



OFFICE OF THE REGISTRAR / BUREAU DU REGISTRAIRE

COMPLAINT 2024-012

NBREA v. HARKIRAN SAHNI

DISCIPLINE DECISION

This Discipline Decision was produced by the Discipline Committee of the New Brunswick Real Estate Association in accordance with *The New Brunswick Real Estate Association Act*.

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Recitals

DECISION OF THE DISCIPLINE COMMITTEE WITH RESPECT TO MERIT AND PENALTY

In the matter of a Discipline Committee Hearing held pursuant to Section 23(1) of
The New Brunswick Real Estate Association Act (the “Act”):

BETWEEN

The New Brunswick Real Estate Association (the “Association”)

-and-

Harkiran Sahni (the “Respondent”)

Date of Hearing: July 30, 2025, 9:30 am

Place of Hearing: Microsoft Teams, Virtual.

Members of Committee: Anne Smith, Acting Chair
Jeff Sherwood
Kelly Cavigny Bourque
Kerry Culberson
Andrea Stierle-MacNeill, Government Appointee

Appearances: Dominic Caron, Counsel for the Association
Sue Duguay, Student-at-Law, for the Association

Harkiran Sahni, the Respondent

The Chair noted persons attending the hearing:

Present: Mrs. Smith, Mr. Sherwood, Ms. Cavigny Bourque, Ms. Culberson, Mrs. Stierle-MacNeill, Mr. Caron, Ms. Duguay, Ms. Sahni, Mr. Mitchell McLean (Registrar), the Complainant, Ms. Brittany Trafford (Committee Legal Counsel), Ms. Michiko Gartshore (Committee Legal Counsel) and Ms. Réjeanne Doiron (Court Reporter).

Executive Summary

- [1] This Complaint relates to the activities of a REALTOR® who, while responsible for representing individuals in the showing of a home, is alleged to have failed to protect and promote the interests of her clients, failed to render skilled and conscientious service, and failed to treat all parties fairly throughout the transaction (the “Allegations”).
- [2] The Discipline Committee (the “Committee”) held a hearing respecting the Allegations against the Respondent on July 30, 2025, and finds that the Respondent is guilty on all counts and that this constitutes a breach of the REALTOR® Code of Ethics. The Committee has ordered:
- i. That the Respondent pay a \$2,500 fine;
 - ii. That the Respondent pay \$5,000 in costs to the Association;
 - iii. That the Association publish the Decision to the NBREA Website with names; and
 - iv. That the Association Publish a Notice to the Profession.

Introduction

- [3] The Complaint alleges that the Respondent, while representing individuals in the showing of a home, engaged in conduct unbecoming or unprofessional of a REALTOR®, failed to protect and promote the interests of her clients, failed to render skilled and conscientious service, and failed to treat all parties fairly throughout the transactions.
- [4] The Association’s position is that, under the REALTOR® Code of Ethics, the Allegations constitute an act of professional misconduct.
- [5] The Complaint was submitted to the Office of the Registrar by the Complainant. The Complaint and all information presented as evidence supporting the Complainant’s Claims

were presented to the Respondent, who was provided until May 7, 2024, to respond. The Respondent filed a response on May 7, 2024.

- [6] The Complaints Committee reviewed the evidence presented by the Complainant and the Respondent on July 31, 2024, and rendered a decision on October 4, 2024, to forward the matter to the Discipline Committee pursuant to subsection 21(3)(a) of the *Act*.
- [7] In preparation for the hearing commenced before the Discipline Committee, the Registrar confirmed that Ms. Sahni was a member of the New Brunswick Real Estate Association at or during the time of the alleged offence.

Jurisdiction

- [8] Under subsection 23(1)(a) of the *Act*, the Discipline Committee shall, when so directed by the Complaints Committee, hear and determine allegations of professional misconduct or incompetence against a member of the Association. On October 4, 2024, the Complaints Committee rendered its decision in complaint matter 2024-012 ordering the Discipline Committee to commence such a proceeding.
- [9] The Discipline Committee exists in legislation as an administrative legal body and is therefore not bound by the same rules of court as a court of law, and as such, may admit evidence that might not otherwise be deemed admissible in other courts. Where the Discipline Committee is not bound by the *New Brunswick Rules of Court*, they are bound by the *Complaint and Discipline Procedures Manual* as approved by the Board of Directors of the New Brunswick Real Estate Association.
- [10] The Respondent confirmed at the hearing that she had no objections to the composition and jurisdiction of the Committee.

