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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 -**

**PINAKIN SURESHBHAI PATEL (registered as PINAKIN PATEL)**

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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, 4, 5, 38 and 39 of the *REBBA 2002* Code of Ethics.

**ORDER:** Fine of \$ 23,000.00 payable to RECO on or before April 4, 2025.

Successful completion of the Real Estate Institute of Canada (REIC) "REIC 2600: Ethics in Business Practice" course on or before April 4, 2025, and provide RECO with confirmation of successful completion within 60 days of 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, Pinakin Sureshbhai Patel registered as Pinakin Patel (“Patel”), was registered as a broker under the *Real Estate and Business Brokers Act, 2002* (“Act”).
2. At all relevant times, Patel was employed at Brokerage A.
3. Seller A and Seller B (the “Sellers”) were the owners of a property known municipally as 1-A Street, City A, Ontario (the “Property”). On February 12, 2022, the Sellers retained the services of Brokerage A to list the Property for sale, with Patel acting as the listing sales representative.
4. On February 28, 2022, Buyer A and Buyer B (the “Buyers”), also retained the services of Brokerage A, with Patel as their representative, with respect to the purchase of the Property. The Buyers, on the same day, made an offer which was accepted by the Sellers and delivered a \$25,000.00 deposit.
5. On April 12, 2022, Patel sent to the Buyers, via email, a letter in support of the Buyers' mortgage process attesting to the Buyers being gifted \$50,000.00 to purchase the Property (the “Gift Letter”).
6. The Gift Letter had been pre-filled by Patel and contained, a name and signature purporting to be that of the Buyer’s sister acting as the donor.
7. The Buyers did not know the individual named as the donor nor were they related to the individual named in the Gift Letter.
8. The Buyers, upon Patel's instructions, signed and sent back the Gift Letter, which was then used in support of a mortgage application.

## **SUMMARY OF AGREEMENTS**

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

- A. Patel manufactured a document in support of the Buyers’ mortgage application that contained false information indicating that the Buyers were receiving a \$50,000.00 gift, contrary to sections 3, 4, 5, 38 and 39 of the Code of Ethics.

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

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.

Best interests

4. A registrant shall promote and protect the best interests of the registrant's client.

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.

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.

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**

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

To pay a fine of **\$23,000.00** on or before **April 4, 2025**.

To successfully complete the following courses or programs by the identified completion date:

Course Title (Provider)	Completion date
REIC 2600 Ethics in Business Practice	on or before April 4, 2025

To provide proof of completion to RECO within 60 days of completion of the courses.

**Respondent acknowledgements:**

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 Sections 3, 4, 5, 38 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. PINAKIN SURESHBHAI PATEL (registered as PINAKIN PATEL) is Ordered a Fine of \$23,000.00 payable to RECO on or before April 4, 2025.
2. PINAKIN SURESHBHAI PATEL (registered as PINAKIN PATEL) is Ordered to successfully complete the Real Estate Institute of Canada (REIC) "REIC 2600: Ethics in Business Practice on or before April 4, 2025, and provide RECO with confirmation of successful completion within 60 days of completion of the course.

*[Released: April 26, 2024]*