



NBREA AAINB

OFFICE OF THE REGISTRAR / BUREAU DU REGISTRAIRE



COMPLAINT 2025-032

NBREA v. JACQUES LEBLANC

DISCIPLINE DECISION

This Discipline Decision was produced by the Discipline Committee of the New Brunswick Real Estate Association in accordance with *An Act to Incorporate the New Brunswick Real Estate Association*, 1994, c. 115. The decision is published and distributed by the Office of the Registrar under the direction of the Discipline Committee of NBREA.

Contents

Recitals	1
Executive Summary	1
Introduction	3
Jurisdiction.....	3
Legal Test	3
Issue.....	5
Charges	5
Background and Evidence	6
Findings and Reasons	8
Decision	9
Order	10
Schedule “A” – Documents reviewed by the Discipline Committee.....	12

Recitals

DECISION OF THE DISCIPLINE COMMITTEE WITH RESPECT TO MERIT AND PENALTY

In the matter of a Discipline Committee Hearing held pursuant to subsection 23(1) of
An Act to Incorporate the New Brunswick Real Estate Association, 1994, c. 115, (the “Act”):

BETWEEN

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

-and-

Jacques LeBlanc (the “Respondent”)

Date of Hearing: July 23, 2026, at 11:00 a.m.

Place of Hearing: Virtual, Microsoft Teams

Members of Committee: Karl Merrill, Chair
Alexandre Bellefeuille
Kelly Cavigny Bourque
Mandy Barrieau
Michèle Moirin, Public Appointee

Appearances: Dominic Caron, Counsel for the Association
Ms. Sue Duguay, Counsel for the Association
Jacques LeBlanc, Respondent

The Chair noted the following persons attending the hearing:

Present: Mr. Karl Merrill, Mr. Alexandre Bellefeuille, Ms. Kelly Cavigny Bourque, Ms. Mandy Barrieau, Ms. Michèle Moirin, Mr. Caron, Ms. Duguay, Mr. LeBlanc, Mr. McLean (Registrar), Ms. Jane Girard (Director of Finance and Inspections), Ms. Brittany Trafford (Committee Legal Counsel), and Ms. Christine McLaughlan (Court Reporter).

Executive Summary

- [1] This Complaint relates to the activities of a registrant of the Association who is alleged to have engaged in professional misconduct. The Respondent is alleged to have failed to adhere to the Association's trust account inspections process and procedures, failed to adequately supervise and control the activities of an agent for whom he was responsible, and failed to cooperate with the Association's disciplinary proceeding (the "**Allegations**").
- [2] Prior to the scheduled hearing date, the Respondent and the Association, through its legal counsel, mutually agreed to present a joint submission to the Discipline Committee (the "Committee").
- [3] Pursuant to the joint submission, the Respondent admitted guilt to the charges laid against him on behalf of the Association, amounting to a breach of the REALTOR® Code of Ethics and professional misconduct.
- [4] In accordance with the law relating to joint submissions before disciplinary bodies, the Committee accepted the Respondent's admission of guilt and found that the penalties in the joint submission were reasonable, considering the conduct of the Respondent in this matter, and issued an order consistent with the joint submission.
- [5] In considering and accepting the joint submission, the Committee considered the importance of cooperating with trust account investigations and the discipline process. The Committee also considered mitigating factors, including the Respondent's admission of the Allegations and the lack of intention to deceive as the Respondent did not understand he

was not properly cooperating as he had not used his trust account in a number of years given that he had fallen ill and was essentially retired from the practice. The requirement that the Respondent pay a fine and reimbursement of a portion of costs (representing a partial reimbursement of the actual costs of the discipline process), together with the direction that this Decision be published with the Respondent's name, was accepted as a reasonable and proportionate penalty in the circumstances.

Introduction

- [6] The Association's position is that, under the REALTOR® Code of Ethics, the Allegations, if founded, constitute professional misconduct.

Jurisdiction

- [7] The Respondent and legal counsel for the Association confirmed at the hearing that they had no objection to the composition and jurisdiction of the Committee. The Respondent elected to proceed with the hearing in English.

Legal Test

- [8] The standard of proof required in a hearing before the Committee refers to the level of proof that must be met for the 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).
- [9] The Association has the onus of proving the Allegations against the Respondent, on a balance of probabilities, through documentation and testimony given under oath or affirmation.