Legal Test

- [11] The standard of proof required in a hearing before the Discipline Committee refers to the level of proof that must be met for the Discipline Committee to find a member guilty of an

alleged offence. That level of proof, or threshold, is the civil standard of a “*balance of probabilities*” which is 51% or higher (i.e., is it more likely than not that the Respondent is guilty of one or more of the alleged offences).

[12] The Association has the onus of proving the allegations against the Respondent, on a balance of probabilities, through documentation, submission and testimony given under oath or affirmation.

[13] In the case of the Discipline Committee, it may find a member guilty of professional misconduct or to be incompetent. Pursuant to subsections 23(2) of the *Act*, a finding of professional misconduct must meet the following criteria:

1. A member may be found guilty of professional misconduct if:
 - a. the member has been convicted of an offence which, in the opinion of the Committee, is relevant to the member’s suitability to trade in real estate; or
 - b. the member has been guilty, in the opinion of the Committee, of professional misconduct.

Issue

[14] The Committee is tasked with determining whether the Respondent’s conduct was a breach of the REALTOR® Code of Ethics and, therefore, professional misconduct as outlined in the charges issued by the Association.

Charges

- [15] Mr. Dominic Caron, representing the Association as the appointed prosecutor, presented the following charges against Ms. Sahni:

Between April 4th, 2024, and April 17th, 2024, both dates inclusive, Harkiran Sahni, being a member, as defined by The Act to Incorporate the New Brunswick Real Estate Association, Chap. 115, S.N.B., 1994 (the Act):

- (i) Failed to protect and promote the interests of her clients;*
- (ii) Failed to render skilled and conscientious service;*
- (iii) Failed to treat all parties fairly; and*
- (iv) Engaged in conduct that is disgraceful, unprofessional or unbecoming of a REALTOR®.*

All as set out in the complaint of the Complainant thereby allegedly committing acts of professional misconduct, in violation of, inter alia, Articles 3, 12 and 21 of the REALTOR® Code and punishable under ss. 23(4) and ss. 23(5) of the Act.

Background and Evidence

- [16] During the hearing, the Committee received as evidence and carefully reviewed documents and video evidence marked as Exhibits 1, 2, 3, 4 and 5, a list of which documents is attached to this Decision as Schedule “A”.

- [17] The Respondent expressed concern that four videos taken from a camera on the door of the property at issue (the “Ring Camera”), which videos the counsel for the Association sought to include as evidence at the hearing, were recorded without the expressed consent of her clients and husband. Although the Respondent stated that the Committee could view the video evidence, the Committee accepted her expression of concern as a preliminary objection to the inclusion of the videos into evidence.

- [18] Counsel for the Association argued that in an administrative setting such as this hearing, the videos are permissible to be admitted as evidence without expressed consent unlike in the context of evidence in a criminal hearing. In addition, Mr. Caron argued that the

recordings were taken from a camera at the front door and many homes that REALTORS® now show have such recording devices and there is a reduced expectation of privacy. As such, counsel for the Association submitted that the videos are admissible into evidence.

[19] The Committee considered the objection of the Respondent and the submission by Counsel for the Association. The Committee determined that the four videos taken by the Ring Camera (the “Ring footage”) were admissible as evidence but their weight will be carefully considered when rendering its decision. These videos are marked as Exhibits 2, 3, 4, and 5 as outlined in Schedule “A.”

[20] The Committee heard the sworn testimony of the following witnesses:

- i. the Complainant; and
- ii. Harkiran Sahni, Respondent.

Facts not in Dispute

[21] The following are facts that are not in dispute:

- i. The Complainant listed her property on April 2, 2024.
- ii. On Wednesday, April 3, 2024, the Complainant received a TouchBase Showing Request from the Respondent for April 4, 2024, at 7:15 PM (the “Viewing”). This was the first time the Complainant and Respondent had interacted with each other in their collective years of service as REALTORS®.
- iii. At the time, the Complainant had not had a chance to install a lockbox on the property. Instead, the Complainant confirmed the Respondent’s request, via TouchBase, and provided the Respondent with an access code to the door keypad.
- iv. At around 7:18 PM the Viewing occurred, and it was observed via a Ring footage that there were four (4) individuals present at the door, three (3) men and one (1) woman. The Respondent confirmed that the individuals in the video were her husband, two clients and her cousin. The Respondent also confirmed that she was not the woman seen in the video.

