

**IN THE MATTER OF**

The Registrar, *Trust in Real Estate Services Act, 2002*, S.O. 2002, Chapter 30,  
Schedule C, as amended (the “**Act**”)

- and -

The Registrations of **HARISH CHANDER BHATIA** as a Broker under the Act

- and -

**ROHIT PAL SINGH SANDHU** as a Broker under the Act

- and -

**FLAGSHIP REALTY INC.** as a Brokerage under the Act

**NOTICE OF PROPOSAL TO REVOKE REGISTRATIONS**

**WHEREAS** Harish Bhatia (“**Bhatia**”) is registered as a broker under the Act;

**AND WHEREAS** Rohit Sandhu (“**Sandhu**”) is registered as a broker under the Act;

**AND WHEREAS** Flagship Realty Inc. (“**Flagship Realty**”) is registered as a brokerage under the Act;

**AND WHEREAS** section 13 of the Act provides that the Registrar may revoke a registration if, in the Registrar's opinion, the registrant is not entitled to registration under section 10 of the Act;

**AND WHEREAS** section 14 of the Act provides that where the Registrar proposes to revoke a registration, the Registrar shall serve notice of the proposal on the registrant;

**AND WHEREAS** in the Registrar's opinion, Bhatia, Sandhu and Flagship Realty are not entitled to registration under section 10 of the Act, and as such the Registrar proposes to revoke the said registrations for the reasons that follow.

### **A. REASONS**

1. Bhatia is not entitled to registration on the following grounds:
  - a) pursuant to section 10(1)(a)(ii) of the Act, because Bhatia's past and/or present conduct affords reasonable grounds for belief that he will not carry on business in accordance with law and with integrity and honesty;
  - b) pursuant to section 10(1)(a)(iii) of the Act, because Bhatia has made false statements in applications for registration and renewal of registration;
  - c) pursuant to section 10(1)(c) of the Act, because Bhatia has carried on, and/or is carrying on, activities that are in contravention of the Act or regulations; and
  - d) pursuant to section 10(1)(g) of the Act, because it would be contrary to the public interest.
  
2. Sandhu is not entitled to registration on the following grounds:
  - a) pursuant to section 10(1)(a)(ii) of the Act, because Sandhu's past and/or present conduct affords reasonable grounds for belief that he will not carry on business in accordance with law and with integrity and honesty;
  - b) pursuant to section 10(1)(c) of the Act, because Sandhu has carried on, and/or is carrying on, activities that are in contravention of the Act or regulations; and

- c) pursuant to section 10(1)(g) of the Act, because it would be contrary to the public interest.
3. Flagship Realty is not entitled to registration on the following grounds:
- a) pursuant to section 10(1)(b)(iii) of the Act, because the past and/or present conduct of Sandhu - a director and interested person in respect of the corporation - affords reasonable grounds for belief that its business will not be carried on in accordance with the law and with integrity and honesty;
  - b) pursuant to section 10(1)(c) of the Act, because Sandhu - an interested person in respect of the corporation - has carried on and/or is carrying on activities that are in contravention of the Act or the regulations; and
  - c) pursuant to section 10(1)(g) of the Act, because it would be contrary to the public interest.

## **B. PARTICULARS**

### **IT IS ALLEGED AS FOLLOWS:**

#### ***Registration Background***

- 4. Bhatia is registered as a broker with Homelife Miracle Realty Ltd. He was first registered as a salesperson with the Real Estate Council of Ontario (“**RECO**”) in 2016.
- 5. Sandhu is registered as a broker with Flagship Realty. He was first registered as a salesperson with RECO in 2017.
- 6. Flagship Realty was first registered with RECO in 2021. The Broker of Record of Flagship Realty is Broker A.
- 7. Broker A is the spouse of Sandhu and the daughter of Bhatia.
- 8. Sandhu is a director and a 50% shareholder of Flagship Realty. His spouse Broker A is the only other director and a 50% shareholder.

### ***Examination Cheating***

9. Prior to applying for registration as a salesperson under the Act, salesperson applicants must have successfully complete the designated RECO Real Estate Salesperson Program.
10. Bhatia and Sandhu have devised a scheme where, for a fee, they help learners to obtain a passing grade by cheating on their examinations in the RECO Real Estate Salesperson Program delivered by Humber College.

