

NBREA AAINB
OFFICE OF THE REGISTRAR / BUREAU DU REGISTRAIRE

COMPLAINT 2025-035
NBREA v. JANE McLAUGHLIN

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.

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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
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-

Jane McLaughlin (the “Respondent”)

Date of Hearing: August 18, 2026

Place of Hearing: Virtual

Members of Committee: Gordon Breau, Chairperson
Amy VanBuskirk
Shane MacPherson
Chris Turner
Michèle Morin, Government Appointee

Appearances: Dominic Caron and Sue Duguay, Counsel for the Association

Jane McLaughlin, Respondent

The Chair noted persons attending the hearing:

Present: Gordon Breau (Chairperson), Amy VanBuskirk, Shane MacPherson, Chris Turner, Michèle Morin, Dominic Caron (Counsel for the Association), Sue Duguay (Counsel for the Association), Jane McLaughlin (Respondent), Mitchell McLean (Registrar), Romain Viel (Committee Legal Counsel), and Samantha Harquail-Godin (Court Reporter).

Executive Summary

- [1] This Complaint concerns the actions of a Registrant who, while representing the seller of a property, failed to deal fairly with all parties to a transaction, failed to discover all pertinent facts, failed to provide skilled and conscientious service, and failed to accurately advertise the property for sale (collectively, the “Allegations”).
- [2] On August 7, 2026, the Respondent was notified by the Association that the Discipline Committee (the “Committee”) would commence a hearing respecting the Allegations on August 18 and 19, 2026 (the "Notice of Hearing").
- [3] Prior to the hearing date, the Respondent and the Association, through its legal counsel, mutually agreed to present a joint submission to the Committee.
- [4] Pursuant to the joint submission, the Respondent admitted guilt to the charges laid against her on behalf of the Association which amounted to a breach of the REALTOR® Code of Ethics and professional misconduct.
- [5] The Committee accepted the Respondent’s admission of guilt and considered the particular facts of the matter including mitigating factors along with the joint submission on penalty.
- [6] In accordance with the law relating to joint submissions before disciplinary bodies, the Committee accepted that the penalties in the joint submission were reasonable considering the conduct of the Respondent in this matter.

- [7] In this matter, the Respondent represented the seller of a listed property, which was eventually sold to the Complainant. The property listing indicated that the property was 0.55 acres in size and was connected to the municipal sewer system. The Respondent failed to disclose to the Complainant that the property was in the process of being subdivided and that the property's boundary lines were being redrawn. Ultimately, the Complainant discovered the subdivision after closing and the subdivision reduced the size of the property from 0.55 acres to 0.39 acres. The Respondent also failed to discover and disclose to the Complainant that the property was not connected to the municipal sewer system.
- [8] In considering and accepting the joint submission, the Committee considered the Respondent's admission and the Respondent's willingness to learn and adopt better practices as mitigating factors in this matter. The requirement that the Respondent complete the NBREA 2019 MCPD, modules 1-11 as well being ordered to pay a fine and costs (representing a portion of the actual costs of the discipline process) and having the discipline decision published including the Respondent's name was accepted as a reasonable penalty in the circumstances.

Introduction

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

[10] The Complaints Committee reviewed all evidence presented by the Complainant and the Respondent and by decision dated March 27, 2026, referred the matter to the Committee pursuant to subsection 21(3)(a) of the Act.

Jurisdiction

[11] 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.

Legal Test

[12] 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).

[13] 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.

[14] In the case of the Committee, it may find a member of the Association guilty of professional misconduct. Pursuant to subsections 23(2) and 23(3) 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.

[15] 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.

[16] 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

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

promoting certainty in resolution discussions, to believe that the proper functioning of the justice system had broken down.”²

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

[18] 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 but may refuse a joint submission should it be so unreasonable as to bring the administration of justice into disrepute or otherwise be contrary to the public interest.

Issue

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

Charges

[20] Counsel for the Association presented the following charges against the Respondent at the hearing:

² *Ibid*, at para 34.

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, at para 28.

Between May 27th, 2022, and July 28th, 2025, both dates inclusive, Jane McLaughlin, 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 deal fairly with all parties to a transaction;
- (ii) Failed to discover all pertinent facts;
- (iii) Failed to provide skilled and conscientious service; and
- (iv) Failed to accurately advertise a property for sale;

All as set out in the complaint thereby allegedly committing acts of professional misconduct, in violation of Para. 23(2)(b) of the *Act* and *inter alia*, Articles 3, 4 and 13 of the REALTOR® Code and punishable under ss. 23(4) and 23(5) of the *Act*.

Background and Evidence

[21] 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 and marked as exhibits.

[22] In October 2021, the Respondent listed a property for sale in Sussex, New Brunswick. The owner of the property had passed away, and the property was being sold through the deceased’s estate. The property was listed as being 0.55 acres in size and being connected to the municipal sewage system.

