

**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 -

FARIDA ASAD

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 \$7,500.00 payable to RECO on or before August 2, 2022.

Successful completion of “RECO MCE Compliance and Ethics in Real Estate”, Part 1, and provide RECO with confirmation of successful completion on or before August 2, 2022.

Successful completion of “RECO MCE Compliance and Ethics in Real Estate”, Part 2, and provide RECO with confirmation of successful completion on or before August 2, 2022.

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. Farida Asad (“Asad”) is registered as a salesperson under the Real Estate and Business Brokers Act, 2002 (“Act”).
2. At all relevant times, Asad was employed at the brokerage Brokerage A.
3. Representative A (the “Complainant”) is a broker employed at the Brokerage B and was, at all relevant times, the listing representative of a property known municipally as 1 A Street, City A (the “Property”).
4. Asad scheduled a viewing of the Property for 3:30 p.m. to 4:00 p.m. on January 13, 2021.
5. Asad was provided with a showing confirmation and instructions pertaining to the COVID-19 pandemic that no more than three individuals should attend the showing including the showing agent and all those attending must wear face masks.
6. Asad failed to attend the Property at the scheduled time on January 13, 2021.
7. At or about 7:00 p.m. on January 13, 2021, Asad entered the Property and conducted a showing together with five other individuals, two of whom did not wear a face mask.

SUMMARY OF AGREEMENTS

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

- A. Asad entered the Property without authorization of the seller or the seller’s representative and further failed to ensure COVID-19 protocols were followed in accordance with the showing instructions contrary to Sections 3 and 39 of the Code of Ethics.

It is agreed that Asad 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.

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

FARIDA ASAD, the Respondent, be ordered to pay a penalty of \$7,500.00 on or before August 2, 2022.

In addition to the above fine, Respondent must enrol in the RECO MCE Compliance and Ethics in Real Estate, Part 1, and provide proof of successful completion of the course on or before August 2, 2022.

In addition to the above fine, Respondent must enrol in the RECO MCE Compliance and Ethics in Real Estate, Part 2, and provide proof of successful completion of the course on or before August 2, 2022

By initials below, I, FARIDA ASAD, 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, FARIDA ASAD, 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, FARIDA ASAD, acknowledge that I was aware of 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 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. FARIDA ASAD is Ordered a Fine of \$7,500.00 payable to RECO on or before August 2, 2022.
2. FARIDA ASAD is Ordered to successfully complete RECO MCE Compliance and Ethics in Real Estate, Part 1, course, on or before August 2, 2022.
3. FARIDA ASAD is Ordered to successfully complete RECO MCE Compliance and Ethics in Real Estate, Part 2, course, on or before August 2, 2022.

[Released: March 3, 2022]