### ***Particulars of RECO Investigation into Examination Cheating***

11. RECO received complaints that Bhatia was involved in facilitating cheating on the Humber College real estate examinations.
12. RECO retained a private investigator (“the Learner”) to pose undercover as a student enrolled in the RECO Real Estate Salesperson Program delivered by Humber College.
13. The Learner took, and purposely failed, the examination for Course 1 – Real Estate Essential.
14. The Learner contacted Bhatia by text message. On September 11, 2023, they met in person at what was represented as being Bhatia’s office at Street A, City A, Ontario (“Bhatia’s Office”). Bhatia’s Office was not the office of Bhatia’s real estate brokerage.
15. The Learner advised Bhatia that he had failed the first examination, which Bhatia verified by accessing and viewing the Learner’s student profile.
16. Bhatia advised the Learner that, to pass the examination, the Learner could select one of three options:
  - a) Online learning through a third-party website, with no guarantee of passing the examination;
  - b) Attend classes taught by Bhatia at Bhatia’s Office for a fee of \$800.00 per course, with no guarantee of passing the examination; or

- c) Bhatia could refer the Learner to someone that would provide the correct answers to the Learner during the online examination, with a guaranteed pass, for a fee of \$1,500.00.
17. The Learner informed Bhatia that that he would consider the options.
  18. On September 20, 2023, the Learner advised Bhatia that he would like to proceed with the third option. Bhatia and the Learner arranged a meeting for September 25, 2023.
  19. On September 25, 2023, the Learner met Bhatia at Bhatia's Office. The Learner advised that he had scheduled a date for the examination, and Bhatia provided the Learner with information about the examination process.
  20. Bhatia advised the Learner that, before the examination, Bhatia would advise the Learner of the location to attend to write the online examination, that a person at that location would guide the Learner through the examination, and a passing grade was guaranteed.
  21. The Learner provided Bhatia with the \$1,500.00 fee in cash, which Bhatia accepted.
  22. Bhatia advised that the \$1,500.00 fee guaranteed a pass on the examination, and that he would provide the Learner with the address to attend 24 hours before the examination.
  23. The examination was booked for October 17, 2023. On October 14, 2023, Bhatia texted the Learner with the location where the examination would be completed: Unit A – Street A, City A, Ontario.
  24. On October 17, 2023, the Learner attended the location as instructed by Bhatia.
  25. The Learner was met at this location by Sandhu. This office was not the office of Sandhu's real estate brokerage. Sandhu led the Learner into unit A, which was connected to unit B (collectively, the "Exam Office").
  26. Sandhu advised the Learner that he was there to assist with the examination.
  27. In the Exam Office was a desktop computer sitting on a small desk, with an adjacent office room.

28. Sandhu connected the desktop computer to the Learner's mobile hotspot (so as not to use the office internet IP address).
29. Sandhu explained to the Learner how the examination cheating would work:
  - The Learner would complete the virtual proctoring scans with his mobile device – the face scan, the ID scan, the room scan and the desk scan. Sandhu would not be present in the room during the scans but would be in the adjacent room.
  - After the scans were completed, the Learner would sit down heavily on the office chair and roll it forward, signaling to Sandhu that the scans were complete, and that Sandhu could enter the room.
  - Sandhu would attach a video splitter to the Learner's desktop computer, and retreat to the adjacent room. The video splitter connected the Learner's desktop computer to a computer device used by Sandhu in the adjacent room, allowing Sandhu to view the Learner's computer screen and maneuver the Learner's cursor.
  - From this parallel device, for each multiple choice question on the examination, Sandhu would move the cursor to the correct answer, allowing the Learner to click on the correct answer using their own mouse. In doing so, the virtual proctor invigilating the examination would see that the Learner was clicking responses to the questions.
30. When the Learner and Sandhu commenced the process, it did not go as planned. The virtual proctor noticed and questioned the video splitter wire. Sandhu quickly unplugged the Learner's desktop computer, and the examination was not commenced.
31. Sandhu advised the Learner to reschedule the examination.
32. That evening, October 17, 2023, the Learner sent a text message to Bhatia about the failed examination attempt. Bhatia acknowledged the difficulties and advised the Learner to reschedule the examination. Another meeting was arranged at Bhatia's Office for October 23, 2023.
33. At the October 23, 2023 meeting, the Learner relayed his concerns to Bhatia that the proctor had noticed the video splitter cable during a room scan. Bhatia advised that this would not

happen again. After confirming a new exam date – October 27, 2023 - Bhatia advised the Learner to return to the Exam Office where Sandhu would again assist with the examination.