- v. On Friday, April 5, 2024, the Complainant decided to phone the Respondent to inquire if there was any feedback on her property. A short conversation ensued where the Respondent noted the Viewing went well and that her clients may be interested in purchasing the property.
- vi. The Complainant called the Respondent back to inquire who did the Viewing on April 4, 2024. The Respondent replied that her husband had showed the property on her behalf because she just gave birth a month prior and was still experiencing adverse effects from the delivery. When asked by the Complainant whether her husband was a licensed REALTOR®, the Respondent stated that he was not a licensed REALTOR®.
- vii. It was agreed that there was no theft or damage to the Complainant's property, the lights were turned off, and the property door was locked after the Viewing. It was also confirmed that there was no notice on the MLS® Listing or on the property itself that informed individuals that they were being recorded on the Ring doorbell.

Testimony of the Complainant

- [22] On the evening of the Viewing, the Complainant visited her property to ensure all the lights were turned on for the showing. The Complainant noted that the temperature outside was cold and agreed with a weather report from that evening that it was -6 degrees Celsius with the wind chill and snowing. After ensuring the lights were on, the Complainant returned to her home and waited for the Viewing to conclude so she could return to her property to turn everything off.
- [23] Later in the evening, the Complainant testified that she checked her Ring footage to see if the showing had concluded. The Complainant observed two men had entered the property with two clients and could be seen locking up and leaving. When entering the property, the Complainant could hear from the Ring footage that the Respondent's husband said the access code to the door in front of the clients. The Complainant also testified that she believed that the Respondent's husband knew about the Ring Camera and was speaking into it when leaving the property.

- [24] The next day, the Complainant called the Respondent to inquire about any feedback. After speaking with the Respondent, the Complainant was left feeling confused. The Respondent was a female, however, the two individuals showing her the Ring footage were both male.
- [25] The Complainant testified that she called the Respondent back to inquire who had completed the Viewing, to which the Respondent responded that her husband had completed the Viewing on her behalf. Once the Respondent confirmed to the Complainant that her husband was not a REALTOR®, the Complainant advised the Respondent that it was not permissible to allow an unlicensed individual to show a property.
- [26] According to the Complainant's testimony, the Respondent then responded that she was in the car with her newborn at the time of the Viewing and remained on the property while the Viewing took place. The Complainant questioned the Respondent on whether she was in the car as the Ring footage showed both vehicles in the driveway were turned off and locked. It was also a very cold evening as confirmed by the weather report.
- [27] In the end, the Complainant advised the Respondent that she believed too many rules had been broken and that she was going to file a formal complaint against the Respondent.
- [28] As a fellow REALTOR® and a member of the public, the Complainant testified that her trust was broken when the Respondent permitted strangers to enter her property without her knowledge or consent. She felt betrayed by the Respondent's actions.

Testimony of Harkiran Sahni, Respondent

- [29] The Respondent testified that she had just given birth a month prior to the Viewing but wanted to show her clients the property. According to her testimony, on the evening of the Viewing, the Respondent attended the property with her husband, cousin, and newborn child. The Respondent testified that she was sitting in the back of the vehicle with her baby. The Respondent noted that she does not have a driver's license and has always relied upon her husband to drive her to viewings for her work as a REALTOR®.

