

**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 -**

**EWA MARIA LANDRETH (registered as EVA LANDRETH)**

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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 Section 17 of the *REBBA 2002* Code of Ethics.

**ORDER:** Fine of \$ 10,000.00 payable to RECO not later than nine (9) months after the date of the Decision of the Discipline Committee on this matter, with \$2,000.00 of the total fine amount be paid immediately.

Successful completion of the RECO CE: Introduction to TRESA course within nine (9) months of the date of this agreement and provide proof of completion to RECO immediately upon 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, Ewa Maria Landreth registered as Eva Landreth (“Landreth”) was registered as a salesperson under the Act, and who are is currently registered under the *Trust in Real Estate Services Act, 2002*;
2. At all relevant times, Landreth was employed at Brokerage A in the Branch A office.
3. Landreth and Representative A were the salespersons representing the seller of the property located at 1-A Street, City A (the “Property”).
4. Representative B was at all relevant times, a salesperson with Brokerage B and who represented a prospective buyer of the Property.
5. The Property was listed on the local board listing service (“MLS”) on September 13, 2023, stating that offers were being reviewed on September 16, 2023, after 3:00 p.m., and to make any offers 24-48 hour irrevocable.
6. After numerous property viewings took place, six buyers, represented by different salespersons or brokers, submitted offers on the Property, including some improved, on behalf of their buyer clients, totalling 10 offers.
7. Representative A sent email updates to all parties periodically updating them about the number of offers, as it changed. One of the offers was from a salesperson from the seller’s brokerage and this was disclosed to all parties via email.
8. Just before 5:00 p.m. on September 16, 2023, an interested buyer contacted Representative A about putting in an offer. They had not seen the Property and reached out to Representative A via the online portal Realtor.ca.
9. This interested buyer, now represented by Representative A, subsequently submitted an offer for the Property.
10. The sellers were unable to make a decision on September 16, 2023, and so negotiations continued into the next day, September 17, 2023.
11. Representative A’s buyer’s offer became the successful offer.
12. Representative A or Landreth did not disclose to other buyers or their representatives of the fact that Representative A and the brokerage were representing both the seller and a buyer.

## SUMMARY OF AGREEMENTS

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

- A. Landreth failed to inform all buyers who made an offer in writing, that the brokerage was in multiple representation and that Representative A was representing a competing buyer client's offer, contrary to section 17 of the Code of Ethics.

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

### **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.

## AGREED PENALTY

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

1. To pay a fine of **\$10,000.00** not later than 9 months after the date of the Decision of the Discipline Committee on this matter;
2. A penalty of \$2,000.00 to be paid immediately and
3. To successfully complete the following courses or programs by the identified completion date:

<b>Course Title (Provider)</b>	<b>Completion date</b>
RECO's MCE TRESA introduction course.	Within 9 months of the date of this agreement

4. To provide proof of completion to RECO immediately upon completing the course.

**Respondent acknowledgments:**

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 Section 17 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. EWA MARIA LANDRETH (registered as EVA LANDRETH) is Ordered a Fine of \$10,000.00 payable to RECO not later than nine (9) months after the date of the Decision of the Discipline Committee on this matter, with \$2,000.00 of the total fine amount to be paid immediately.

2. EWA MARIA LANDRETH (registered as EVA LANDRETH) is Ordered to successfully complete RECO CE Introduction to TRESA course, within nine (9) months of the date of this agreement, and to provide proof of completion to RECO immediately upon completion of the course.

*[Released: November 12, 2024]*