

**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 -

HONG XIE

DISCIPLINE DECISION AND REASONS FOR DECISION

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

ORDER: Fine of \$ 6,500.00 payable to RECO not later than four months after the date of the Decision of the Discipline Committee.

Successful completion of the RECO CE “Introduction to TRESA” course not later than four (4) months after the date of the Decision of the Discipline Committee and 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. At all relevant times, **Hong Xie, (“Xie”)** was registered as a broker under the *Real Estate and Business Brokers Act, 2002* (“Act”).
2. At all relevant times, Xie was employed at Brokerage B.
3. Representative A (the “Complainant”) is salesperson employed with Brokerage A (“Listing Brokerage”) and the seller for a property located at 1-A Street, City A (the “Property”).
4. On November 25, 2022, Xie booked an appointment for the Property and the viewing time was confirmed for 3:30 p.m. for the same day.
5. The Complainant advises that on November 25, 2022, at approximately 2:00 p.m. they were notified by their door camera that someone was attempting to enter the Property. The Complainant answered the front door where they greeted Xie’s buyers who did not speak English. The Complainant advises that the buyers were on the phone with Xie - the Complainant spoke with Xie regarding their buyers being at the Property unaccompanied and 90 minutes early. Xie confirmed that they would exit, then return and attend at 3:30 p.m.
6. The Complainant states that at approximately 3:05 p.m. they had left the Property and communicated with Xie that if they all wanted to come early that the Property was now available for viewing.
7. At 3:09 p.m. Xie’s buyers attended the Property without Xie. They proceeded to enter the Property by accessing a key in the lockbox. Xie’s buyers left the Property at approximately 3:16 p.m.
8. The Complainant confirmed Xie was not in attendance via their surveillance camera at the Property.

SUMMARY OF AGREEMENTS

It is agreed that Xie failed to comply with the Code of Ethics (O. Reg. 580/05) as follows:

A. Xie facilitated unauthorized and/or unsupervised access to the Property by providing access to the Property via release of the lockbox code to their buyers and failing to attend at the showings for the Property with the buyer, contrary to sections 3 and 39 of the Code of Ethics.

It is agreed that Xie failed to comply with the following sections of the Code of Ethics (O. Reg. 580/05):

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.

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 **\$6,500.00** not later than four months after the date of the Decision of the Discipline Committee.

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

Course Title (Provider)	Completion date
Introduction to TRESA	not later than four months after the date of the Decision of the Discipline Committee

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 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. HONG XIE is Ordered a Fine of \$6,500.00 payable to RECO not later than four (4) months after the date of the Decision of the Discipline Committee.
2. HONG XIE is Ordered to successfully complete RECO CE “Introduction to TRESA” course, not later than four (4) months after the date of the Decision of the Discipline

Committee and to provide proof of completion to RECO within 60 days of completion of the course.

[Released: October 2, 2024]