- [30] According to her testimony, the Respondent's cousin was attending the Viewing as a potential buyer of the home in addition to the two clients who were attending the Viewing.
- [31] The Respondent testified that when she arrived at the property, the weather was poor, and her newborn started crying but she had already called her clients to say that the Viewing was going forward. She told her husband to show the property to her clients. She advised her husband to ensure the door was closed after the Viewing and that they did not take too long.
- [32] After the Viewing, her husband returned to the car, and they drove home. The Respondent testified that this was the only time that she had delegated a viewing to her husband.
- [33] The next day, when she received the call from the Complainant, she stated she was occupied with her kids and that she was truthful that she was in the car but could not leave due to pain. However, she was present on the property and was watching everything.
- [34] The Respondent testified that when she came to New Brunswick, she had been to many showings where REALTOR®s remained standing outside while their clients viewed the property inside. The Respondent also testified that she was surprised to find that her husband and her clients were being recorded as if they had done something wrong.
- [35] During cross-examination, the Respondent testified that it was not until she arrived at the property that she realized she could not exit the vehicle due to the continued adverse effects from her delivery the month prior to the Viewing. However, she felt she could not say "no" to her clients because she did not want to lose the chance of closing a deal or to disappoint them. Had she been previously aware that she could not exit the vehicle, the Respondent testified that she would have rescheduled the Viewing.
- [36] When asked whether a medical practitioner had ordered her to rest at home, the Respondent stated, "*no, nothing like that*", but that her body took a long time to heal after the delivery.

- [37] Upon arriving at the property, the Respondent testified on cross-examination that the car was warm from the drive and that she was wearing a large jacket. So, she told her husband to turn off the vehicle and she would contact him if she needed anything. She then provided her husband with the door keypad access code. He locked the car door upon his exit and walked towards the front door with the clients. The Respondent agreed that at no point did she greet her clients.
- [38] When asked if she thought it was acceptable to let her husband handle the Viewing, the Respondent explained that the situation led her to delegate it, and that she was able to observe what was happening through the car window.
- [39] During the Viewing, the Respondent testified that she had contacted her cousin to return to the car to sit with her as she was feeling unwell. Her cousin proceeded to exit the property and enter the vehicle, as seen in the Ring footage marked as Exhibit 3. The Respondent testified she then asked her cousin to turn on the vehicle. Despite the video evidence not showing the vehicle being turned on again until the husband enters, the Respondent maintained that her cousin turned on the vehicle when he entered. It should be noted that the recording ends shortly after the cousin enters the vehicle. The Respondent acknowledged that, 11 minutes later, when her husband exited the property, the vehicle was off.
- [40] Upon the completion of the Viewing, the Respondent testified that her husband observed the house number, rather than the Ring camera, and stated “*bai*” meaning 22 in Hindi. The Respondent explained that 22 was a lucky number in India, signifying success. As the clients were leaving, the Respondent testified that once again she did not talk with her clients as she had the baby with her in the vehicle.
- [41] Since the Complaint was filed, the Respondent has moved back to India and has no plans to return to Canada.

Findings and Reasons

- [42] The Committee considered all the evidence, and the submissions presented. The Committee considered the case law presented in this hearing before making its finding but notes that it is not bound by decisions from other jurisdictions or decisions from other regulated professions.
- [43] By her own admissions, the Respondent did not conduct the Viewing herself, instead delegated it to an unlicensed individual. She also allowed that individual and members of the public to access the property without the owner's knowledge or explicit consent. For those reasons, the Committee finds that there is sufficient evidence to establish a breach of Articles 3 and 12 of the REALTOR® Code of Ethics.
- [44] The Committee has considered and weighed all evidence and the testimonies of all witnesses carefully. The Committee is mindful that the incident outlined in the Complaint occurred more than a year ago and that the Respondent had delivered her child a month prior to the incident. As explained below, based on the evidence provided, the Committee finds that there is sufficient evidence to support an inference that the Respondent was untruthful and was not at the property at the time of the Viewing. For that reason, the Committee finds the Respondent engaged in conduct that is disgraceful, unprofessional or unbecoming of a REALTOR® in breach of Article 21 of the REALTOR® Code of Ethics.

Articles 3 and 12 of the REALTOR® Code of Ethics

- [45] The allegations respecting Articles 3 and 12 of the REALTOR® Code of Ethics in the Notice of Discipline Hearing should be read together as, for the purposes of this matter, the allegations with respect to these breaches are the result of the same conduct. The Committee therefore considered these allegations together.

[46] Article 3 of the REALTOR® Code of Ethics provides that:

A REALTOR® shall protect and promote the interests of his or her Client. This primary obligation does not relieve the REALTOR® of the responsibility of dealing fairly with all parties to the transaction.