34. On October 27, 2023, the Learner attended the Exam Office where he was met by Sandhu.
35. The Learner followed the same instructions from Sandhu. On this occasion, the process went as Sandhu had advised it would. After the Learner successfully completed the virtual proctoring requirements, the Learner signalled to Sandhu, who entered the room, attached a video splitter to the Learner's computer, and retreated to the adjacent room. From there, where Sandhu had access to the Learner's shared screen, for each examination question Sandhu remotely moved the cursor to point towards the correct answer. The Learner then used his own mouse to click on each answer as indicated by Sandhu.
36. The examination took approximately 70 minutes to complete.
37. Sandhu advised the Learner that that he could help with future examinations. He also advised the Learner that he ran his own brokerage, and that he could hire the Learner once the Learner obtained his registration.
38. The Learner obtained a passing grade of 95% based on the examination answers provided by Sandhu.
39. For greater particularity, in respect of section 10(1)(c) of the Act, Sandhu and Bhatia have carried on activities that are in contravention of the Act or regulations as follows:
  - a) Sections 2(a) and 2(b) (**Unprofessional Conduct**) of O. Reg. 365//22; and
  - b) Section 3 (**No Counselling Contraventions**) of O. Reg. 365/22.

#### ***Bhatia's Failure to Disclose Exam Tutoring Business***

40. Bhatia is engaged in the business of providing tutoring for real estate examinations. This business has never been disclosed to RECO.
41. Bhatia has advertised his tutoring business online as "Real Estate Coach Harry". Bhatia has posted signage outside Bhatia's Office advertising real estate classes and other training "like MLS and Consultations." Bhatia also offered tutoring services to the Learner for a fee.

42. On applications to RECO to become a broker (November 16, 2021) and to renew his registration as a broker (June 7, 2022), Bhatia disclosed that he was registered/licenced, engaged or employed in another business, occupation or profession: a mortgage agent at NVR Mortgages. However, Bhatia did not disclose his real estate tutoring business.
43. On his June 20, 2024 application for renewal of registration, Bhatia stated that he was not registered/licenced, engaged or employed in another business, occupation or profession. Bhatia again did not disclose his real estate tutoring business.
44. This amounts to false statements in applications for registration and renewal of registration.

### C. RIGHT TO A HEARING

Take notice that Section 14 of the Act provides that a registrant is entitled to a hearing by the Licence Appeal Tribunal (the “**Tribunal**”) in respect of a proposal by the Registrar to revoke registration if **WITHIN 15 DAYS** after service of this Notice of Proposal (deemed to be on the third day after mailing by registered mail), the registrant mails or delivers notice in writing to the following parties that a hearing is required:

**TO:** The Registrar  
Licence Appeal Tribunal  
15 Grosvenor St., Ground Floor  
Toronto, ON M7A 2G6

**AND TO:** The Registrar  
Real Estate Council of Ontario  
1400-3300 Bloor St. W, West Tower  
Toronto, ON M8X 2X2

Section 14(4) of the Act provides that where the registrant does not require a hearing by the Tribunal, the Registrar may carry out the proposal and that any person who, while not registered, trades in real estate is, subject to exceptions enumerated in the Act, in contravention of the Act and is liable to prosecution.

Section 14(5) of the Act provides that where a registrant requires a hearing by the Tribunal, the Tribunal shall appoint a time for and hold the hearing and may by order direct the Registrar to carry out the Registrar’s proposal, or may substitute its opinion for that of the Registrar and the Tribunal may attach conditions to its order or to a registration.

If a registrant requires a hearing regarding this proposal and further wishes to be represented by a lawyer or agent at the hearing, it is strongly advised that the registrant make these arrangements

as soon as possible. The Registrar reserves the right to oppose any request by the registrant for an adjournment of the hearing in order for the registrant to make such arrangements.

#### **D. NOTICE OF MOTION FOR COSTS**

If a hearing is requested as described in Section C and, at any time during the course of proceedings arising from this request, the Registrar believes the registrant has acted unreasonably, frivolously, vexatiously or in bad faith, the Registrar will make a request for an award of costs from the Tribunal, such costs to be paid by the registrant.

#### **E. APPLICATION OF THE STATUTORY POWERS PROCEDURE ACT**

The *Statutory Powers Procedure Act*, R.S.O. 1990, Chapter S.22 as amended (“**SPPA**”) applies to the Tribunal. Section 8 of the SPPA provides as follows:

8. Where the good character, propriety of conduct or competence of a party is an issue in a proceeding, the party is entitled to be furnished prior to the hearing with reasonable information of any allegations with respect thereto.

If a hearing is held as required by the Registrant, the Registrar states that the good character, propriety of conduct or competence of the registrant shall be an issue in the hearing and the Registrar has provided herein reasonable information of allegations with respect thereto.

#### **F. FURTHER PARTICULARS/SUPPLEMENTAL NOTICE**

The registrant may be sent further or other particulars in respect of any matter herein or in respect of any other matter including further grounds for revocation of registration.

Joseph Richer, Registrar  
*Trust in Real Estate Services Act, 2002*

November 28, 2024

Date