[10] In the case of the Committee, it may find a member of the Association guilty of professional misconduct or incompetence. Pursuant to subsections 23(2) and 23(3) of the *Act*, a finding of professional misconduct or incompetence must meet the following criteria:

- 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.

[11] Where the parties have presented a joint submission to the Committee and the Respondent has admitted guilt on the charges contained in the Notice of Hearing, the Committee has a duty to consider the joint submission.

[12] In the decision of *R. v. Anthony-Cook*,¹ the Supreme Court of Canada adopted a high standard for rejecting joint submissions, explaining that:

“rejection [of a joint submission] denotes a submission so unhinged from the circumstances of the offence and the offender that its acceptance would lead reasonable and informed persons, aware of all of the relevant circumstances, including the importance of promoting certainty in resolution discussions, to believe that the proper functioning of the justice system had broken down.”²

¹ *R. v. Anthony-Cook*, 2016 SCC 43 (“*Anthony-Cook*”).

² *Ibid*, at para 34.

[13] The public interest test, as established in *Anthony-Cook*, is widely accepted and unequivocally applies to disciplinary bodies.³

[14] When considering the joint submission, the Committee must decide whether the mutual agreement with regard to sanctions is appropriate, reasonable and fitting, consistent with the range of sanctions imposed in similar circumstances and that the agreement is not contrary to the public interest.⁴ The Committee must approach the joint submission from a position of restraint and may reject it only where the proposed sanctions are so unreasonable, or so unhinged from the circumstances of the misconduct and the Respondent, that their acceptance would be contrary to the public interest.

Issue

[15] The issue to be determined by the Committee is whether it should accept the joint submission presented by the parties.

Charges

[16] Counsel for the Association, Mr. Caron, presented the following charge against the Respondent at the hearing:

Between March 2025 and August 31, 2025, both dates inclusive, Jacques LeBlanc, being a member, as defined by The Act to Incorporate the New Brunswick Real Estate Association, Chap. 115, S.N.B., 1994 (the Act):

³ *Timothy Edward Bradley v Ontario College of Teachers*, 2021 ONSC 2303, at para 14.

⁴ *Rault v Law Society of Saskatchewan*, 2009 SKCA 81 (CanLII), at para 28.

- (i) *Failed to adhere to the Association's trust account inspections process and procedures, inclusive of deadlines;*
- (ii) *Failed to adequately supervise and control the activities of the Agent for which he is responsible; and*
- (iii) *Failed to cooperate with the Association's disciplinary proceeding.*

All as set out in the complaint of Jane Girard, dated July 8, 2025, thereby allegedly committing acts of professional misconduct, in violation of, inter alia, Para. 23(2)(b) of the Act, Articles 3, 12, and 21 of the REALTOR® Code, sections 28 and 29 of the Real Estate Act and punishable under ss. 23(4) and 23(5) of the Act.

Background and Evidence

[17] During the hearing, the Committee received as evidence and carefully reviewed the Book of Documents. Attached to this Decision as Schedule "A" is a list of the evidence reviewed by the Committee.

[18] The Complainant is the Director of Finance and Inspections for the Association. The Complaint was initiated by the Complainant in response to the Respondent's failure to adhere to the Association's closing trust account inspection process and procedures, inclusive of deadlines.

[19] The Respondent was the Manager of an Agent that provided real estate services (the "Agent"). During the period material to the Complaint, the Respondent was scheduled for a trust account inspection, but the Respondent did not respond to repeated requests from the Inspector to provide requested books, records, and accounts. More specifically, efforts to schedule the inspection were initiated in March 2025 with follow-up phone calls and correspondence in April 2025, May 2025 and June 2025.

- [20] The Respondent had told the Inspector orally that he had not opened any sales files since 2021 and did not have a trust account. However, the Inspector explained that records showed that the Respondent did in fact have a trust account as is required for all Agents.
- [21] On June 16, 2025, an email was sent to the Respondent requiring immediate response to the Inspector's requests to obtain the required documentation. After receiving no response, on July 8, 2025, this Complaint was submitted.
- [22] The Respondent did not initially respond to the Complaint, which was provided to him on July 8, 2025, or follow-up requests for a response to the Complaint sent on August 20, 2025, and August 28, 2025.
- [23] According to the Submissions, the inspection did eventually take place and the Respondent also finally participated in the discipline process and came to a joint submission with counsel for the Association.