[47] Article 12 of the REALTOR® Code of Ethics provides that:

A REALTOR® shall render a skilled and conscientious service, in conformity with standards of competence which are reasonably expected in the specific real estate disciplines in which the REALTOR® engages. When a REALTOR® is unable to render such service, either alone or with the aid of other professionals, the REALTOR® shall not accept the assignment or otherwise provide assistance in connection with the transaction.

[48] The Committee finds that the Respondent did not promote the interest of her clients. By her own admission, the Respondent did not complete the Viewing herself and permitted an unlicensed individual, her husband, to conduct the Viewing. The Ring footage, marked as Exhibits 2, 3, 4, and 5, also shows that the Respondent did not enter the property at any time during the Viewing.

[49] The Committee finds that the Respondent did a disservice to her clients by not conducting the Viewing and allowing someone unlicensed to do so. The Committee finds that an unlicensed individual should never be permitted to conduct a showing. By delegating the Viewing and failing to complete the Viewing herself, the Respondent breached Article 3 of the REALTOR® Code of Ethics.

[50] The Committee finds that the Respondent did not treat all parties fairly. The Committee accepts the submissions and evidence from both the Complainant and the Respondent confirming that an access code was shared with someone who was not a REALTOR® thereby permitting members of the public to enter the property without the owner's knowledge or explicit consent.

- [51] The Respondent admits that she shared the access code with her husband. The Ring footage, marked as Exhibit 2, depicts the Respondent's husband audibly articulating the access code while inputting it on the door keypad, in so doing further disclosing the code to the clients and the Respondent's cousin.
- [52] While both the Respondent and the Complainant confirmed that no theft or damage occurred, the Committee finds this fact immaterial to its determination of whether a breach occurred. The sharing of this access code allowed members of the public to access a property without a licensed REALTOR®. The Committee finds that under no circumstances should an access code be disclosed to an unlicensed individual. By sharing the access code with her husband, the Respondent breached Article 3 of the REALTOR® Code of Ethics.
- [53] The Committee finds that the Respondent did not render a skilled and conscientious service, in fact she did not represent the clients at all in this case even if she was sitting in the vehicle. There was no evidence put forth to support a finding that the Respondent attempted to provide a service either via email or telephone at any time during the Viewing. In fact, the Respondent is not seen in any of the Ring footage submitted as evidence. Upon realizing she was unable to render her services, the Respondent neither sought assistance from another licensed REALTOR® nor rescheduled the Viewing. The Committee finds that by not completing the Viewing herself or seeking the aid of another licensed REALTOR®, she did not render a skilled and conscientious service to her clients in breach of Article 12 of the REALTOR® Code of Ethics.

Article 21 of the REALTOR® Code of Ethics

- [54] Article 21 of the REALTOR® Code of Ethics provides that:

A REALTOR® shall not engage in conduct that is disgraceful, unprofessional or unbecoming of a REALTOR®.

[55] The Committee finds that the Respondent's conduct violated Article 21 of the REALTOR® Code of Ethics. While the Respondent maintained that she was present on the property during the Viewing, the Committee finds that there is insufficient evidence to support her position and finds that it is more likely than not that the Respondent was not at the property. In making this determination, the Committee finds that the totality of the evidence supports a reasonable inference that, on the balance of probability, it is more likely than not that the Respondent was not present on the property or in the vehicle during the Viewing on April 4, 2024.

[56] The Committee finds that there was no evidence to corroborate the Respondent's testimony. The Respondent did not provide any evidence, such as call logs or text messages to or from her husband, her cousin or her clients, that would corroborate the Respondent's version of events.

[57] The Committee also considers the following factors:

- i. It was cold on the day of the Viewing and the Respondent's vehicle was turned off during the Viewing. The Committee accepts that on a cold evening it is unlikely that the Respondent and her newborn child would be in a locked car which was turned off. The Ring Camera evidence shows the vehicle being turned on by the Respondent's husband 27 minutes after the viewing commenced.
- ii. The Respondent did not open the vehicle door or window to greet her clients at the beginning or the end of the Viewing nor did the clients on the Ring footage acknowledge her presence in the vehicle.
- iii. The Respondent claims that she was unable to exit the vehicle because of pain following a delivery the month before, but she alleges that she only realized she could not exit the vehicle once arriving at the property. The Committee finds this evidence improbable.

