

Professional Standards Complaint Form

General Information – Please Read Before Signing

1. Please read and complete the **RAHB Professional Standards Complaint Form** and email it to the Professional Standards Committee at angelam@rahb.ca or fax to 905.529.4349.
2. You **must** name the Sales Representative(s)/Broker(s) whom you are complaining about. RAHB can only deal with members of our Association.
3. Your complaint **cannot be anonymous**; we require your full name and return address.
4. The member(s) whom you are complaining about will **receive a copy** of the complaint.
5. When we receive the complaint, **a sub-committee will review your complaint** to determine whether it falls under the jurisdiction of either:
 - a) The REALTORS® Association of Hamilton-Burlington (RAHB) or
 - b) *The Real Estate Council of Ontario (RECO).**
- * RAHB jurisdiction deals with breaches of the RAHB Bylaw Rules and Regulations. RECO deals with complaints which are covered under the Real Estate and Business Brokers Act, 2002 (REBBA 2002). Examples include: professional conduct, misrepresentation, unethical behaviour, etc.
6. The mandate of the Professional Standards Committee **does not review the sale of properties**; however, if RAHB receives a written complaint about one of our members, we will follow the **CDJ Model** (*Appendix 1 attached*) to determine what jurisdiction the complaint would fall under.
7. The REALTORS® Association of Hamilton-Burlington (RAHB) **does not** have the authority to:
 - a) resolve monetary or contractual disputes or
 - b) assess and /or award damages.

Complaint Details

Please describe your complaint – be factual and provide the sequence of events (use additional pages if necessary).

Acknowledgement

In submitting this form, I agree to cooperate with RAHB in its review and processing of this complaint. I understand that I may be interviewed and, if this matter is referred to a hearing panel, I may need to appear as a witness.

I understand that a copy of this Complaint Form and my attachments will be provided to the person(s) against whom I am complaining.

Signature of complainant(s)

Date:

CDJ MODEL**Pamphlet Describing CDJ Model (Revised January 2007)****The REBBA and REALTOR® Code of Ethics**

As of January 1st, 2000 all Ontario real estate brokers and salespersons were required to comply with the Code of Ethics created by the Real Estate Council of Ontario (RECO). The most recent version of such Code – the REBBA Code of Ethics – came into effect on March 31st, 2006 as Ontario Reg. 580/05 under REBBA 2002. In addition, Ontario REALTORS® must continue to comply with the CREA REALTOR® Code, the most recent revision of which took effect July 1st, 2006, and their board by-laws, and board's MLS® rules and regulations.

Pursuant to the terms of the CREA Compliance Protocol and Bilateral Agreement (more information about which can be found on the REALTOR® Link website at <http://www.realtorlink.ca/content/coe/>), it appears that eight Articles of the CREA REALTOR® Code (and their Interpretations) and three other interpretations under the Standards of Business Practice **do not have counterparts** in the REBBA Code of Ethics. These are set out in a Table of Concordance which has been approved by CREA, as required by the CREA Compliance Protocol. That same number of significant differences between the REBBA and REALTOR® Codes may be updated and altered from time to time, if CREA amends its Code; if the Ontario government amends the REBBA Code; or certain types of complaints, initially believed to fall under the REBBA Code are consistently returned by RECO to the boards.

The Purpose of the CDJ Model

This board has adopted the CDJ Model, created by OREA for use by Ontario's real estate boards. The main purpose of the CDJ Model is to reduce the chance of a REALTOR® being investigated and disciplined twice for the same misconduct – once, by RECO for a breach of its Code, and also by this real estate board for a breach of the CREA REALTOR® Code. However, since this board will continue to prosecute infractions of its by-law, rules, regulations and those parts of the CREA REALTOR® Code which are not similar to the REBBA Code, there may be certain instances when a REALTOR® is investigated and disciplined by both RECO and this board, relating to the same misconduct.

