

- G. In using and/or facilitating an unregistered individual (Individual B) to provide representation, services and/or advice to her Client Buyers A & B, Alex acted contrary to sections 3, 4, 5, 37, and 38 of the Code of Ethics.
- H. In assisting and/or facilitating the trading in real estate by an unregistered individual (Individual B) in respect of her Client Buyers A & B, Alex acted contrary to sections 3, 4, 5, 37, and 38 of the Code of Ethics.
- I. In failing to deal directly with her Client Buyers A & B in respect of a trade in real estate, Alex acted contrary to sections 3, 4, 5, and 38 of the Code of Ethics.
- J. In failing to properly represent and/or advise her Client Buyers A & B, including failing to confirm matters and review documents relating to a trade in real estate (including signatures and initials), Alex acted contrary to sections 3, 4, 5, and 38 of the Code of Ethics.
- K. As a result of the actions set out in paragraphs G to J, Alex engaged in disgraceful, dishonourable, unprofessional and/or unbecoming conduct contrary to section 39 of the Code of Ethics.

**Re: Buyer C**

- L. In using and/or facilitating an unregistered individual (Individual B) to provide representation, services and/or advice to her Client Buyer C, Alex acted contrary to sections 3, 4, 5, 37, and 38 of the Code of Ethics.
- M. In assisting and/or facilitating the trading in real estate by an unregistered individual (Individual B) in respect of her Client Buyer C, Alex acted contrary to sections 3, 4, 5, 37, and 38 of the Code of Ethics.
- N. In failing to deal directly with her Client Buyer C in respect of a trade in real estate, Alex acted contrary to sections 3, 4, 5, and 38 of the Code of Ethics.
- O. In failing to properly represent and/or advise her Client Buyer C, including failing to confirm matters and review documents relating to a trade in real estate (including signatures and initials), Alex acted contrary to sections 3, 4, 5, and 38 of the Code of Ethics.
- P. In failing to properly disclose and obtain consent regarding multiple representation from her Client Buyer C, Alex acted contrary to sections 3, 4, 5, 17 and 38 of the Code of Ethics.

- Q. As a result of the actions set out in paragraphs L to P, Alex engaged in disgraceful, dishonourable, unprofessional and/or unbecoming conduct contrary to section 39 of the Code of Ethics.

**It is agreed that Alex 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.

Nature of relationships

17. If a registrant represents or provides services to more than one buyer or seller in respect of the same trade in real estate, the registrant shall, in writing, at the earliest practicable opportunity and before any offer is made, inform all buyers and sellers involved in that trade of the nature of the registrant's relationship to each buyer and seller.

Inaccurate representations

37. (1) A registrant shall not knowingly make an inaccurate representation in respect of a trade in real estate.

(2) A registrant shall not knowingly make an inaccurate representation about services provided by the registrant.

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 in the total amount of **\$60,000.00** not later than **June 31, 2025, with at least \$10,000.00** of the total fine amount to be paid on or before **February 29, 2024**, and **with at least an additional \$20,000.00** of the total fine amount to be paid on or before **December 31, 2024**; 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>REIC 2600 – Ethics in Business Practice (Real Estate Institute of Canada)</b>	<b>On or before June 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 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 3, 4, 5, 17, 37(1), 37(2), 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. ALEX, Ananthie (registered as ALEX, Anna) is Ordered a Fine of \$60,000 not later than July 1, 2025, with at least \$10,000.00 of the total fine amount to be paid on or before February 29, 2024, and with at least an additional \$20,000.00 of the total fine amount to be paid on or before December 31, 2024.
2. ALEX, Ananthie (registered as ALEX, Anna) is Ordered to successfully complete “REIC 2600 Ethics in Business Practice” course, on or before July 1, 2024, and provide proof of completion to RECO within 30 days of completion of the course.

There are two (2) places where a correction was made in this Order by the Chair regarding the typo of June 31 on the ASFP, which is now replaced with July 1. This correction is made with the approval of RECO Legal Department

*[Released: February 16, 2024]*