

**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 -**

**JOHN BRADLEY LAMB (registered as BRAD J. LAMB)**

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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 and 38 of the *REBBA 2002* Code of Ethics.

**ORDER:** Fine of \$ 7,000.00 payable to RECO on or before October 10, 2022 (which is 180 days after the date of this Decision of the Discipline Committee on this matter).

**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. Lamb is and was, at all relevant times, registered as a broker under the *Real Estate and Business Brokers Act, 2002* and employed by Brokerage A, a registered brokerage under the Act.
2. Lamb is also the President and CEO of Company A, Company B, and Company C. Those companies are not registered under the Act.
3. Lamb has an interest, either directly, or through a corporation that he controls, in a condominium unit located at 1 A Street, City A (“Property”).
4. On or about May 22, 2019, Lamb listed the Property for rent on the MLS® for \$2,035 per month (“Listing”). The landlord of the Property was Company A and Lamb was responsible for considering and/or accepting any offers to rent the Property on behalf of Company A.
5. Lamb, at the relevant time, employed an assistant, Individual A, who worked in various capacities respecting the operations of the above-mentioned companies, including Brokerage A. Individual A is not, nor has she ever been, registered under the Act.
6. Representative A is and was, at all relevant times, registered as a salesperson under the Act and employed at Brokerage B. Representative A represented a potential tenant, Consumer A.
7. Representative B is and was, at all relevant times, registered as a broker under the Act and employed at Brokerage C. Representative B represented the successful tenants of the Property, Individual B and Individual C.
8. On May 25, 2019, Representative A submitted an offer to rent the Property on behalf of Consumer A (“Offer”) to Individual A.
9. On May 27, 2019, Representative A followed up with Individual A respecting the Offer and Individual A informed Representative A that the owners of the Property had decided to accept another offer. However, at that time, there were no other offers except the offer Representative A had submitted. Rather, Lamb had decided that the

Offer was not acceptable, and had been informed that another offer was forthcoming, which he was prepared to seriously consider.

10. On May 30, 2019, Representative B submitted an offer to lease the Property on behalf of his clients that was accepted by Lamb on May 31, 2019.

## SUMMARY OF AGREEMENTS

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

A. Lamb facilitated his unregistered employee to provide inaccurate information to Representative A about the acceptance of a competing offer, contrary to sections 3 and 38 of the Code of Ethics.

### **It is agreed that Lamb 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.

## AGREED PENALTY

JOHN BRADLEY LAMB (registered as BRAD J. LAMB), the Respondent, be ordered to pay a penalty of \$7,000.00 not later than 180 days after the date of the Decision of the Discipline Committee on this matter.

By initials below, I, JOHN BRADLEY LAMB (registered as BRAD J. LAMB), acknowledge that I have read and understand the penalty outlined herein and agree to the said terms and/or conditions.

*[Respondent's Initials]*

By initials below, I, JOHN BRADLEY LAMB (registered as BRAD J. LAMB), agree, understand, acknowledge and consent to waive the requirement for a hearing and to request an Order from the Chair of the Discipline Committee that includes this Agreed Statement of Facts and Penalty as a final settlement of this matter.

*[Respondent's Initials]*

By initials below, I, JOHN BRADLEY LAMB (registered as BRAD J. LAMB), acknowledge that I exercised my right to be represented by Counsel or agent in this matter.

*[Respondent's Initials]*

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 38 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. JOHN BRADLEY LAMB (registered as BRAD J. LAMB) is Ordered a Fine of \$7,000.00 payable to RECO not later than 180 days after the date of the Decision of the Discipline Committee on this matter.

*[Released: April 13, 2022]*