The CDJ Model will substantially reduce the “policing” function of this board. In exchange for this, the board will lose a certain amount of autonomy in dealing with ethics complaints against its members. Your board of directors believes that the primary role of this board is to provide services to its members. Now that RECO, the real estate licensing body, is enforcing an extensive and comprehensive Code of Ethics as well as a new Act and other related regulations, the board will not duplicate those efforts.

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CDJ Model – Pamphlet describing CDJ Model – Revised 01/2007
Enclosed with letter from PSC Sub-committee to member

The CDJ Model Procedure

The PSC Sub-committee pre-screens complaints received by the board and decides whether complaints should be referred to RECO; should be processed by the board using the existing PSC and discipline procedure; or both. The decision is simply as to which organization has jurisdiction over the complaint.

The basic principle is that if a complaint alleges conduct which appears to fall within one of the sections of the CREA REALTOR® Code which has a counterpart in the REBBA Code, REBBA 2002 or other REBBA 2002 regulations, the complainant is referred to RECO. If the complaint alleges conduct which appears to fall within this board's by-law, MLS® rules or those sections of the CREA REALTOR® Code that do not have counterparts in REBBA Code, REBBA 2002 or other REBBA 2002 regulations, the complaint is referred to the board's Professional Standards Committee. However, depending on the type of complaint, it may also be referred to RECO.

The various types of pre-screening decisions which may be made by the PSC sub-committee are described on the page 3 of this summary.

The complainant, RECO and the member being complained about are advised of the pre-screening decision of the PSC Sub-committee and the further steps to be taken.

The PSC Sub-committee makes its pre-screening decisions based upon reading the complaint and comparing the CREA REALTOR® Code with the REBBA Code, REBA 2002 or other REBBA 2002 regulations, using the CREA-approved Table of Concordance. At this pre-screening state, the PSC Sub-committee does not investigate or consider the merits of the complaint. The PSC Sub-committee does not decide whether or not the alleged conduct actually constitutes a breach of the CREA REALTOR® Code, the REBBA Code, REBBA 2002 or other REBBA 2002 regulations, the board by-law or the board's MLS® rules. That decision can only be made by the board's hearing panels and/or the appropriate RECO official/committee/tribunal.

It is anticipated that, by using the CDJ Model, many complaints received by the board will be referred to RECO. It is also anticipated that, as the public becomes more aware of the existence of RECO and the REBBA Code, most complaints will be sent directly to RECO, rather than to the board.

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Types of Pre-Screening Decisions

Scenario “A”

If the complaint deals with conduct that appears to fall within a section of the CREA REALTOR® Code which has a counterpart in the REBBA Code, REBBA 2002 or other REBBA 2002 regulations, the complainant is referred to RECO. The board will not take jurisdiction over the matter and will close its file, unless RECO redirects it back to the board. The complainant is provided with all the materials needed in order to file the complaint with RECO.

Scenario “B”

If the complaint deals with conduct that appears to fall within any or all of the following:

1. Those sections of the CREA REALTOR® Code which do not have counterparts in the REBBA Code, REBBA 2002 or other REBBA 2002 regulations;
2. The board’s MLS® rules and regulations; and/or
3. The Board’s by-laws

but does not appear to fall within the REBBA Code, REBBA 2002 or other REBBA 2002 regulations, the complaint is forwarded to the PSC, which would process the complaint using the existing professional standards and discipline system unless, at some point, RECO asks the board to defer its investigation.

Scenario “C”

If the complaint deals with conduct that has some elements that appear to fall within RECO’s jurisdiction and some elements which appear to fall within the board’s reduced jurisdiction, the complaint is referred to RECO and also forwarded to the PSC. The board will process its part of the complaint using the existing professional standards and discipline system unless, at some point, RECO asks the board to defer its investigation. The board will not take jurisdiction over that part of the complaint which it feels should be referred to RECO, unless RECO redirects that part back to the board.

Scenario “D”

If the complaint deals with conduct that does not appear to fall under either the board’s or RECO’s jurisdiction, the board will advise the complainant that the complaint does not fall within the board’s jurisdiction and will close its file on the matter.

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