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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 -**

**MONIR ELIAS ANDRAOS**

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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:

**FINDINGS:** In violation of Sections 3 and 39 of the *REBBA 2002* Code of Ethics.

**ORDER:** Fine of \$ 4,500.00 payable to RECO on or before September 2, 2022.

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

Successful completion of RECO MCE Compliance and Ethics in Real Estate, Part 2 course and provide RECO with confirmation of successful completion on or before September 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. Monir Elias Andraos (“Andraos”) is registered as a salesperson under the *Real Estate and Business Brokers Act, 2002* (“Act”). At all relevant times, Andraos was employed at the Brokerage A.
2. Representative A is the Complainant in this matter. Representative A was employed at Brokerage B, the brokerage that was responsible for the listing of a Property located at located at 1 A Street, City A (the “Property”).
3. Representative B is a salesperson employed at the Brokerage C.
4. Representative C is a salesperson employed at the Brokerage A.
5. On or about September 12, 2020, Andraos contacted Brokerage A to book an appointment to view the Property with his buyers. Andraos was provided a showing time at 12:00 p.m. to 12:30 p.m.
6. Representative B had a scheduled viewing for the Property at 11:45 a.m. Representative B states that when she was showing the Property, persons came to the door asking to be let inside the Property. Representative B inquired if they were an agent. The people advised Representative B that their agent, Andraos had sent them to the Property with the lockbox code and would not be in attendance as he had an emergency. Representative B refused entry to Andraos buyers as Andraos was not present. Representative B states they drove away in their car after being refused entry.
7. Representative B contacted Brokerage B to advise on the situation at the Property as the lockbox code was compromised.
8. Representative C had a scheduled showing at the Property on September 12, 2020, at 12:15 p.m. Representative C states that when he arrived at the Property with his

buyers, there were two adults with children waiting on the driveway. Representative C states that these people approached another agent that was finishing up a showing to request entry and was denied. Representative C then states that the couple approached him to demand the keys and got upset as their agent provided them the lockbox code to enter. Representative C states that after he left the Property, he watched them use the lockbox to obtain the key and enter the Property.

9. Representative C contacted Brokerage B to advise of the situation that was encountered with Andraos buyers.
10. Representative A contacted Brokerage A regarding the situation at the Property involving two other agents. Representative A advised that Andraos had provided the lockbox code to the Property to allow his buyers access to the Property while he was not in attendance.
11. Representative A states that Brokerage A advised that Andraos was a new agent and unaware of the rules regarding providing a lock-box code to a non-registrant.
12. Andraos advised RECO in his response to the Complaint made by Representative A that this was a lack of judgment from him and states he provided the lockbox to his buyer-clients as he was unable to attend.

#### SUMMARY OF AGREEMENTS

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

- A. Andraos provided the lock-box code to his buyers and instructed them to attend and enter the Property unsupervised, contrary to sections 3 and 39 of the Code of Ethics.

**It is agreed that Andraos 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

MONIR ELIAS ANDRAOS, the Respondent, be ordered to pay a penalty of \$4,500.00 on or before September 2, 2022.

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

By initials below, I, MONIR ELIAS ANDRAOS, 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, MONIR ELIAS ANDRAOS, 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, MONIR ELIAS ANDRAOS, 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. MONIR ELIAS ANDRAOS is Ordered a Fine of \$4,500.00 payable to RECO on or before September 2, 2022.
2. MONIR ELIAS ANDRAOS is Ordered to successfully complete RECO MCE Compliance and Ethics in Real Estate, Part 1 and 2, on or before September 2, 2022.

*[Released: April 20, 2022]*