[23] The Respondent’s client also owned an adjacent property that shared a driveway with the listed property. In November 2021, the Respondent learned that her client intended to subdivide the two properties to reconfigure the property lines.

[24] Initially, there were issues with subdividing the properties as the proposed property lines did not satisfy the municipality’s minimal road frontage requirements. As a result of these issues, the Respondent withdrew the listing.

- [25] Eventually, the issues with the proposed property lines were addressed and a subdivision plan was finalized.
- [26] In April 2022, the Respondent re-listed the property and the property went back on the market. The new listing continued to indicate that the property was 0.55 acres in size and connected to the municipal sewage system. At the time, the subdivision plan, which identified the new property lines, had not been registered with Service New Brunswick. The listing did not disclose that the property was in the process of being subdivided or that the property lines were being redrawn.
- [27] Shortly after the property was re-listed, the Complainant viewed the property and walked the property with the Complainant's Registrant. The Complainant was told that the property was just over .5 acres in size. The Respondent did not disclose to the Complainant or the Complainant's Registrant that the property was being subdivided or that the property lines would change.
- [28] In May 2022, the Complainant purchased the property without knowing that the property was in the process of being subdivided. After the transaction closed, the subdivision plan was registered, which reconfigured the property lines and reduced the size of the property from 0.55 acres to 0.39 acres.
- [29] In May 2025, the Complainant learned that the property had a septic tank system and did not form part of the municipal sewage system. A company that was pumping a neighbour's septic tank confirmed to the Complainant that they had completed septic tank services on the Complainant's property in August 2020.

[30] At the hearing, Counsel for the Association informed the Committee that the parties had reached an agreement and were making a joint submission. As part of the joint submission, the Respondent admitted the allegations in the Notice of Hearing and recognized her wrongdoing.

Findings and Reasons

[31] After receiving the evidence and considering the submissions made at the hearing, the Committee finds that the joint submission is appropriate, reasonable, is sufficient to protect the public interest and is consistent with matters heard by prior Committees.

[32] The Committee finds that by admitting to the charges and coming to a joint submission including mandatory training, the Respondent acknowledged her wrongdoing and indicated a willingness to learn and change her practice to align with the REALTOR® Code.

Decision

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

Order

[34] The Committee hereby orders the following:

1. Pursuant to subsection 23(4)(d) of the *Act*, the Respondent shall pay a fine in the amount of \$2,000.00 CAD to the Association.
2. Pursuant to subsection 23(4)(g) of the *Act*, the Respondent shall pay costs in the amount of \$1,500.00 CAD to the Association as partial reimbursement for costs incurred in the processing of the Complaint.

3. The Respondent shall pay the fine and costs outlined in paragraphs 1 and 2 within thirty (30) days of the date of this Decision, failing which the Registrar is directed to suspend the Respondent's membership in the Association until such time that payment is made.
4. The Respondent shall attend a three (3) hour training session delivered by the Director of Education of the Association to cover Modules 1-11 of the 2019 Mandatory Continued Professional Development ("MCPD") course and successfully complete a learning comprehension assessment as directed by the Director of Education following the completion of the training session within six (6) months of the date of this Decision.
5. If the Respondent fails to complete the MCPD course or the learning comprehension assessment in accordance with paragraph 4 of this Decision within six (6) months of the date of this Decision, the Registrar is directed to suspend the Respondent's registration in the Association until such time that the MCPD course and learning comprehension assessment completion certificates are furnished to the Registrar.
6. Pursuant to subsection 23(4)(f) of the Act, the Registrar shall distribute a summary of this Decision, including the Respondent's name and a website link to the Decision, to all members of the Association by way of email (Notice to the Profession).
7. Pursuant to subsection 23(4)(f) of the Act, the Registrar shall publish this Decision, including the Respondent's name, on the Association's website.

[35] 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 acting committee chairperson //

Gordon Breau, Acting Chairperson
On behalf of the Discipline Committee,
Complaint 2025-035.

Schedule “A” – Documents reviewed by the Discipline Committee

<u>Exhibit</u>	<u>Description</u>
1.	<i>Book of Documents</i> consisting of a bound book of documents and materials including: • Complaint and enclosures, dated July 21, 2025 • Letter to the Respondent, dated July 28, 2025 • Respondent’s Response and enclosures, undated • Letter to the Complainant, dated August 21, 2025 • Complainant’s Reply, dated August 27, 2025 • Letter to the Respondent, dated August 27, 2025 • Respondent’s Second Response and enclosures, dated September 12, 2025 • Letter to the Complainant, dated September 15, 2025 • Complainant’s Second Reply, dated September 23, 2025 • Letter to the Respondent, dated October 1, 2025 • Respondent’s Third Response, dated October 2, 2025 • Property listing, dated October 14, 2025 • Property listing, dated October 13, 2021 • Verification of Respondent’s Membership, dated August 5, 2026 • Notice of Panel Composition, dated August 5, 2026 • Notice of Discipline Hearing, dated August 7, 2026 • The REALTOR® Code, Effective April 2023