



**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 -

RAMIN GANJI

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, 5, 21(2) and 38 of the *REBBA 2002* Code of Ethics.

ORDER: Fine of \$ 8,000.00 payable to RECO on or before March 31, 2022.

Successful completion of the RECO's MCE Advertising Compliance course and provide RECO with confirmation of successful completion on or before June 30, 2021.

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. Ramin Ganji, (“Ganji”) who is registered as a salesperson under the Real Estate and Business Brokers Act, 2002, (“Act”);
2. At all relevant times Ganji was employed by Brokerage A.
3. Seller A (“Seller”) was the seller of a property located at / municipally known as 1-A Street, City A.
4. On or about August 14, 2019, the Seller listed the Property for sale with Brokerage A, with Ganji as its representative. The Property was subsequently listed on the local board’s Multiple Listing Service (“MLS Listing”).
5. The value of the 2019 Property Taxes for the Property was advertised on the MLS Listing as \$4,680.00.
6. While the MLS Listing also indicated that “Buyer And Buyer Agent Should Verify [...] Taxes”, this notation was not available to the general public. Rather, this information was only available to those with access to the brokerage remarks section of the MLS Listing.
7. In addition, only the Seller or his agent, in this case Ganji, could verify this information.
8. On or about January 17, 2020, Buyer A and Buyer B (“Buyers”) entered into an agreement to purchase the Property (“APS”). The Buyers were also represented by Brokerage A with Ganji as the representative.
9. After entering into the APS, the Buyers discovered that the Property Taxes were \$5,583.75 and not \$4,680.00 as advertised in the MLS Listing.

SUMMARY OF AGREEMENTS

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

- A. Ganji failed to take reasonable steps to determine the correct Property Tax amount, contrary to sections 5, 21(2), and 38 of the Code of Ethics. More specifically, as it pertains to the Buyers.
- B. Ganji created the MLS Listing wherein prospective purchasers were advised that information with respect to the Property Taxes was to be confirmed by them in a situation where Ganji reasonably ought to have known that this statement was

unavailable to the general public and where only the Seller, or his agent (such as Ganji), could discover this information, contrary to sections 3, and 38 of the Code.

It is agreed that Ganji 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.

Conscientious and competent service, etc.

5. A registrant shall provide conscientious service to the registrant's clients and customers and shall demonstrate reasonable knowledge, skill, judgment and competence in providing those services.

Material facts

21. (2) A broker or salesperson who has a customer in respect of the acquisition or disposition of a particular interest in real estate shall, at the earliest practicable opportunity, disclose to the customer the material facts relating to the acquisition or disposition that are known by or ought to be known by the broker or salesperson.

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

RAMIN GANJI, the Respondent, be ordered to pay a penalty of \$8,000.00 on or before March 31, 2022.

In addition to the above penalty, the Respondent must enrol in RECO MCE 'Advertising Compliance' course and provide proof of successful completion of the course on or before June 30, 2021.

By initials below, I, RAMIN GANJI, 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, RAMIN GANJI, 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, RAMIN GANJI, 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, 5, 21(2) 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. RAMIN GANJI is Ordered a Fine of \$8,000.00 payable to RECO on or before March 31, 2022.
2. RAMIN GANJI is Ordered to successfully complete the RECO's MCE 'Advertising Compliance' course and provide RECO with confirmation of successful completion on or before June 30, 2021.

[Released: May 14, 2021]