The Association's Submissions

- [24] Counsel for the Association, Mr. Caron, made submissions on behalf of the Association and presented the joint submission.
- [25] Mr. Caron identified mitigating factors in support of the joint submission. First, the Respondent ultimately provided the required trust account documentation and second, the Respondent acknowledged his wrongdoing through the joint submission and thereby cooperated with the discipline process.
- [26] In conclusion, Mr. Caron submitted that the joint submission is reasonable, is in the public interest, and should be adopted by the Committee.

The Respondent's Submissions

- [27] The Respondent appeared on his own behalf. The Respondent advised the Committee that he has been a practicing member for over 40 years but had been ill and has not had any transactions since 2021. He had never closed his trust account and had not initially understood that he was in breach of the inspection requirements because he had explained that he did not have any files opened since the last inspection.
- [28] The Respondent confirmed his acceptance of the joint submission and his admission to the Allegations as presented by Mr. Caron on behalf of the Association.

Findings and Reasons

- [29] After receiving the evidence and considering the submissions made at the hearing, the Committee finds that the joint submission is appropriate, reasonable, sufficient to protect the public interest, and consistent with decisions of prior Committees.
- [30] The Committee finds that the agreed sanctions are proportionate to the conduct in question and consistent with the sanctions imposed in similar circumstances. In this matter, it is notable that multiple deadlines in the inspection process were missed and there was initially a failure to cooperate with the complaints process and the discipline process. Eventually, the processes were concluded and the Respondent cooperated and admitted to his wrongdoing.
- [31] The Committee accepts that the publication of this Decision with the Respondent's name serves the goal of educating the membership of the importance of complying with the

Association's trust account inspection process, while appropriately reflecting the severity of the Allegations including the initial refusal to cooperate.

[32] The Committee finds that in admitting to the Allegations and participating in a joint submission, the Respondent acknowledged his wrongdoing and this is a strong mitigating factor in this case. The Committee also accepts that, in this case, there was no intentionally deceitful conduct by the Respondent.

[33] The Committee is satisfied that the agreed-upon penalties are not contrary to the public interest. The Committee further finds that the joint submission is neither unreasonable nor so unhinged from the circumstances of the misconduct and the Respondent that its acceptance would lead reasonable and informed persons, aware of all the relevant circumstances, to lose confidence in the integrity of the Association's disciplinary process.

Decision

[34] The Committee accepts the joint submission of the parties and finds that the Respondent is guilty of professional misconduct pursuant to paragraph 23(2)(b) of the *Act*.

Order

[35] In accordance with the joint submission, the Committee orders that:

- a) Pursuant to paragraph 23(4)(d) of the *Act*, the Respondent pay a fine of \$1,000.00 to the Association;
- b) Pursuant to paragraph 23(4)(g) of the *Act*, the Respondent pay \$1,000.00 in costs to the Association as partial reimbursement of expenses incurred in these proceedings;
- c) The total amount of the fine and costs ordered under paragraphs (a) and (b) above must be paid within thirty (30) days of the date of this Decision;
- d) 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
- e) Pursuant to paragraph 23(4)(f) of the *Act*, the Registrar shall publish this Decision on the website of the Association with the Respondent's name.
- f) If the fine and/or cost under paragraphs (a) and (b) above are not paid within the period prescribed, the Registrar is authorized to suspend the Respondent from the Association until such time that the payments are made.

[36] 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 September, 2026.

// original signed by Committee Chairperson //

Karl Merrill, Chair
on behalf of the Committee,
Complaint 2025-032

Schedule “A” – Documents reviewed by the Discipline Committee

<u>Exhibit</u>	<u>Description</u>
1.	Book of Documents 2025-032, Jacques LeBlanc, consisting of a combined book of documents including: • Complaint and Enclosure, dated June 16, 2025 • Notice of Complaint, dated July 8, 2025 • Follow up with Respondent, dated August 28, 2025 • Notice of Discipline Hearing, dated June 2026 • Notice of Panel Composition, dated July 13, 2026 • Verification of Membership, dated May 6, 2026 • The REALTOR® Code, Effective April 2023