[58] The Association's position is that by continuing to maintain that she was in the vehicle during the Viewing, the Respondent is attempting to mislead the Committee in disrespect of the disciplinary process.

[59] Maintaining trust in the complaint process is essential for governing the profession and untruthful testimony constitutes conduct unbecoming of a REALTOR®. Having regard to the full circumstances in the within matter, the Respondent's conduct is unprofessional, egregious in nature and goes beyond simple error.

[60] The Committee finds that even if she was in the vehicle, the conduct of allowing an unlicensed individual to show the property, disclosing access codes and permitting access to a property to an unlicensed individual of the public amounts to conduct unbecoming of a REALTOR® and constitutes a breach of the REALTOR® Code of Ethics. The Committee is very concerned by the lack of judgement and professionalism shown by the Respondent.

Conclusion on Findings

[61] As a result of the above, the Committee finds that the Respondent's conduct breached sections 3, 12, and 21 of the REALTOR® Code of Conduct. As a result, the Committee finds that the Respondent is guilty of professional misconduct in accordance with section 23(2)(b) of the *Act*.

Decision

[62] Having regard for the evidence and for the submissions made, the Committee finds that, on a balance of probabilities, the Respondent:

- i. Failed to promote and protect the interests of her clients;
- ii. Failed to render skilled and conscientious service to her clients;
- iii. Failed to treat all parties fairly throughout the transaction; and
- iv. Engaged in conduct that is disgraceful, unprofessional or unbecoming of a REALTOR®.

[63] The Committee thereby finds that the Respondent committed acts of professional misconduct contrary to section 23(2)(b) of the *Act* which are punishable under sections 23(4) and 23(5) of the *Act*.

Order

[64] In determining the appropriate penalty, the Committee considered the following factors:

- i. The protection of the public;
- ii. The principles of general and specific deterrence;
- iii. The impact of the conduct on the overall reputation of the profession; and
- iv. The Respondent's attempt to mislead the Committee.

[65] Having regard to the foregoing and the submissions made, the Committee hereby orders that:

- i. Pursuant to paragraph 23(4)(d) of the *Act*, the Respondent shall pay a fine of \$2,500 to the Association;
- ii. Pursuant to paragraph 23(4)(g) of the *Act*, the Respondent shall pay \$5,000 in costs to the Association as reimbursement of expenses incurred in these proceedings;
- iii. The total amount of the fine and costs ordered under paragraphs (a) and (b) above must be paid within six (6) months of the date of this decision. If the fine and/or costs are not paid within the period prescribed, the Registrar is authorized to suspend the Respondent from the Association until such time as the payments are made. The Respondent will be subject to a reinstatement fee upon reinstatement in the event of a suspension;
- iv. Pursuant to paragraph 23(4)(f) of the *Act*, the Registrar shall distribute a Notice to the Profession of this decision with the Respondent's name; and

- v. Pursuant to paragraph 23(4)(f) of the Act, the Registrar shall publish the decision of the Discipline Committee on the website of the Association with the Respondent's name.

[66] In accordance with subsection 25(1) of the *Act*, the Respondent may appeal this decision within thirty (30) days from the date of the decision by application to the Court of King's Bench of New Brunswick.

Dated at Fredericton, New Brunswick, this 4th day of December, 2025.

//Original Signed by Acting Committee Chair//

Anne Smith, Acting Chair
on behalf of the Discipline Committee,
Complaint 2024-012

Schedule “A” – Documents reviewed by the Discipline Committee

Exhibit	Description
1.	<p>Book of Documents 2024-012 consisting of a bound book of documents including:</p> <ul style="list-style-type: none"> • The Complaint, April 9, 2024 • Respondent’s reply to the Complaint, May 7, 2024 • Decision of the Complaints Committee, October 4, 2024 • Notice of Discipline Hearing, July 24, 2025 • Notice of Panel Composition, July 23, 2025 • Additional Information – Verification of Membership, July 23, 2025 • Additional Information – Weather Report, April 4, 2024 • Summons to the Complainant, July 24, 2025 • The REALTOR® Code
2.	Complaint attachment – Video April 4, 2024 at 19:17
3.	Complaint attachment – Video April 4, 2024 at 19:31
4.	Complaint attachment – Video April 4, 2024 at 19:42
5.	Complaint attachment – Video April 4, 2024 at 19:44